



## The Week In Washington

Enthusiastic response to the NAB's call for the start of a year-round campaign to promote radio by radio and the release of the FCC's proposed new rules for the broadcasting industry stood out among broadcasting developments this week in Washington.

The first promotion campaign the broadcasting industry has ever undertaken to promote the American System of Broadcasting will get under way April 17, with "Open House Week" at nearly every member station.

The proposed FCC rules and an explanation by the Commission are printed inside. Among them is a rule which would extend the license period from six months to one year. The new rules with appendices make up a mimeographed volume three inches thick, far too bulky for thorough analysis this week. In next week's REPORTS, the NAB expects to present a resumé that will greatly facilitate study of the rules and help each member to decide whether he thinks that any section should be changed before the Commission acts on them.

Kansas has enacted a law seeking to curb the activities of pools controlling public performance of copyrighted music. Similar legislation is before the Vermont Legislature.

The American Federation of Labor joined the NAB in opposing federal legislation to ban radio beer and liquor advertising.

### Year Round NAB-RMA Campaign Starts April 17

With dealer-distributor meetings scheduled in broadcasting studios from coast to coast in advance of the April 17th Open House Week, the NAB-RMA year round campaign to promote *radio via radio* is swinging into action, marking the first time in the history of radio that the entire industry has coordinated its efforts in this long-deferred self-promotion.

*Desiring to erase the impression that the campaign is limited to one week only, Headquarters desires to point out that the campaign has been set up on a year round basis, as was pointed out in the announcement bulletin sent out three weeks ago.*

Plans also place the responsibility for the formation of local Radio Councils on the broadcasters to invite

distributors and retailers to their studio meetings upon their own initiative. While RMA, through their manufacturer members are circularizing their distributors and dealers, in support of the campaign, it would be a mistake on the part of the broadcaster if he waited for the dealer to come to him requesting such a meeting. *Plans were deliberately made to place the initiative and responsibility upon NAB member broadcasters.*

As the campaign moves into the summer months, RMA, through manufacturer members, will place new displays and promotional material in the hands of the 56,000 dealers tying in with the various seasonal appeals NAB will inspire.

Twice weekly NAB-RMA bulletins are going out to all member stations and to all RMA members and their advertising agencies. These bulletins will "service" the campaign, exchange ideas and keep the industry abreast of developments.

*(Continued on page 3390)*



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## YEAR ROUND NAB-RMA CAMPAIGN STARTS APRIL 17

(Continued from page 3389)

Each station has been supplied with 200 window streamers for use in connection with the Open House Party. The thirty minute recorded dramatization of the objectives and possibilities of the drive, entitled "The Giant Speaks" is being shipped out over the week-end. There will also be sent recorded remarks by Mr. A. S. Wells, President of the RMA and by Mr. Neville Miller, President of the NAB.

Announcement will be made early next week as to the titles and time of the special network programs which will be broadcast beginning the week of April 17th. The "Eighteen Hours a Day" transcriptions to be supplied all non-network stations, will not be ready in time for Open House Week, but will have been in production and recorded for use by all non-network members in the early weeks of the year's campaign.

*Meanwhile, scores of individual stations, network affiliates and non-network stations, have reported plans for the broadcasting of programs prepared by their own program departments designed to reflect American Radio and the contributions the station has made to it and to the community it serves.*

Many broadcasters are lining up dates at luncheons and civic clubs, business and trade groups for "radio talks" to be delivered during the early spring months. Headquarters has sent out the manuscript of a twenty-five minute talk, especially written for this purpose, entitled "What A Free Radio Means to America."

Other members are reordering NAB literature such as "The ABC of Radio," "NAB News Review," "If I Ran the B B C," etc., for distribution during the Open House Week. Some stations are printing their own literature, many in pamphlet form, which features the fundamentals of the American System of Broadcasting and telling something of the history and service of the station.

The initial efforts of the two sections of the Radio Industry in inaugurating a years campaign, beginning the week of April 17th, is attracting national attention. Based on the dozens of telegrams, phone calls and letters received, it has the universal support of the NAB membership. Members are asked to send Headquarters brief

accounts of their plans together with any unusually effective ideas or radio continuities used, so that these may be publicized to the industry.

## Proposed FCC Rules

The Federal Communications Commission today issued the second and final part of the committee report on proposed rules governing standard broadcast stations and standards of good engineering practice. Totalling more than 500 pages, and containing scores of charts and tables, part two of the report of the Committee, composed of Commissioners Norman S. Case, Chairman, T. A. M. Craven, Vice Chairman, and George Henry Payne, supplies evidence supporting the conclusions reached in the first section of the report which was issued on January 18, 1939.

Specifically, however, the report makes certain definite recommendations which were not contained in the first section. While a longer license period was advocated in part one of the report, part two makes a flat recommendation that the license period for standard broadcast stations be increased from the present six months to a period of one year. This, the report states, "will assist in stabilizing the broadcast industry without reducing the necessary control of the Commission over the licensees."

While the report incorporates many of the recommendations and suggestions made by the industry, it carries forward the committee's earlier stand against super power. Devoting some 20 pages and an entire sub-section of the report to a discussion of this subject, the committee states that it "deems it unwise to conclude that the existing data are sufficient to warrant a conclusion in favor of super power. . . . The several considerations governing the interest of the public in general broadcasting structure," says the report, "are too great to warrant taking speculative risks, unsupported by adequate data, even though it be true from a technical standpoint that 500 kw power is one of the methods to improve service in rural areas."

The committee's report also recommends extension of the broadcast band from 550 to 1600 kc inclusive instead of from 550 to 1500 kc inclusive, as at present. No new allocation of stations is proposed in the band 1500 to 1600, on which frequencies four special broadcast stations are now assigned. These stations are to be classed as regional channel stations, instead of special broadcast stations.

In making recommendations as to the regulation of the technical phase of broadcasting, the committee states that, "Every effort has been made to make the proposed rules as flexible as possible as it is believed that by this means the fullest usage can be made of the broadcast facilities at the present time as well as providing for the future as the state of the art advances."



Other important changes in the rules, recommended by the committee, are as follows:

1. Establish three classes of standard broadcast channels.
2. Establish four general classes of standard broadcast stations.
3. Increase power of stations where needed and where technically feasible.
4. Requirements for applicants.
5. Experimental authorizations.
6. Extend use of duplicate transmitters.

While the major part of the report deals with the existing situation in radio broadcasting and proposed procedure for improving service, and is of a somewhat technical nature, there are separate sections dealing with the social aspects and the economic aspects of the broadcasting industry.

Certain of the charts and tables contained in these sections of the report reveal an interesting picture of the operation of the industry. It is shown in one of these charts that more than half (52.45%) of all the time on the air used by radio stations is taken up in music. In second place, come talks and dialogues which occupy 11.41% of broadcasting stations' time on the air. An interesting sidelight on this wide use of music is revealed in a table which lists the revenue classification of stations by type of programs. Here it is shown that stations earning \$1,000,000 or over use musical programs in only 37% of their broadcasts, whereas the small commercial stations, earning up to \$15,000, broadcast musical programs 61% of their time on the air.

The section dealing with the economic aspects of broadcasting states that during the period from 1922 to 1937, more than 53 million radio sets were sold with a retail value of nearly 4 billion dollars. The present day investment by the broadcasting industry in stations and equipment is shown to be approximately 50 million dollars, plus an additional 9 million dollars in network plant equipment.

The report states that the broadcasting industry (networks and 629 stations) sold time in 1937 valued at nearly 118 million dollars; and during an average week in 1938 the industry employed 17,085 full-time employees and 5,820 part-time employees.

The committee's report on proposed rules governing standard broadcast stations and standards of good engineering practice is legislative, rather than judicial in character. Similar, however, to the procedure used in examiners' reports, the Commission will grant opportunity to all interested parties to file exceptions, and will hear Oral Argument, before the report will be taken up by the Commission as a whole for final action. Undoubtedly exceptions will be filed.

In next week's REPORTS the NAB will comment on the proposed rules, which follow:

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## RULES GOVERNING STANDARD BROADCAST STATIONS

### Definitions<sup>1</sup>

30.01 The term "standard broadcast station" means a station licensed for the transmission of radiotelephone emissions primarily intended to be received by the general public and operated on a channel in the band 550 to 1600 kilocycles inclusive.

30.02 The term "standard broadcast band" means the band of frequencies extending from 550 to 1600 kilocycles, inclusive, both 550 kilocycles and 1600 kilocycles being the carrier frequencies of broadcast channels.

30.03 The term "standard broadcast channel" means the band of frequencies occupied by the carrier and two side bands of a broadcast signal with the carrier frequency at the center. Channels shall be designated by their assigned carrier frequencies. Carrier frequencies assigned to standard broadcast stations shall begin at 550 kilocycles and be in successive steps of 10 kilocycles.

30.04 The term "dominant station" means a Class I station, as hereinafter defined, operating on a clear channel.

30.05 The term "secondary station" means any station except a Class I station operating on a clear channel.

30.06 The term "daytime" means that period of time between 6 a.m. local standard time and local sunset.

30.07 The term "nighttime" means that period of time between local sunset and 12 midnight local standard time.

30.08 The term "sunset" means, for each particular location and during any particular month, the average time of sunset as specified in the license of a broadcast station. (For tabulation of average sunset time for each month at various points in the United States see "Average Sunset Time.")

30.09 The term "broadcast day" means that period of time between 6 a.m. and 12 midnight, local standard time.

30.10 The term "experimental period" means that period of time between 12 midnight and 6 a.m. This period may be used for experimental purposes in testing and maintaining apparatus by the licensee of any standard broadcast station, on its assigned frequency and with its authorized power, provided no interference is caused to other stations maintaining a regular operating schedule within such period. No station licensed for "daytime" or "specified hours" of operation may broadcast any regular or scheduled program during this period.

#### 30.11 Service Areas

(1) The term "primary service area" of a broadcast station means the area in which the ground wave is not subject to objectionable interference or objectionable fading.

(2) The term "secondary service area" of a broadcast station means the area served by the sky wave and not subject to objectionable interference. The signal is subject to intermittent variations in intensity.

(3) The term "intermittent service area" of a broadcast station means the area receiving service from the ground wave but beyond the primary service area and subject to some interference and fading.

<sup>1</sup> Other definitions which may pertain to Standard Broadcast Stations are included in Rules 21.01 to 21.35 and the Communications Act of 1934, as amended.

30.12 The term "main studio" means, as to any station, the studio from which the majority of its local programs originate, and/or from which a majority of its station announcements are made of programs originating at remote points.

30.13 The term "portable transmitter" means a transmitter so constructed that it may be moved about conveniently from place to place, and is in fact so moved about from time to time, but not ordinarily used while in motion. In the standard broadcast band, such a transmitter is used in making field intensity measurements for locating a transmitter site for a standard broadcast station. A portable broadcast station will not be licensed in the standard broadcast band for regular transmission of programs intended to be received by the public.

30.14 The term "auxiliary transmitter" means a transmitter maintained only for transmitting the regular programs of a station in case of failure of the main transmitter.

### Allocation of Facilities

#### 31.01 *Three Classes of Standard Broadcast Channels*

(1) 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.

(2) A "regional channel" is one on which several stations may operate with powers not in excess of 5 kilowatts. The primary service area of a station operating on any such channel may be limited, as a consequence of interference, to a given field intensity contour.

(3) A "local channel" is one on which several stations may operate with powers not in excess of 250 watts. The primary service area of a station operating on any such channel may be limited, as a consequence of interference, to a given field intensity contour.

#### 31.02 *Classes and Power of Standard Broadcast Stations*

(1) A "Class I Station" is a dominant station operating on a clear channel and designed to render primary and secondary service over an extended area and at relatively long distances. Its primary service area is free from objectionable interference from other stations on the same and adjacent channels, and its secondary service area free from interference, except from stations on the adjacent channel, and from stations on the same channel in accordance with the channel designation in Rule 31.05 or in accordance with the "Engineering Standards of Allocation." The operating power shall be not less than 10 kw nor more than 50 kw (also see Rule 31.05 (a) for further power limitation).

(2) A "Class II Station" is a secondary station which operates on a clear channel (see Rule 31.05) and is 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. A station of this class shall operate with power not less than 0.25 kilowatts nor more than 50 kilowatts. Whenever necessary a Class II station shall use a directional antenna or other means to avoid interference with Class I stations and with other Class II stations, in accordance with the "Engineering Standards of Allocation."

(3) A "Class III Station" is a station which operates on a regional channel and is designed to render service primarily to a metropolitan district and the rural area contiguous thereto. Class III stations are subdivided into two classes:

(a) A "Class III-A Station" is a Class III station which operates with power not less than 1 kilowatt nor more than 5 kilowatts and the service area of which is subject to interference in accordance with the "Engineering Standards of Allocation."

(b) A "Class III-B Station" is a Class III station which operates with a power not less than 0.5 kilowatt nor more than 1 kilowatt night and 5 kilowatts daytime and the service area of which is subject to interference in accordance with the "Engineering Standards of Allocation."

(4) A "Class IV Station" is a station operating on a local channel and designed to render service primarily to a city or town and the suburban and rural areas contiguous thereto. The power of a station of this class shall not be less than 0.1 kilowatt nor more than 0.25 kilowatt and its service area is subject to interference in accordance with the "Engineering Standards of Allocation."

#### 31.03 *Time of Operation of the Several Classes of Stations*<sup>2</sup>

The several classes of standard broadcast stations may be licensed to operate in accordance with the following:

<sup>2</sup> Formal application required for change in time of operation of existing broadcast station. See "Standards of Good Engineering Practice" for form number.

(1) "Unlimited time" permits operation without a maximum limit as to time.

(2) "Limited time" is applicable to Class II (secondary stations) operating on a clear channel only. It permits operation of the secondary station during daytime, and until local sunset if located west of the dominant station on the channel or if located east thereof, until sunset at the dominant station, and in addition during night hours, if any, not used by the dominant station or stations on the channel.

(3) "Daytime" permits operation during the hours between 6 a.m. and average monthly local sunset. (For exact time of sunset at any location, see "Average Sunset Time.")

(4) "Sharing Time" permits operation during hours which are so restricted by the station license as to require a division of time with one or more other stations using the same channel.

(5) "Specified Hours" means that the exact operating hours are specified in the license.

(The minimum hours that any station shall operate are specified in Rule 34.1.)

31.04 An authorization for a new standard broadcast station or increase in facilities of an existing station<sup>3</sup> will be issued only after a satisfactory showing has been made in regard to the following, among others:

(1) That the proposed assignment will tend to effect a fair, efficient and equitable distribution of radio service among the several states and communities.

(2) That objectionable interference will not be caused to existing stations or that if interference will be caused the need for the proposed service outweighs the need for the service which will be lost by reason of such interference. That the proposed station will not suffer interference to such an extent that its service would be reduced to an unsatisfactory degree. (For determining objectionable interference, see "Engineering Standards of Allocation" and "Field Intensity Measurements in Allocation.")

(3) That the applicant is financially qualified to construct and operate the proposed station.<sup>4</sup> That in case of a station to be supported by sponsored programs, adequate commercial support is available for the station. That in case of a station to be supported in other manner, adequate finances are available to support such service.

(4) That the applicant is legally qualified. That the applicant (or the person or persons in control of an applicant corporation or other organization) is of good character and possesses other qualifications sufficient to provide a satisfactory public service. That an applicant (or the person or persons in control of an applicant corporation or other organization) for a Class IV station is a resident in, and familiar with the needs of, the community to be served.

(5) That the technical equipment proposed, the location of the transmitter, and other technical phases of operation comply with the regulations governing the same, and the requirements of good engineering practice. (See technical regulations herein and "Locations of Transmitters of Standard Broadcast Stations.")

(6) That the facilities sought are subject to assignment as requested under existing international agreements and the Rules and Regulations of the Commission.

(7) That the public interest, convenience, and necessity will be served through the operation under the proposed assignment.

31.05<sup>5</sup> The frequencies in the following tabulation are designated as clear channels and assigned for use by the classes of stations as given:

(a) To each of the channels below there will be assigned one Class I station and there may be assigned one or more Class II stations operating limited time or daytime only: 640, 650, 660, 670, 700, 720, 740, 750, 760, 770, 800, 810, 820, 830, 850, 860, 870, 980, 990, 1000, 1070, 1090, 1130, 1150, and 1190 kilocycles. The power of the Class I stations on these channels shall not be less than 50 kw.

(b) To each of the channels below there may be assigned Class I and Class II stations: 680, 710, 790, 970, 1020, 1040, 1050, 1060, 1080, 1100, 1110, 1140, 1160, 1170, 1180, 1460, 1470, 1480, and 1490 kilocycles.

31.06<sup>7</sup> The following frequencies are designated as regional channels and are assigned for use by Class III-A and Class III-B stations<sup>6</sup>: 550, 560, 570, 580, 590, 600, 610, 620, 630, 780, 880, 890,

<sup>3</sup> Formal application required. See "Standards of Good Engineering Practice" for form number.

<sup>4</sup> See "Money Required to Construct and Complete Electrical Tests of Stations of Different Classes and Powers."

<sup>5</sup> See last three pages of this appendix for alternate Rules 31.05, 31.06, 31.07, 31.08, 31.09 and 31.14 to comply with the North American Regional Broadcasting Agreement.

<sup>6</sup> See Rule 31.09 in regard to assigning Class IV stations to regional channels.



900, 920, 930, 940, 950, 1010, 1120, 1220, 1230, 1240, 1250, 1260, 1270, 1280, 1290, 1300, 1320, 1330, 1340, 1350, 1360, 1380, 1390, 1400, 1410, 1430, 1440, 1450, 1530, and 1550 kilocycles.

31.07<sup>7</sup> The following frequencies are designated as local channels and are assigned for use by Class IV stations: 1200, 1210, 1310, 1370, 1420, and 1500 kilocycles.

31.08<sup>7</sup> The individual assignments of stations to channels shall be made in accordance with the standards of good engineering practice prescribed and published from time to time by the Commission for the respective classes of stations involved. (For determining objectionable interference see "Engineering Standards of Allocation" and "Field Intensity Measurements in Allocation," Section C.)

31.09<sup>7</sup> On condition that interference will not be caused to any Class III station, and that the channel is used fully for Class III stations and subject to such interference as may be received from Class III stations, Class IV stations may be assigned to regional channels.

31.10 (a) Each standard broadcast station shall be considered located in the state and city where the main studio is located.

(b) The transmitter of each standard broadcast station shall be so located that primary service is delivered to the city in which the main studio is located, in accordance with the "Standards of Good Engineering Practice", prescribed by the Commission.

31.11 The licensee of a standard broadcast station shall not move its main studio outside the borders of the city, State, district, Territory, or possession in which it is located without first making written application<sup>9</sup> to the Commission for authority to so move, and securing written permission for such removal. A licensee need not obtain permission to move the main studio from one location to another within a city or town, but shall promptly notify the Commission of any such change in location.

31.12 (a) Special Experimental Authorizations<sup>8</sup> may be issued to the licensee of a standard broadcast station in addition to the regular license upon proper application therefor<sup>9</sup> and satisfactory showing in regard to the following, among others:

(1) That the applicant has a program of research and experimentation which indicates reasonable promise of contribution to the development and practical application of broadcasting, and will be in addition to and advancement of the work that can be accomplished under its regular license.

(2) That the experimental operation and experimentation will be under the direct supervision of a qualified engineer with an adequate staff of engineers qualified to carry on the program of research and experimentation.

(3) That the public interest, convenience and necessity will be served by granting the authorization requested.

(b) In case a Special Experimental Authorization permits additional hours of operation, no licensee shall transmit any commercial or sponsored program or make any commercial announcement during such time of operation. In case of other additional facilities, no additional charge shall be made by reason of transmission with such facilities.

(c) A Special Experimental Authorization will not be extended after the actual experimentation is concluded.

(d) The program of research and experimentation as outlined in the application for a special experimental authorization shall be adhered to in the main unless the licensee is authorized to do otherwise by the Commission.

(e) The Commission may require from time to time a broadcast station holding such experimental authorization to conduct experiments that are deemed desirable and reasonable.

(f) A supplemental report shall be filed with and made a part of each application for an extension of a special experimental authorization and shall include statements of the following:

(1) Comprehensive summary of all research and experimentation conducted.

(2) Conclusions and outline of proposed program for further research and development.

(3) Comprehensive summary and conclusions as to the social and economic effects of its use.

31.13 (a) No application for authority to install a directional antenna<sup>10</sup> will be accepted unless a definite site and full details

<sup>7</sup> See last three pages of this appendix for alternate Rules 31.05, 31.06, 31.07, 31.08, 31.09 and 31.14 to comply with the North American Regional Broadcasting Agreement.

<sup>8</sup> Special authorizations which do not involve experimental operation may be granted pursuant to Rule 15.15.

<sup>9</sup> Formal application required. See "Standards of Good Engineering Practice" for form number.

<sup>10</sup> Formal application required. See "Standards of Good Engineering Practice" for form number.

of the design of the directional antenna are given with the application. (See "Data Required with Applications Involving Directional Antenna Systems".)

(b) No application for an authorization to operate a directional antenna during the broadcast day will be accepted unless proof of performance of the directional antenna taken during equipment test period is submitted with the application. (See "Field Intensity Measurements in Allocation," Section B.)

31.14<sup>11</sup> All standard broadcast station licenses will be issued so as to expire at the hour of 3 a. m., Eastern Standard Time and will be issued for a normal license period of one year, expiring as follows:

(1) For stations operating on the frequencies 640, 650, 660, 670, 680, 700, 710, 720, 740, 750, 760, 770, 790, 800, 810, 820, 830, 850, 860, 870, 970, 980, 990, 1000, 1020, 1040, 1050, 1060, 1070, 1080, 1090, 1100, 1110, 1130, 1140, 1150, 1160, 1170, 1180, 1190, 1460, 1470, 1480, 1490 kilocycles February 1.

(2) For stations operating on the frequencies 550, 560, 570, 580, 590, 600, 610, 620, 630, 780, 880, 890, 900, and 920 kilocycles March 1.

(3) For stations operating on the frequencies 930, 940, 950, 1010, 1120, 1220, 1230, 1240, 1250, 1260, 1270, 1280, and 1290 kilocycles April 1.

(4) For stations operating on the frequencies 1300, 1320, 1330, 1340, 1350, 1360, 1380, 1390, 1400, 1410, 1430, 1440, 1450, 1530, and 1550 kilocycles November 1.

(5) For stations operating on the frequencies 1200, 1210, and 1310 kilocycles December 1.

(6) For stations operating on the frequencies 1370, 1420, and 1500 kilocycles October 1.

### Equipment

32.01 The maximum rated carrier power of a standard broadcast transmitter shall not be less than the authorized power nor shall it be greater than the value specified in the following table:

| <i>Class of station</i> | <i>Maximum power authorized to station</i>                               | <i>Maximum rated carrier power permitted to be installed<sup>12</sup></i> |
|-------------------------|--------------------------------------------------------------------------|---------------------------------------------------------------------------|
| Class IV . . . . .      | 100 or 250 watts                                                         | 250 watts                                                                 |
| Class III . . . . .     | 500 or 1000 watts<br>5000 watts                                          | 1000 watts<br>5000 watts                                                  |
| Class II . . . . .      | 250, 500 or 1000 watts<br>5000 or 10,000 watts<br>25,000 or 50,000 watts | 1000 watts<br>10,000 watts<br>50,000 watts                                |
| Class I . . . . .       | 10,000 watts<br>25,000 or 50,000 watts                                   | 10,000 watts<br>50,000 watts                                              |

32.02 The maximum rated carrier power of a standard broadcast transmitter shall be determined as the sum of the applicable power ratings of the vacuum tubes employed in the last radio stage.

(1) The power rating of vacuum tubes shall apply to transmitters employing the different classes of operation or systems of modulation as specified in "Power Rating of Vacuum Tubes", prescribed by the Commission.

(2) If the maximum rated carrier power of any broadcast transmitter as determined by subsection (1) of this Rule, does not give an exact rating as recognized in the Commission's plan of allocation, the nearest rating thereto shall apply to such transmitter.

(3) Authority will not be granted to employ, in the last radio stage of standard broadcast transmitter, vacuum tubes from a manufacturer or of a type number not listed until the manufacturer's rating for the class of operation or system of modulation is submitted to and approved by the Commission. These data must be supplied by the manufacturer in accordance with "Requirements for the Approval of the Power Rating of Vacuum Tubes," prescribed by the Commission.

32.03 No licensee shall change, in the last radio stage, the number of vacuum tubes to vacuum tubes of different power rating or class of operation, nor shall it change system of modulation without the authority of the Commission.<sup>13</sup>

32.04 Other changes except as provided for in these Rules or "Standards of Good Engineering Practice," prescribed by the

<sup>11</sup> See last three pages of this appendix for alternate Rules 31.05, 31.06, 31.07, 31.08, 31.09 and 31.14 to comply with the North American Regional Broadcasting Agreement.

<sup>12</sup> The maximum rated carrier power must be distinguished from the operating power (See Rules 21.18 and 21.20).

<sup>13</sup> Formal application required. See "Standards of Good Engineering Practice" for form number.



Commission, which do not affect the maximum power rating or operating power of the transmitter or the operation or precision of the frequency control equipment may be made at any time without authority of the Commission, but in the next succeeding application for renewal of license such changes must be shown in full.

32.05 (a) All applicants for new, additional, or different broadcast facilities and all licensees requesting authority to move the transmitter of an existing station shall specify a radiating system the efficiency of which complies with the requirements of good engineering practice for the class and power of the station. (Also see "Use of Common Antenna by Standard Broadcast Stations or Another Radio Station.")

(b) The Commission will publish from time to time specifications deemed necessary to meet the requirements of good engineering practice. (See "Minimum Antenna Heights or Field Intensity Requirements" and "Field Intensity Measurements in Allocation," Section A.)

(c) No broadcast station licensee shall change the physical height of the transmitting antenna, or supporting structures, or make any changes in the radiating system which will measurably alter the radiation patterns except upon written application to and authority from the Commission.<sup>14</sup>

(d) The antenna and/or supporting structure shall be painted and illuminated in accordance with the specifications supplied by the Commission pursuant to Section 303(q) of the Communications Act of 1934, as amended. (See "Standard Lamps and Paints.")

(e) The simultaneous use of a common antenna by two standard broadcast stations or by a standard broadcast station and a station of any other class or service will not be authorized unless both stations are licensed to the same licensee. (See "Use of Common Antenna by Standard Broadcast Stations or Another Radio Station.")

32.06 (a) The transmitter proper and associated transmitting equipment of each broadcast station shall be designed, constructed, and operated in accordance with the standards of good engineering practice in all phases not otherwise specifically included in these regulations.

(b) The transmitter shall be wired and shielded in accordance with good engineering practice and shall be provided with safety features in accordance with the specifications of Article 37 of the current National Electrical Code as approved by the American Standards Association.

(c) The station equipment shall be so operated, tuned, and adjusted that emissions are not radiated outside the authorized band<sup>15</sup> which cause or are capable of causing interference to the communications of other stations. The spurious emissions, including radio frequency harmonics and audio frequency harmonics, shall be maintained at as low level as required by good engineering practice. The audio distortion, audio frequency range, carrier hum, noise level, and other essential phases of the operation which control the external effects shall at all times conform to the requirements of good engineering practice.

(d) Whenever, in this Rule, the term "good engineering practice" is used, the specifications deemed necessary to meet the requirements thereof will be published from time to time. (See "Construction, General Operation and Safety of Life Requirements.")

### Technical Operation

33.01 The operating power of broadcast stations will be determined either by:

- (1) Indirect measurement by means of the plate input power to the last radio stage,
- (2) Direct measurement of the antenna, power, or
- (3) Radiated power measurement computed from field intensity measurements.

33.02 Unless specifically authorized by the Commission to do otherwise, the licensee of a broadcast station shall compute its operating power by indirect method by means of the plate input power to the last radio stage.

33.03 Any licensee who has at any time been authorized by the Commission to compute operating power by any other method (e. g., by antenna input direct measurement, or radiated power measurement computed from field intensity measurements) shall, upon making any change in the antenna system or in the antenna current measuring instruments, or any other change which may change the characteristics of the antenna, revert to the use of the

indirect measurement of power determination until authorized to do otherwise by the Commission.

33.04 The operating power shall be determined by indirect measurement from the plate input power of the last radio stage by multiplying the plate voltage ( $E_P$ ) by the total plate current of the last radio stage ( $I_P$ ) and by the proper factor ( $F$ ) given in the following tables: that is

$$\text{Operating power} = E_P \times I_P \times F$$

#### A. Factor to be Used for Stations Employing Plate Modulation in the Last Radio Stage

| <i>Maximum rated carrier power of transmitter</i> <sup>16</sup> | <i>Factor (F) to be used in determining the operating power from the plate input power</i> |
|-----------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| Watts                                                           |                                                                                            |
| 100 - 1000                                                      | 0.65                                                                                       |
| 5000 and over                                                   | 0.70                                                                                       |

#### B. Factor to be Used for Stations of all Powers Using Low-Level Modulation

| <i>Class of Power Amplifier in the Last Radio Stage</i> | <i>Factor (F) to be used in determining the operating power from the plate input power</i> |
|---------------------------------------------------------|--------------------------------------------------------------------------------------------|
| Class B                                                 | 0.33                                                                                       |
| Class BC <sup>17</sup>                                  | 0.60                                                                                       |

#### C. Factor to be Used for Stations of all Powers Employing Grid Modulation in the Last Radio Stage

| <i>Type of tube in the Last Radio Stage</i> | <i>Factor (F) to be used in determining the operating power from the plate input power</i> |
|---------------------------------------------|--------------------------------------------------------------------------------------------|
| Table C <sup>18</sup>                       | 0.22                                                                                       |
| Table D <sup>18</sup>                       | 0.33                                                                                       |

33.05 In computing operating power by indirect measurement, the above factors shall apply in all cases, and no distinction will be recognized due to the operating power being less than the maximum rated carrier power. (See "Plate Efficiency of Last Radio Stage.")

33.06 The antenna input power determined by direct measurement is the square of the antenna current times the antenna resistance at the point where the current is measured and at the operating frequency. Direct measurement of the antenna input power will be accepted as the operating power of the station, provided the data on the antenna resistance measurements are submitted under oath giving detailed description of the method used and the data taken. The antenna current shall be measured by an ammeter of accepted accuracy.<sup>19</sup> These data must be submitted to and approved by the Commission before any licensee will be authorized to operate by this method of power determination.<sup>20</sup> The antenna ammeter shall not be changed to one of different type, maximum reading or accuracy without the authority of the Commission. If any change is made in the antenna system or any change made which may affect the antenna system, the method of determining operating power shall be changed immediately to the indirect method. (See "Further Requirements for Direct Measurements of Power.")

33.07 The operating power of a broadcast station determined by the radiated power computed from field intensity measurements may be accepted in lieu of antenna input power, provided a sufficient number of measurements are taken to insure accuracy and an analysis of the antenna system is submitted indicating the relative distribution of the radiation (i. e., ground and sky wave radiation). The data on the antenna resistance, complete description of the antenna system with dimensions and method of taking field intensity measurements and of relating these measurements to the operating power shall be submitted to and approved by the Commission before any licensee will be authorized to operate by this method of power determination. If any change is made in the antenna system or any change made which may affect the antenna system, the method of determining

<sup>16</sup> The maximum rated carrier power must be distinguished from the operating power (see Rules 21.19 and 21.20).

<sup>17</sup> All linear amplifier operation where efficiency approaches that of Class C operation.

<sup>18</sup> See "Power Rating of Vacuum Tubes."

<sup>19</sup> See "Indicating Instruments Pursuant to Rule 33.11."

<sup>20</sup> Formal application required. See "Standards of Good Engineering Practice" for form number.

<sup>14</sup> Informal application may be made, except in controversial cases or directional antenna; then formal application shall be made.

<sup>15</sup> See "Construction, General Operation and Safety of Life Requirements."



operating power shall be changed immediately to the indirect method. (See "Field Intensity Measurements in Allocation," Section D.)

33.08 (a) A license of a broadcast station will not be authorized to operate a transmitter unless it is capable of delivering satisfactorily the authorized power with a modulation of at least 85 per cent. When the transmitter is operated with 85 per cent modulation, not over 10 percent combined audio frequency harmonics shall be generated by the transmitter.

(b) All broadcast stations shall have in operation a modulation monitor approved by the Commission.

(c) The operating percentage of modulation of all stations shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice and in no case less than 85 per cent on peaks of frequent recurrence during any selection which normally is transmitted at the highest level of the program under consideration.

(d) The Commission will, from time to time, publish the specifications, requirements for approval, and a list of approved modulation monitors. (See "Approved Modulation Monitors" and also "Requirements for Approval of Modulation Monitors".)

33.09 A licensee of a broadcast station claiming a greater percentage of modulation than the fundamental design indicates can be procured, shall submit full data showing the antenna input power by direct measurement and complete information, either oscillograms or other acceptable data, to show that a modulation of 85 per cent or more, with not over 10 per cent combined audio harmonics, can be obtained with the transmitter operated at the maximum authorized power.

33.10 The licensee of a broadcast station shall maintain the operating power of the station within the prescribed limits of the licensed power at all times except that in an emergency when, due to causes beyond the control of the licensee, it becomes impossible to operate with the full licensed power, the station may be operated at reduced power for a period of not to exceed 10 days, provided that the Commission and the Inspector in Charge<sup>21</sup> shall be notified in writing immediately after the emergency develops. (See "Operating Power Tolerance".)

33.11 Each broadcast station shall be equipped with suitable indicating instruments of accepted accuracy to measure the antenna current, direct plate circuit voltage, and the direct plate circuit current of the last radio stage. These indicating instruments shall not be changed or replaced, without authority of the Commission, except by instruments of the same type, maximum scale reading, and accuracy. (See "Indicating Instruments Pursuant to Rule 33.11".)

33.12 The operating frequency of each broadcast station shall be maintained within 50 cycles of the assigned frequency until January 1, 1939, and thereafter the frequency of each new station or each station where a new transmitter is installed shall be maintained within 20 cycles of the assigned frequency, and after January 1, 1942, the frequency of all stations shall be maintained within 20 cycles of the assigned frequency.

33.13 The licensee of each standard broadcast station shall have in operation at the transmitter a frequency monitor independent of the frequency control of the transmitter. The frequency monitor shall be approved by the Commission. It shall have a stability and accuracy of at least 5 parts per million. (See "Approved Frequency Monitors" and also "Requirements for Approval of Frequency Monitors".)

33.14 The Commission will authorize the installation of new transmitting equipment in a broadcast station or changes in the frequency control of an existing transmitter only if such equipment is so designed that there is reasonable assurance that the transmitter is capable of maintaining automatically the assigned frequency within the limits specified in Rule 33.12.

33.15 New automatic frequency control equipment and changes in existing automatic frequency control equipment that may affect the precision of frequency control or the operation of the transmitter shall be installed only upon authorization<sup>22</sup> from the Commission. (See "Approved Equipment".)

33.17 Upon showing that a need exists for the use of an auxiliary transmitter<sup>23</sup> in addition to the regular transmitter of a broadcast station, a license therefor may be issued provided that:

(1) An auxiliary transmitter may be installed either at the same location as the main transmitter or at another location.

(2) A licensed operator shall be in control whenever an auxiliary transmitter is placed in operation.

(3) The auxiliary transmitter shall be maintained so that it may be put into immediate operation at any time upon failure of the main transmitter, or upon request by a duly authorized Government representative.

(4) The auxiliary transmitter shall be tested at least once each week to determine that it is in proper operating condition, and that it is adjusted to the proper frequency. A record shall be kept of the time and result of test. Tests shall be conducted only between 1 a. m. and 6 a. m., local standard time.

(5) The auxiliary transmitter shall be equipped with satisfactory control equipment which will enable the maintenance of the frequency emitted by the station within the limits prescribed by these regulations.

(6) An auxiliary transmitter which is licensed at a geographical location different from that of the main transmitter shall be equipped with a frequency control which will automatically hold the frequency within the limits prescribed by these regulations without any manual adjustment during operation or when it is being put into operation.

(7) The operating power of an auxiliary transmitter may be less than the authorized power but in no event shall it be greater than such power.

33.18 The licensee of a Standard Broadcast Station may be licensed for duplicate main transmitters provided that a technical need<sup>24</sup> for such duplicate transmitters is shown and that the following conditions are met:

(1) Both transmitters are located at the same place.

(2) The transmitters have the same power rating.

(3) The external effects from both transmitters is substantially the same as to frequency stability, reliability of operation, radio harmonics and other spurious emissions, audio frequency range and audio harmonic generation in the transmitter.

33.19 Within two days after each use of the auxiliary transmitter, except for testing, the Commission and the Inspector in Charge shall be notified in writing of the date, time, and power at which the auxiliary transmitter was operated, and the reasons for each use.

#### Operation

34.01 Except Sundays, the licensee of each standard broadcast station shall maintain a minimum regular operating schedule of two-thirds of the total hours that it is authorized to operate during each broadcast day (both day and night), except that in an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating, the station may cease operation for a period of not to exceed 10 days, provided that the Commission and the Inspector in Charge<sup>25</sup> shall be notified in writing immediately after the emergency develops.

34.02 The licensee of each standard broadcast station shall operate or refrain from operating its station during the experimental period as directed by the Commission in order to facilitate frequency measurement or for the determination of interference. (Stations involved in the after-midnight frequency monitoring programs are notified of their operating and silent schedule.)

34.03 If the license of a station specifies the hours of operation, the schedule so specified shall be adhered to except as provided in Rules 34.1 and 34.2.

34.04 If the licenses of stations authorized to share time do not specify hours of operation, the licensees shall endeavor to reach an agreement for a definite schedule of periods of time to be used by each. Such agreement shall be in writing and each licensee shall file the same in triplicate original with each application to the Commission for renewal of license. If and when such written agreements are properly filed in conformity with this rule the file mark of the Commission will be affixed thereto, 1 copy will be retained by the Commission, 1 copy forwarded to the inspector in charge, and 1 copy returned to the licensee to be posted with the station license and considered as a part thereof. If the license specifies a proportionate time division, the agreement shall maintain this proportion. If no proportionate time division is specified in the license, the licensees shall agree upon a division of time. Such division of time shall not include simultaneous operation of the stations unless specifically authorized by the terms of the license.

34.05 For the purpose of determining the proportionate division of time of the broadcast day for sharing time stations one night hour shall be considered the equivalent of two day hours.

<sup>21</sup> See "Field Offices of the Commission."

<sup>22</sup> Formal application required. See "Standards of Good Engineering Practice" for form number.

<sup>23</sup> All regulations as to safety requirements and spurious emissions applying to broadcast transmitting equipment shall apply also to an auxiliary transmitter. (See "Use of Frequency and Modulation Monitors at Auxiliary Transmitter".)

<sup>24</sup> Such as licensees maintaining 24-hour schedule and needing alternate operation for maintenance, or development work is being carried on requiring such alternate operation.

<sup>25</sup> See "Field Offices of the Commission."



34.06 If the license of a station authorized to share time does not specify the hours of operation, the station may be operated for the transmission of regular programs during the experimental period provided an agreement thereto is reached with the other stations with which the broadcast day is shared and further provided such operation is not in conflict with Rule 34.02. Time sharing agreements for operation during the experimental period need not be submitted to the Commission.

34.07 Departure from the regular operating schedule set forth in a time-sharing agreement will be permitted only in cases where an agreement to that effect is reduced to writing, is signed by the licensees of the stations affected thereby and filed in triplicate by each licensee with the Commission prior to the time of the proposed change. If time is of the essence, the actual departure in operating schedule may precede the actual filing of written agreement, provided appropriate notice is sent to the Commission and the Inspector in Charge.<sup>20</sup>

34.08 If the licensees of stations authorized to share time are unable to agree on a division of time, the Commission shall be so notified by statement to that effect filed with the applications for renewal of licenses. Upon receipt of such statement the Commission will designate the applications for a hearing and, pending such hearing, the operating schedule previously adhered to shall remain in full force and effect.

34.09 If the licensee of a broadcast station is required to cease operation of the station at the time of sunset at some point within the United States, the license will specify the hour of the day during each month of the license period when operation of such station shall cease. (See "Average Sunset Time".)

34.10 The licensee of a secondary station authorized to operate limited time and which may resume operation at the time the dominant station or stations on the same channel ceases operation shall, with each application for renewal of license, file in triplicate a copy of its regular operating schedule, signed and approved by the licensee of the dominant station or stations. Upon receipt of such operating schedule, properly executed, the Commission will affix its file mark, retain 1 copy, forward 1 copy to the Inspector in Charge, and return 1 copy to the licensee authorized limited time, which shall be posted with the station license and considered as a part thereof. Departure from said operating schedule will be permitted only in accordance with the procedure set forth in Rule 34.07.

34.11 If the licensee of a secondary station authorized to operate limited time and a dominant station on a channel are unable to agree upon a definite time for resumption of operation by the station authorized limited time, the Commission shall be so notified by the licensee of the station authorized limited time. After receipt of such statement the Commission will designate for hearing the applications of both stations for renewal of license, and pending the hearing the schedule previously adhered to shall remain in full force and effect.

34.12 In all cases where a station licensee is required to prepare and file an operating schedule, any deviation or departure from such schedule, except as herein authorized, shall be considered as a violation of a material term of the license.

34.13 All references herein to standard time or local standard time refer to local standard time as determined and fixed by the Interstate Commerce Commission.

34.14 If local time is changed from standard time to daylight saving time at the location of all stations sharing time on the same channel, the hours of operation of all such stations on that channel shall be understood to refer to daylight-saving time, and not standard time, as long as daylight-saving time is observed at such locations. This provision shall govern when the time is changed by provision of law or general observance of daylight-saving time by the various communities, and when the time of operation of such stations is specified in the license or is mutually agreed upon by the licensees: *Provided, However,* That when the license specifies average time of sunset, local standard time shall be observed and in no event shall a station licensed for daytime only operate on regular schedule prior to 6 a. m. local standard time or shall a station licensed for greater daytime power than nighttime power operate with the daytime power prior to 6 a. m. local standard time.

34.15 Where the local time is not changed from standard time to daylight-saving time at the location of all stations sharing time on the same channel, the hours of operation of such stations shall be understood to have reference to standard time, and not daylight-saving time, unless said licensees mutually agree upon a new schedule which shall be effective only while daylight-saving time is observed at the location of some of these stations.

34.16 The time of operation of any broadcast station which does not share time with other stations on the same channel shall be understood to have reference to local standard time unless modification of such license with respect to hours of operation is authorized by the Commission.

34.17 The station license and any other instrument of authorization or individual order concerning construction of the equipment or the manner of operation of the station shall be posted in a conspicuous place in the room in which the transmitter is located in such manner that all terms thereof are visible and the license of the station operator shall be posted in the same manner (see Rule 22.13).

34.18 The licensee of each station shall have a licensed operator or operators of the grade specified by the Commission on duty during all periods of actual operation of the transmitter at the place where the transmitting equipment is located (see Rule 22.14).

34.19 The licensed operator on duty and in charge of a standard broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another radio station or stations in accordance with the class of operator's license which he holds and by the rules and regulations governing such other stations: *Provided, However,* That such duties shall in no wise interfere with the proper operation of the standard broadcast transmitter.

34.20 The licensee of each broadcast station shall maintain program and operating logs and shall require entries to be made as follows:

(1) In the program log,

(a) An entry of the time each station identification announcement (call letters and location) is made, with an indication of the type of announcement.

(b) An entry briefly describing each program broadcast, such as "music", "drama", "speech", etc., together with the name or title thereof, by whom presented, and the sponsor's name, with the time of the beginning and ending. If a mechanical record is used, the entry shall show the exact nature thereof such as "record", "transcription", etc., together with the name or title of each, and the time it is announced as a mechanical record. If a speech is made by a political candidate, the name and political affiliations of such speaker shall be entered.

(c) An entry showing that each sponsored program broadcast has been announced as sponsored, paid for, or furnished by the sponsor.

(2) In the operating log,

(a) An entry of the time the station begins to supply power to the antenna and the time it stops.

(b) An entry of the time the program begins and ends.

(c) An entry of each interruption to the carrier wave, its cause and duration.

(d) An entry of the following each 30 minutes:

1. Operating constants of last radio stage (total plate current and plate voltage).
2. Antenna current.
3. Frequency monitor reading.
4. Modulation monitor reading for maximum and average for the past half-hour period.
5. Temperature of crystal control chamber if thermometer is used.

(e) Log of experimental operation during experimental period (If regular operation is maintained during this period, the above logs shall be kept).

1. A log must be kept of all operation during the experimental period. If the entries required above are not applicable thereto, then the entries shall be made so as to fully describe the operation.

34.21 Logs of standard broadcast stations shall be retained by the licensee for a period of two years except when required to be retained for a longer period in accordance with the provisions of Rule 22.15.

34.22 (a) A licensee of a standard broadcast station shall make station identification announcement (call letters and location) at the beginning and ending of each time of operation and during operation on the hour and half hour as provided below:

(b) Such identification announcement during operation need not be made when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert or operatic production of longer duration than thirty minutes. In such cases the identification announcement shall be made at the first interruption of the entertainment continuity and at the conclusion of such program.

<sup>20</sup> See "Field Offices of the Commission."



(c) In case of variety show programs, baseball game broadcasts, or similar programs, of longer duration than thirty minutes, the identification announcement shall be made within five minutes of the hour and half hour.

(d) In case of all other programs (except provided in subsections (b) and (c) of this rule) the identification announcement shall be made within two minutes of the hour and half hour.

(e) In making the identification announcement, the call letters shall be given only on the channel of the station identified thereby.

34.23 Each broadcast program consisting of a mechanical record, or a series of mechanical records, shall be announced in the manner and to the extent set out below:

(1) A mechanical record, or a series thereof, of longer duration than fifteen minutes shall be identified by appropriate announcement at the beginning of the program, at each fifteen minute interval, and at the conclusion of the program: *Provided, However*, That the identifying announcement at each fifteen minute interval is not required in case of a mechanical record consisting of a single, continuous, uninterrupted speech, play, symphony concert or operatic production of longer duration than fifteen minutes:

(2) A mechanical record, or a series thereof, of a longer duration than five minutes and not in excess of fifteen minutes, shall be identified by an appropriate announcement at the beginning and end of the program;

(3) A single mechanical record of a duration not in excess of five minutes shall be identified by appropriate announcement immediately preceding the use thereof;

(4) In case a mechanical record is used for background music, sound effects, station identification, program identification (theme music of short duration), or identification of the sponsorship of the program proper, no announcement of the mechanical record is required.

(5) The exact form of the identifying announcement is not prescribed but the language shall be clear and in terms commonly used and understood by the listening public. The use of the applicable identifying words such as "a record", "a recording", "a recorded program", "a transcription", "an electrical transcription", will be considered sufficient to meet the requirements hereof. The identifying words shall accurately describe the type of mechanical record used, i.e., where a transcription is used it shall be announced as a "transcription" or an "electrical transcription" and where a phonograph record is used it shall be announced as a "record" or a "recording".

34.24 (a) The term "rebroadcast" means reception by radio of the program<sup>27</sup> of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station.<sup>28</sup>

(b) The licensee of a standard broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program.<sup>29</sup>

(c) No licensee of a standard broadcast station shall rebroadcast the program of any other class of United States radio station without written authority having first been obtained from the Commission upon application accompanied by written consent or certification of consent of the licensee of the station originating the program.<sup>30 31</sup>

(d) In case of a program rebroadcast by several standard broadcast stations such as a chain rebroadcast, the person legally responsible for distributing the program or the network facilities may obtain the necessary authorization for the entire rebroadcast both from the Commission and from the person or licensee of station originating the program.

Attention is directed to Section 325(b) of the Communications Act of 1934, which reads as follows:

"No person shall be permitted to locate, use or maintain a radio broadcast studio or other place or apparatus from which or whereby sound waves are converted into electrical energy, or mechanical or physical reproduction of sound waves produced, and caused to be transmitted or delivered to a radio station in a

<sup>27</sup> As used in Rule 34.24 "program" includes any complete program or part thereof, or any signals if other than A<sub>3</sub> emission.

<sup>28</sup> In case a program is transmitted from its point of origin to a broadcast station entirely by telephone facilities in which a section of such transmission is by radio, the broadcasting of this program is not considered a rebroadcast.

<sup>29</sup> The notice and certification of consent shall be given within three (3) days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs of a standard broadcast station several times during a license period, notice and certification of consent shall be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

<sup>30</sup> The broadcasting of a program relayed by a relay broadcast station (Rule 1000) is not considered a rebroadcast.

<sup>31</sup> Informal application may be employed.

foreign country for the purpose of being broadcast from any radio station there having a power output of sufficient intensity and/or being so located geographically that its emissions may be received consistently in the United States, without first obtaining a permit from the Commission upon proper application therefor."<sup>32</sup>

36.01 No station licensee is required to permit the use of its facilities by any legally qualified candidate for public office, but if any licensee shall permit any such candidate to use its facilities, it shall afford equal opportunities to all other such candidates for that office to use such facilities, provided that such licensee shall have no power of censorship over the material broadcast by any such candidate.

36.02 The following definitions shall apply for the purposes of Rule 36a 1:

(a) "A legally qualified candidate" means any person who has met all the requirements prescribed by local, state or federal authority, as a candidate for the office which he seeks, whether it be municipal, county, state, or national, to be determined according to the applicable local laws.

(b) "Other candidates for that office" means all other legally qualified candidates for the same public office.

36.03 The rates, if any, charged all such candidates for the same office, shall be uniform and shall not be rebated by any means, directly or indirectly; no licensee shall make any discrimination in charges, practices, regulations, facilities or services for or in connection with service rendered pursuant to these rules, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.

36.04 Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is granted.

#### Assignment of Channels in Compliance with the North American Regional Broadcasting Agreement

31.05A The frequencies in the following tabulation are designated as clear channels and are assigned for use by the classes of stations as given:

(1) To each of the channels below there will be assigned one Class I station and there may be assigned one or more Class II stations operating limited time or daytime only: 640, 650, 660, 670, 700, 720, 750, 760, 770, 780, 820, 830, 840, 850, 870, 880, 890, 1020, 1030, 1040, 1100, 1120, 1160, 1180, and 1210 kilocycles. The power of the Class I stations on these channels shall not be less than 50 kw.

(2) To each of the channels below there may be assigned Class I and Class II stations: 680, 710, 810, 940, 1000, 1060, 1070, 1080, 1090, 1110, 1130, 1140, 1170, 1190, 1200, 1500, 1510, 1520, 1530, 1550, and 1560 kilocycles.

(3) For Class II stations located not less than 650 miles from the nearest Canadian Border and which will not deliver over 5 microvolts per meter ground wave or 25 microvolts per meter 10 per cent time sky wave at any point on said border, 690, 740, 860, 990, 1010,<sup>33</sup> and 1580 kilocycles.

(4) For Class II stations located not less than 650 miles from the nearest Mexican Border and which will not deliver over 5 microvolts per meter ground wave or 25 microvolts per meter 10 per cent time sky wave at any point on said border, 730, 800, 900, 1050, 1220, and 1570 kilocycles.

(5) For Class II stations located not less than 650 miles from the nearest Cuban Border and which will not deliver over 5 microvolts per meter ground wave or 25 microvolts per meter 10 per cent time sky wave at any point on said border, 1540 kilocycles.

31.06A The following frequencies are designated as regional channels and are assigned for use by Class III-A and Class III-B stations<sup>34</sup>: 550, 560,<sup>35</sup> 570,<sup>35</sup> 580, 590,<sup>35</sup> 600, 610, 620, 630,<sup>35</sup> 790, 910, 920, 930, 950, 960, 970, 980, 1150, 1250, 1260, 1270,<sup>35</sup> 1280,

<sup>32</sup> Formal application required. See "Standards of Good Engineering Practice" for form number.

<sup>33</sup> A station on 1010 kilocycles shall also protect a Class I-B station at Havana, Cuba.

<sup>34</sup> See Rule 31.09 in regard to assigning Class IV stations to regional channels.

<sup>35</sup> See North American Regional Broadcasting Agreement for special provision concerning the assigning of Class II stations in other countries of North America to these regional channels. Such stations shall be protected from interference in accordance with Appendix II, Table I, of said Agreement.

1290, 1300, 1310, 1320, 1330, 1350, 1360, 1370, 1380, 1390, 1410, 1420, 1430, 1440, 1460, 1470, 1480, 1590, and 1600 kilocycles.

31.07A The following frequencies are designated as local channels and are assigned for use by Class IV stations: 1230, 1240, 1340, 1400, 1450, and 1490 kilocycles.

31.08A (a) The individual assignments of stations to channels which may cause interference to other United States stations only, shall be made in accordance with the standards of good engineering practice prescribed and published from time to time by the Commission for the respective classes of stations involved. (For determining objectionable interference see "Engineering Standards of Allocation" and "Field Intensity Measurements in Allocation", Section C.)

(b) In all cases where an individual station assignment may cause interference with or may involve a channel assigned for priority of use by a station in another North American country, the classifications, allocation requirements and engineering standards set forth in the North American Regional Broadcasting Agreement shall be observed.

31.09A On condition that interference will not be caused to any Class III station, and that the channel is used fully for Class III stations and subject to such interference as may be received from Class III stations, Class IV stations may be assigned to regional channels.

#### License Periods

31.14A All standard broadcast station licenses will be issued so as to expire at the hour of 3 a.m. Eastern Standard Time and will be issued for a normal license period of one year, expiring as follows:

(1) For stations operating on the channels 640, 650, 660, 670, 680, 690, 700, 710, 720, 730, 740, 750, 760, 770, 780, 800, 810, 820, 830, 840, 850, 860, 870, 880, 890, 900, 940, 990, 1000, 1010, 1020, 1030, 1040, 1050, 1060, 1070, 1080, 1090, 1100, 1110, 1120, 1130, 1140, 1160, 1170, 1180, 1190, 1200, 1210, 1220, 1500, 1510, 1520, 1530, 1540, 1550, 1560, 1570 and 1580 kilocycles February 1.

(2) For stations operating on the channels 550, 560, 570, 580, 590, 600, 610, 620, 630, 790, 910, 920, 930, and 950 kilocycles March 1.

(3) For stations operating on the channels 960, 970, 980, 1150, 1250, 1260, 1270, 1280, 1290, 1300, 1310, and 1320 kilocycles April 1.

(4) For stations operating on the channels 1330, 1350, 1360, 1370, 1380, 1390, 1410, 1420, 1430, 1440, 1460, 1470, 1480, 1590, and 1600 kilocycles November 1.

(5) For stations operating on the channels 1230, 1240, and 1340 kilocycles December 1.

(6) For stations operating on the channels 1400, 1450, and 1490 kilocycles January 1.

### NAB TO DIRECT DISCUSSION AT OHIO UNIVERSITY CONFERENCE

The National Association of Broadcasters will direct a panel discussion on the opening day of the Tenth Institute of Radio by Education to be held by Ohio State University at Columbus, Ohio, May 1, 2 and 3.

Headquarters feels that this is a most important meeting and urges member stations to send representatives qualified to take part in the discussions to reflect the contributions commercial broadcasting has made to education in the past year and to assist in the formulation of NAB-sponsored educational activities designed to round out the already improved character and scope of radio educational programs.

Meetings will be held on the campus of Ohio State and also in the Deshler-Wallick Hotel, Columbus.

#### MILLER, STAHLMAN MEET

James G. Stahlman, president of the American Newspaper Publishers Association, and Neville Miller, NAB

president, will head joint committees representing the newspapers and radio stations which meet on the afternoon of April 27, at the Waldorf Astoria Hotel, in New York, to review and analyze the entire field of press-radio relations.

The meeting scheduled during the ANPA annual convention will be preceded by a luncheon.

### LIQUOR ADVERTISING

The American Federation of Labor joined the NAB last week in opposing legislation to ban beer and liquor advertising on the air.

I. M. Ornburn, secretary of the A. F. of L. Union Label Trades Department, and Joseph Obergfell, president of the Brewery Workers union, appeared before the Senate Interstate Commerce Committee in opposition to the legislation.

Mr. Ornburn agreed with Neville Miller that the legislation "will invite further pressure by militant minority groups to prohibit advertisement of other commodities."

Dr. Howard A. Dawson, director of the Division of Rural Education of the National Education Association, and Mrs. Sina H. Stanton of the Council of Women for Home Missions appeared in support of the legislation.

Mr. Dawson said radio advertising of alcoholic beverages made more difficult the educator's task of "teaching the harmful effects of consumption of alcohol and narcotics."

### ACCOUNTING COMMITTEE MEETS

A meeting of the NAB Accounting Committee was held at Headquarters Tuesday and Wednesday, April 4 and 5. Those in attendance were Chairman Harry C. Wilder, N. L. Kidd, WSYR, Syracuse, New York; J. E. Holley, WTAG, Worcester, Massachusetts; H. F. McKeon, NBC, Washington, D. C.; E. M. Stoer, Hearst Radio, Inc., New York, N. Y.; and Frank White, S. R. Dean, CBS, New York, N. Y. President Neville Miller, Paul Peter, and Edwin M. Spence of NAB Headquarters Staff were also present. The purpose of the meeting was to study and to endeavor to work out a system for NAB cooperation with the FCC Accounting Division as far as future accounting and statistical reports are concerned. Another committee meeting will be held on May 8.

### FREE OFFERS

The NAB is investigating Warner Brothers' offer of a series of transcriptions entitled "America Marches On."

The Gold Standard Watch Company, Newton, Mass., has been notified that acceptance of advertising for its



simulated diamond rings on a cost-per-inquiry basis would constitute a violation of the NAB code.

The Flower Industries Council, New York City, is offering a fashion script to promote flower buying.

## Monopoly Hearing

Drawing toward a close, the FCC monopoly investigation turned this week to the transcription business, after the commission had placed in the record a series of exhibits purporting to show groups of ownership interest in the industry.

### MARCH 30

DeQuincy V. Sutton, FCC accountant, continued to place commission exhibits in the record, most of them dealing with rates, but the last 117 purporting to show "groups" of "ownership interest."

### MARCH 31

Paul Porter, CBS counsel, objected when "Schedule 117" listed as a "group" 34 stations called the "City Stores-Columbia-Gannett-Paramount Group."

### APRIL 4

In cross-examining Mr. Sutton, Mr. Porter attacked the validity of the schedule which listed thirty-four stations as the "City Stores-Columbia-Gannett-Paramount Group." Twelve stations on the exhibit were included in the "Gannett" group and Mr. Porter developed from the Commission witness the fact that the CBS relationship with this group, insofar as common ownership was concerned, rested solely on the circumstance that Richard K. Phelps, Manager of KITE, holds one qualifying share of stock in the corporation operating the station and that Sam Pickard, a vice-president of CBS, owns a minority interest in the station. It was developed that Phelps also has a minority interest in WOKO in which The Press Company, a Gannett controlled corporation, also holds a minority interest. Because of these holdings, the Commission exhibit included twelve stations in the group which Mr. Porter insisted flowed from the single share of stock held by Mr. Phelps in KITE. The CBS counsel developed the fact that no officers or directors of Columbia had any ownership in twenty-one of the stations listed on the schedule. After completing cross-examination of Mr. Sutton, Mr. Porter moved that the exhibit be stricken from the records and characterized it as "misleading and insubstantial" and urged that it presented "a completely distorted picture insofar as any relation with CBS is concerned." Commissioner Walker overruled the motion and the CBS counsel asked and was granted the privilege, if he so desired, of arguing the question of its admissibility before the full Commission.

### APRIL 5

The Commission turned to electrical transcriptions, and heard testimony by C. Lloyd Egner, NBC; E. V. Brinckerhoff, Frank B. Walker, RCA vice-president, and Merritt E. Tompkins, Associated Music Publishers, Inc. The whole field of recordings and transcriptions and their manufacture and use was thoroughly reviewed. The Commission's interest was shown by the fact that the hearing did not recess until after 6 p. m.

## THOMPSON NOMINATION GETS FAVORABLE REPORT

The Senate Committee on Interstate Commerce on Thursday made a favorable report on the nomination of Frederick I. Thompson of Alabama as a member of the Federal Communications Commission to take the place

of Judge Eugene O. Sykes, whose resignation was accepted by the President as of April 5. Mr. Thompson was nominated for the remainder of the Sykes term, which runs until July 1, 1941. Mr. Thompson is in Washington awaiting Senate action.

## FCC TELEVISION COMMITTEE GOES TO NEW YORK

The Television Committee of the Federal Communications Commission will make a trip next week to New York and Philadelphia to get firsthand information regarding the present television situation. Apparently the members of the Committee are not satisfied with the reports and information which is reaching them and they desire to see the television laboratories and factories for themselves. The Committee consists of Commissioners T. A. M. Craven, Norman S. Case, and Thad H. Brown.

## KANSAS ENACTS MONOPOLY BILL

The legislature of Kansas has enacted a new law seeking to curb the activities of pools controlling public performance of copyrighted music. The statute was signed by the Governor April 4 and is now the law of that state. This statute is substantially similar to that enacted in North Dakota (NAB REPORTS, March 10, pp. 3334-3336) and to the bills pending before the legislatures of a number of states (NAB REPORTS, March 10, p. 3336).

The Kansas statute compels copyright owners licensing performance rights in the state to make a full disclosure of the material licensed by them. It requires the filing under oath of the details respecting each copyrighted musical composition as a condition precedent to the right to do business in the state. Blanket licensing at blanket fees by combinations of copyright owners is permitted, provided the individual members of the combination also afford users the option of buying portions of the combined catalogues on a per-use basis.

## MUSIC MONOPOLY BILLS

The legislature of the state of Vermont has before it a bill seeking to curb the activities of pools controlling public performance of copyrighted music. This bill is said to be substantially similar to the statutes enacted by North Dakota, Kansas and Montana. Details of the proposed legislation are not available, but it is reported that the bill has been passed by the House and that a hearing was held before the Senate Judiciary Committee last week.

A third bill has been introduced in Missouri embodying the principles involved in the 1937 Washington-Montana statute. This bill is substantially the same as the two heretofore introduced.

## NORTH CAROLINA ADOPTS PHONOGRAPH RECORD, TRANSCRIPTION LAW

The phonograph record bill introduced in North Carolina (NAB REPORTS, February 10, p. 3271) has been passed by both houses of the legislature, was approved by the Governor and is now the law of the state. This statute is similar to the one adopted in South Carolina (NAB REPORTS, February 3, pp. 3252-3253). It abrogates all common law rights to restrict or to collect royalties on the commercial use made of recorded performances on phonograph records or electrical transcriptions when such records or transcriptions have been sold in commerce. It prevents the imposition of restrictions or the requiring of license fees by such organizations as the National Association of Performing Artists, which claim a common law copyright in recordings.

## APPELLATE COURT REVERSES FCC DECISIONS

The United States Court of Appeals for the District of Columbia on April 3 sustained the contention of the Pottsville Broadcasting Company on its petition for writs of prohibition and mandamus. In May, 1936, the Pottsville Company had applied for a construction permit which was denied by the Commission in May, 1937, upon the grounds that the showing of financial ability was not satisfactory. At the same time the Commission stated "that the principal stockholder of the applicant did not reside in Pottsville, had no definite plans for spending a percentage of his time there, and had failed to show he was acquainted with the needs of the area proposed to be served and prepared to meet those needs." An appeal was taken to the Court of Appeals, and the decision reversed in May, 1938, because the court was of the opinion the Commission erred in holding that adequate financial responsibility had not been shown.

When the case was remanded to the Commission, the Pottsville Company requested that its application be reconsidered and granted, pointing out that the Commission had never adopted a policy requiring a majority stockholder to be a resident of the area served. The Commission, however, refused to accede to this position and entered an order for a new hearing on the applications of the Pottsville Company, the Pottsville News and Radio Corporation (whose application had been filed seven months after the petitioner's) and the Schuylkill Broadcasting Company. Whereupon the Pottsville Company applied to the Court of Appeals for a writ to prohibit the Commission from taking any steps other than those required by the previous decision of the Court of Appeals and for a writ of mandamus to require the Commission to grant the petitioner's applica-

tion on the record as submitted to and considered by the court. It was contended by the Commission that neither prohibition nor mandamus may be invoked to restrain it from exercising at any time its regulatory power conferred by law, or to circumscribe its discretion.

In holding that the FCC must consider the case on the basis of the court's prior decision and on the record established at that time, the court said:

"We have no doubt that as far as is practicable the order of the court entered on an appeal from the Commission ought to have the same effect and be governed by the same rules as apply in appeals from a lower federal court to an appellate federal court in an equity proceeding. The rule in such cases is stated in *Sanford Fork & Tool Co., Petitioner*, 160 U. S. 247, restated in *Re Potts*, 166 U. S. 263, and confirmed in *D. L. & W. R. Co. v. Rellstab*, 276 U. S. 1. Shortly stated, the rule is that when a case has been decided on appeal and remanded to the trial court, the latter has no authority, without leave of the appellate court 'to grant a new trial, a rehearing or a review, or to permit new defenses on the merits to be introduced by amendment of the answer.' \* \* \*

"\* \* \* But we think it is obvious that the particular objections of the Commission to a reconsideration on the record—to which we have referred—are mere makeweights, and that the real bone of contention is the insistence by the Commission upon absolute authority to decide the rights of applicants for permits without regard to previous findings or decisions made by it or by this court.

"While it is true the authority to grant is exclusive in the Commission, and while it is also true, as we have said before, that the license conferred on the owner of a radio broadcasting station is permissive only and within the power of the Commission by congressional delegation, we cannot consent to the view that either the right to grant or the right to revoke is subject to the uncontrolled discretion of that tribunal. In granting licenses, the Commission is required to act 'as public convenience, interest or necessity requires.' This criterion is not to be interpreted as setting up a standard so indefinite as to confer unlimited power. *Nelson Bros. Co. v. Federal Radio Commission*, 289 U. S. 266. When an applicant for a station who is qualified as to citizenship and otherwise has submitted his cause to the Commission and the Commission in denying the application has filed, as the Act requires and as we have time and again insisted should be done, 'a full statement in writing of the facts and grounds for its decision' and an appeal as authorized by law is taken to this court, and the decision of the Commission reversed and the cause remanded for proceedings in accordance with our opinion and order, it is the duty of the Commission to comply with that order and, unless for some exceptional reason it obtains leave of this court to reopen the case, to reconsider the matter on the record and in the light of this court's opinion.

"Here, as we have pointed out, petitioner was first in the field. Its application was duly set down for hearing and was duly heard by the Commission on the record made. This was in accordance with the Commission's Rule 106.4, which recognizes priority of filing when subsequent applications are made after the prior one has been set for hearing. In such a case petitioner ought not now to be put in any worse position than it occupied on the original hearing, and therefore ought not to be required any more now than originally to be put in hodgepodge with later applicants whose records were not made at the time of the previous hearing. On this state of facts, we are of opinion the Commission should rehear the application on the record and in the light of our opinion. We believe that this expression of our views on the subject will obviate the necessity of issuing the writ. \* \* \*"

The judgment of the court was suspended for thirty days in order to afford the FCC an opportunity to comply with the decision without the issuance of the writs of prohibition and mandamus.

A similar case involving the application of Paul R. Heitmeyer for a permit to construct a station at Cheyenne, Wyoming, was decided by the Court of Appeals at



the same time. In that case, Heitmeyer had filed a petition with the United States District Court for the District of Columbia requesting a permanent injunction against the granting by the Commission of a construction permit to any applicant other than Heitmeyer for a station at Cheyenne until the Commission had rendered a decision on the record as made at the original hearings. The injunction was granted by the lower court. In reversing the lower court and remanding the case with instructions to dismiss without prejudice, the Court of Appeals stated that the rule announced in the Pottsville case was controlling and that Heitmeyer was entitled to apply to the Court of Appeals for a writ of mandamus.

## NEW LEGISLATION CONGRESS

H. R. 5508 (Mr. Peterson, Florida) COMMUNICATIONS ACT—To amend the Communications Act of 1934 by adding Section 307½, which would prohibit licenses in excess of fifty kilowatts to any station broadcasting network programs. Referred to Interstate and Foreign Commerce Committee.

## STATE LEGISLATION

### ALABAMA:

H. 297 (Beck) LIQUOR ADVERTISING—Further promoting temperance and suppressing intemperance; making unlawful the advertisement of alcoholic, spirituous, vinous or malt liquors; to provide for the removal of such advertisements and defined cases; and to provide for the prevention of the continuation and repetition of the acts hereby made unlawful. Referred to Temperance Committee.

### CONNECTICUT:

H. 500 (Brysh) LIQUORS—ADVERTISING PRICES—Prohibiting the advertising of prices of alcoholic liquors. Referred to Judiciary Committee.

### DELAWARE:

H. 355 (Biggs) ADVERTISING—ALCOHOLIC LIQUORS—Amending Chapter 176 of the Revised Code of Delaware, 1935, in reference to advertising.

### MASSACHUSETTS:

H. 648 (Dana) ADVERTISING—Regulates signs and advertising devices not now subject to regulation. Referred to Mercantile Affairs Committee.

H. 1724 (Reiner) MILK—ADVERTISING—Providing that certain sums of money collected by the milk control board from dairy farmers and milk dealers be used for advertising milk to increase the consumption of milk. Referred to Agriculture Committee.

H. 1726 (Dole) MILK—ADVERTISING—Setting aside part of the funds of the department of agriculture for advertising the food value of milk. Referred to Agriculture Committee.

H. 1795 (Selectmen of Norwood) ADVERTISING—Amending an act concerning advertising signs and devices. Referred to Mercantile Affairs Committee.

### MARYLAND:

H. 345 (Luber) ALCOHOLIC BEVERAGES—ADVERTISING—To amend Section 28 of Article 2B of the Annotated Code (1935 Supplement), increasing the amount which may be expended in advertisements for retail dealers by manufacturers, wholesalers, distillers, etc. Referred to Ways and Means Committee.

### MISSOURI:

(House Com. Substitute for H. 1 and H. 623) SALES TAX—Amends the present sales tax act and in addition levies a tax on certain services.

H. 704 (Turner & Hamlin) POOLS—TRUSTS—CONSPIRACIES—Amends the statute relating to pools, trusts, conspiracies and discrimination in business practices. Referred to Criminal Jurisprudence Committee.

### NORTH CAROLINA:

H. 1165 BANKS—DEROGATORY STATEMENTS—Making it unlawful to utter or publish any maliciously false or derogatory statement about banks.

### OKLAHOMA:

H. 583 (Meyers et al.) COPYRIGHTS—Regulating copyrights and public performing rights of musical compositions.

### SOUTH CAROLINA:

H. 631 (Brown) SMALL LOANS—Regulates business of making loans in the amounts of \$300 or less. Referred to Banking and Insurance Committee.

### WASHINGTON:

S. 185 (Troy) LIQUOR ADVERTISING—Taking from liquor board the power to regulate liquor advertising.

## FEDERAL COMMUNICATIONS COMMISSION

### DECISIONS OF COMMISSION

The Federal Communications Commission has granted the Pinellas Broadcasting Company authorization to construct a new station at **St. Petersburg, Florida**, to use **1370 kilocycles**, 100 watts night, 250 watts LS, unlimited time.

The Commission found that the applicant is in all ways qualified to construct and operate the station and "the evidence shows a need for the additional broadcast service herein proposed." The Commission stated that the granting of the application would serve the public interest.

Commissioner Sykes dissented.

The application of WSJS, **Winston-Salem, North Carolina**, to move to a new location, to install a new transmitter, erect a vertical antenna, and to increase the daytime power from 100 watts to 250 watts has been granted by the Commission.

It was found that there is a need for the additional daytime service in the area proposed to be served and that the operation of the station "with power of 250 watts would not be expected to result in objectionable interference to any existing or proposed station."

The Commission has also granted the application of the Fredericksburg Broadcasting Corporation for the erection of a new station at **Fredericksburg, Va.**, to operate on **1260 kilocycles**, 250 watts, daytime only.

The Commission stated in its decision that a public need exists for the proposed broadcast service and "the applicant has shown availability of talent and financial support to a degree that will reasonably assure operation in the public interest."

Drohlich Brothers have been granted an application by the Commission to erect a new broadcast station at

**Sedalia, Missouri**, to operate on **1500 kilocycles**, 100 watts night, 250 watts LS, unlimited time.

A public need exists for the proposed service and the operation of the new station would not cause objectionable interference, the Commission stated in its opinion. Also economic support and talent for program material is available, and the applicants, the Commission stated, are in all ways qualified to construct and operate the proposed station.

The Merced Star Publishing Company, Inc., license of Station KYOS, has been granted authority to assign the station's license to the Merced Broadcasting Company, **Merced, California**. The station operates on **1040 kilocycles**, 250 watts, daytime.

It is stated in the opinion by the Commission that the assignee is qualified to operate the station and "adequate financial provision has been made for the continued operation of the station." The program service now rendered by the station and which is satisfactory at the present time will be continued, and the granting of the application will be in the public interest.

The Commission granted the application of KWNO, **Winona, Minnesota**, to use unlimited time with 100 watts night. The station operates on **1200 kilocycles**, 250 watts, daytime only.

It was found by the Commission that there is need for additional service in the area served by the station, and its operation as proposed will not cause objectionable interference. The Commission stated that the granting of the application will be in the public interest.

The application of KTKC, **Visalia, California**, to install a new transmitter and erect a new antenna system and to change its frequency from **1190 kilocycles** to **890 kilocycles**, and increase its power and time of operation from 250 watts day to 1000 watts, unlimited time has been granted by the Commission "subject however, to the condition that the granting of the application of KTKC to operate on frequency **890 kc.**, with 1 KW is contingent upon Proof of Performance showing that the proposed antenna does not produce a maximum field in the direction of station KFPY in excess of that specified by the radiation pattern and that the antenna will have a minimum effective field intensity of 175 mv/m at one mile for 1 KW."

It was found by the Commission that the station is in all ways qualified to operate the station as proposed, and that operating as proposed the station will serve during daytime a much larger population and at night substantial population not now receiving service from it because of the limited hours of operation. Commissioner Sykes did not participate in this decision.

## FCC ORDER

The Federal Communications Commission this week issued an order dismissing an application for the modification of a construction permit filed by the Hunt Broadcasting Association.

The Commission issued a construction permit to this Association for a new station at **Greenville, Texas**, in May 1937, to use **1200 kilocycles**, 100 watts power, daytime only. The Association notified the Commission that "the common law partnership originally constituting the Hunt Broadcasting Company, composed of Fred E. Horton, Noble W. Young and J. L. Collins, dissolved by operation of law upon the death of Fred E. Horton on June 29, 1938." The Commission called upon the Association to show cause why the permit it issued for the construction of the station should not be revoked. The Commission, having taken the matter under consideration, stated in its order that the construction permit "terminated on the date of dissolution of said Association."

## PROPOSED FINDINGS OF FACT

The Federal Communications Commission has adopted its Proposed Findings of Fact proposing to grant the application for renewal of license for WBBZ, **Ponca City, Oklahoma**, to operate on **1200 kilocycles**, 250 watts day, 100 watts night, unlimited hours, and also adopted the Proposed Findings which proposes to consent to the involuntary assignment of the station's license to Adelaide Lillian Carrell, Executrix of the Estate of Charles Lewis Carrell, Deceased.

The Proposed Findings stated that there is a prevailing need for local service supplied by the station and that its continued operation would be in the public interest. It is also stated by the Commission that the applicant is in all ways qualified to operate the station.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases beginning the week of April 10. They are subject to change.

### Monday, April 10

NEW—Spartanburg Advertising Co., Spartanburg, S. C.—C. P., **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

### Tuesday, April 11

NEW—W. B. Greenwald, Topeka, Kans.—C. P., **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

### Wednesday, April 12

WHMA—Harry M. Ayers, Anniston, Ala.—Modification of license, **1420 kc.**, 100 watts, unlimited time. Present assignment: **1420 kc.**, 100 watts, daytime.



WMBR—Florida Broadcasting Co., Jacksonville, Fla.—C. P., 1120 ke., 500 watts, 1 KW LS, unlimited time (DA night). Present assignment: 1370 ke., 100 watts, 250 watts LS, unlimited time.

### FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

#### May 12

KROY—Royal Miller, Sacramento, Calif.—Modification of license, 1210 ke., 100 watts, unlimited time. Present assignment: 1210 ke., 100 watts, daytime.

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Modification of C. P., 1370 ke., 100 watts, unlimited time. Present assignment: 1370 ke., 100 watts, daytime.

#### May 15

KOVC—KOVC, Inc., Valley City, N. Dak.—C. P., 1340 ke., 500 watts, 1 KW LS, unlimited time. Present assignment: 1500 ke., 100 watts, 250 watts LS, unlimited time.

KGNO—Dodge City Broadcasting Co., Inc., Dodge City, Kans.—C. P., 1340 ke., 500 watts, 500 watts LS, unlimited time. Present assignment: 1340 ke., 250 watts, unlimited time.

NEW—The Monocacy Broadcasting Co., Rockville, Md.—C. P., 1140 ke., 250 watts, daytime.

#### May 16

NEW—John R. Pepper, Greenville, Miss.—C. P., 1310 ke., 100 watts, 250 watts LS, unlimited time.

#### May 29

NEW—The Gazette Co., Cedar Rapids, Iowa.—C. P., 1420 ke., 100 watts, unlimited time.

NEW—Wendell Mayes, Joe N. Weatherby and Wm. J. Lawson, d/b as Brown County Broadcasting Co., Brownwood, Tex.—C. P., 990 ke., 1 KW, daytime.

#### June 1

NEW—C. T. Sherer Co., Inc., Worcester, Mass.—C. P., 1200 ke., 100 watts, 250 watts LS, unlimited time.

NEW—WJMS, Inc., Ashland, Wis.—C. P., 1370 ke., 100 watts, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KABR, Aberdeen, S. Dak.; KALE, Portland, Ore.; KECA, Los Angeles, Calif.; KFAC, Los Angeles; KFBK, Sacramento, Calif.; KFH, Wichita, Kans.; KGHF, Pueblo, Calif.; KIDO, Boise, Idaho; KINY, Juneau, Alaska; KLO, Ogden, Utah; KLRA, Little Rock, Ark.; KMED, Medford, Ore.; KMO, Tacoma, Wash.; KQV, Pittsburgh, Pa.; KRLC, Lewiston, Idaho; WAWZ, Zarephath, N. J.; WCKY, Covington, Ky.; WHBL, Sheboygan, Wis.; WKBH, La Crosse, Wis.; WNBC, New Britain, Conn.; WOKO and auxiliary, Albany, N. Y.; WORK, York, Pa.; WROK, Rockford, Ill.; WSAR, Fall River, Mass.; WSBT, South Bend, Ind.; KIEM, Eureka, Calif.; WHIS, Bluefield, W. Va.; WHK, Cleveland, Ohio; WIRE and auxiliary, Indianapolis, Ind.; WJSV, Washington, D. C.; WMPS, Memphis, Tenn.; WSAI, Cincinnati, Ohio; WSMB, New Orleans, La.; WSMK, Dayton, Ohio; WKBW, Buffalo, N. Y.

### DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

KUTA—Utah Broadcasting Company, Salt Lake City, Utah.—Application for C. P. to move transmitter site locally from 13th So. Third St. to 21st So. 6-8th West, South of Salt Lake City; make changes in composite equipment; change frequency from 1500 ke. to 570 ke.; increase power from 100 watts to 1 KW; and install directional antenna system for both day and nighttime operation. Designated for hearing to determine if interference might result to existing stations.

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Application for modification of license to change time of operation from daytime only to limited sunset, Eau Claire, Wis. Designated for hearing to determine if interference might result with Canadian station CBM.

WSPA—Virgil V. Evans, d/b as The Voice of South Carolina, Spartanburg, S. C.—Application for modification of license to change frequency from 920 ke. to 1120 ke., and increase power and time of operation from 1 KW, daytime only, to 500 watts night, 1 KW day, unlimited. Designated for hearing to determine if interference might result, and because of pending application for new facilities.

KALE—KALE, Inc., Portland, Ore.—Application for C. P. to move transmitter site locally from 518 S.E. Morrison Street to Barnes Road, west of city limits of Portland, Ore.; make changes in composite equipment; install a vertical radiator and increase day power from 1 to 5 KW. Designated for hearing because pending applications involve increase in service, and to determine if interference might result with existing stations.

### MISCELLANEOUS

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to rebroadcast Naval Observatory time signals received from station NAA/NSS over WFMD, for the period ending no later than September 1, 1939.

WRVA—Larus & Bros. Co., Inc., Richmond, Va.—Granted extension of special temporary authority to increase the fields in the directions of the minimums to around 500 millivolts per meter, for the period ending no later than April 9, in order to determine the cause of fading in the Petersburg, Va., area.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 1:30 to 3 p. m., CST, on April 7, in order to broadcast Tre Ore Services.

W8XIQ-W8XIR—WGAR Broadcasting Co., Cleveland, Ohio.—Granted extension of special temporary authority to operate relay broadcast (exp.) stations W8XIQ and W8XIR on the frequency 31220 ke. pending definite arrangements to be made to eliminate interference with Cleveland's police service, for the period April 10 to May 9, 1939.

National Broadcasting Co., New York City.—Granted special temporary authority to rebroadcast program material to be received from U. S. Army posts throughout the U. S. via RCA Communications, Inc., receiving stations at Pt. Reyes, Calif., and Riverhead, N. Y., or via specially provided temporary NBC operated receiving stations and probably via U. S. Army receiving stations (all signals received being transmitted via wire line to most convenient location to be fed into the network wireline system), over an NBC network, on April 2, as a part of the RCA Magic Key program.

W3XO—Jansky and Bailey, Washington, D. C.—Granted special temporary authority to operate high frequency broadcast station W3XO on a frequency of 43.2 megacycles, with the regular power of 1 KW, pending final arrangements in connection with reallocation of high frequency services with respect to Commission Order No. 19, for a period not to exceed 30 days.

NEW—J. J. White, d/b as the Greenville Broadcasting Co., Greenville, N. C.—Denied petition to reopen the record in the matter of the application of Nathan Frank for a new station in New Bern, N. C., and the Commission on its own motion reopened and remanded the application of Nathan Frank for the purpose of taking further evidence on questions related to the issue of his financial qualifications as an applicant for a station license.

KWLC—Luther College, Decorah, Iowa.—Granted special temporary authority to reduce its broadcasting schedule to one hour per week during the period of the Easter holidays at Luther College, for the period April 6 to April 10, 1939.



- WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted special temporary authority to operate from local sunset (April 6:45 p. m., EST) to 9 p. m., EST, on April 3, in order to broadcast program from 6:45 p. m. to 8 p. m. by various departments of Bridgewater College, and from 8 to 9 p. m., Senator Byrd's address.
- KROY—Royal Miller, Sacramento, Calif.—Granted petition for order to take depositions in re application for modification of license to increase hours from daytime to unlimited, on 1210 kc., 100 watts.
- KSO—Iowa Broadcasting Co., Des Moines, Iowa.—Granted motion of respondent for postponement of hearing now scheduled for April 28, to May 29, 1939, on application of The Gazette Co. for a new station in Cedar Rapids, Iowa, to operate on 1420 kc., 100 watts, unlimited.
- KFI—Earle C. Anthony, Los Angeles, Calif.—Granted motion of respondent for order to take depositions in re application of KOH, the Bee, Inc., Reno, Nevada, for C. P. to move studio and transmitter locally; change frequency from 1380 kc. to 630 kc., and power from 500 watts to 1 KW, DA at night.
- NEW—C. T. Sherer Co., Inc., Worcester, Mass.—Granted petition for continuance of hearing now scheduled for April 26, to June 1, 1939, in re application for C. P. to operate on 1200 kc., 100 watts, 250 watts LS, unlimited time.
- KCKN—KCKN Broadcasting Co., Kansas City, Kans.—Granted petition to intervene in the hearing on the application of WREN, Kansas City, Mo., for C. P. to install directional antenna and move transmitter and studio.
- NEW—Oregon Broadcasting System, Inc., Grants Pass, Ore.—Granted petition to dismiss without prejudice application for C. P. for new station to operate on 1370 kc., 100 watts, 250 watts LS, unlimited time.
- NEW—The Monocacy Broadcasting Co., Rockville, Md.—Granted amended motion in part, continuing hearing now scheduled for April 7, to May 15, 1939. (Applicant requested extension until some time after July 1.)
- NEW—Samuel M. Emison, Vincennes, Ind.—Granted petition to intervene in the hearing on the application of Vincennes Newspapers, Inc., for a new station in Vincennes, Ind., to operate on 1420 kc., 100 watts, unlimited time.
- NEW—WJMS, Inc., Ashland, Wis.—Granted petition for continuance of hearing now scheduled for April 12, to June 1, 1939, in re application for C. P. to operate new station on 1370 kc., 100 watts, unlimited time.
- KRSC—Radio Sales Corp., Seattle, Wash.—Granted petition for special relief to cure alleged formal defects in certain depositions in re application for C. P. to make changes in equipment and increase in power.
- WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Granted motion to dismiss without prejudice application for C. P. to install a new transmitter and vertical antenna, increase in power, and move transmitter.
- WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—Granted petition to dismiss without prejudice application for C. P. to increase power and install new transmitter.
- W8XNO—Charleston Broadcasting Co., Charleston, W. Va.—Granted petition to dismiss without prejudice application for modification of C. P. to extend commencement and completion dates.
- KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Granted petition for continuance of hearing now scheduled for April 11, to May 12, in re application for modification of C. P. to operate unlimited time.
- KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Granted petition to intervene in the hearing on the application of Martin K. Calaway and Harry S. Hooper for a C. P. to operate a new station at Marysville, Calif., on 1420 kc., 100 watts, 250 watts LS, unlimited time.
- NEW—Patrick Henry Broadcasting Co., Martinsville, Va.—Granted petition for order to take depositions in re application for C. P. for a new station to operate on 1420 kc., 100 watts, 250 watts LS, unlimited time.
- NEW—Thumb Broadcasting Co., Brown City, Mich.—Granted motion for order to take depositions and for amendment to motion for order to take depositions to add names of three witnesses.
- KRKO—Lee E. Mudgett, Everett, Wash.—Ordered that depositions in the matter of the application of KRKO for renewal of license, assignment of license and C. P., and the application of Cascade Broadcasting Company, Inc., Everett, Wash., for C. P., be taken before M. H. Shindell, Notary Public, at the offices of the Federal Communications Commission, Federal Building, Seattle, Wash., beginning 10 a. m., PST, April 25, and continuing thereafter from day to day until concluded.
- NEW—Ben Farmer, d/b as Cabarrus Broadcasting Co., Concord, N. C.—Denied as in cases of default the application for C. P. for a new station to use 1370 kc., 100 watts, 250 watts LS, unlimited time. Applicant appeared by counsel when hearing was called on March 27, 1939, but offered no evidence in support of the application.
- WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Granted special temporary authority to operate simultaneously with station WBAX from 6 to 9:30 p. m., EST, on April 13, in order to broadcast programs of a civic, educational, and entertainment nature from 6 to 9:15 p. m., and political talks from 9:15 to 9:30 p. m.
- WTAW—Agricultural and Mechanical College of Texas, College Station, Tex.—Granted special temporary authority to operate simultaneously with station WJBO from 4 to 6:45 p. m., CST, on April 5 and 6, in order to broadcast inter-collegiate baseball games.
- WPRR—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate from 10 p. m., April 9 to 1 a. m., AST, April 10, in order to broadcast a program presenting the "CASINO DE LA PLAYA" Orchestra.
- KGCA—Charles Walter Greenley, Decorah, Ia.—Denied special temporary authority to operate under license granted March 6, for the period beginning April 1, and ending no later than April 30, pending KWLC's compliance with Rule 131.
- NEW—Columbia Broadcasting System, Inc., Portable-Mobile (vicinity of Chicago).—Granted C. P. for new relay broadcast station frequencies of 1646, 2090, 2190 and 2830 kc.; 50 watts. Also granted license to cover same.
- NEW—WHP, Inc., Harrisburg, Pa.—Granted C. P. for new relay broadcast station; frequencies of 1606, 2022, 2102 and 2758 kc., 40 watts.
- WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Granted modification of C. P. authorizing local changes in transmitter location, change in equipment and installation of a vertical radiator; also, extension of commencement date to 10 days after grant and completion date to 30 days thereafter.
- W3XC—WGAL, Inc. (Lancaster, Pa.), Portable-Mobile.—Granted C. P. to make changes in equipment and increase power of relay broadcast station to 10 watts. Also granted license to cover same.
- WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted license to cover C. P. authorizing changes in equipment.
- W7XDA—KUJ, Inc., Walla Walla, Wash.—Granted license to cover C. P. for relay broadcast station; frequencies of 31100, 34600, 37600 and 40600 kc., on an experimental basis only, conditionally; 7.5 watts.
- NEW—South Carolina Broadcasting Co., Inc. (Charleston, S. C.), Portable-Mobile.—Granted C. P. for new experimental relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., on an experimental basis only, conditionally; 10 watts.
- KFDA—Amarillo Broadcasting Corp., Amarillo, Tex.—Granted modification of C. P. approving transmitter site and installation of vertical radiator, and authority to make changes in equipment.
- WBBR—Peoples Pulpit Assn., Brooklyn, N. Y.—Granted modification of license to change name of licensee from Peoples Pulpit Assn., to Watchtower Bible and Tract Society, Inc.
- KFGQ—Boone Biblical College, Boone, Ia.—Granted extension of special temporary authority to operate from 4 to 5 p. m., CST, on the following Wednesdays: April 5, 12, 19, 26, and May 3, in order to broadcast children's service.
- WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted extension of special temporary authority to operate simultaneously with station WBRB from 4:30 to 6:30 p. m., EST, on April 7, 14, 21 and 28, in order to broadcast special All Request Club sessions, including the Civic Bulletin Board and Music of Memory features.
- WMRO—Martin O'Brien, Aurora, Ill.—Granted special temporary authority to operate from local sunset (April, 6:30 p. m., CST), to 9 p. m., CST, on April 4, in order to broadcast election returns.
- WPG—City of Atlantic City, Atlantic City, N. J.—Granted extension of special temporary authority to operate from 3:15 to 4:30 p. m., EST, Sundays, April 16, 23, 30 and May 7, in



order to broadcast feature by the N. Y. Philharmonic Symphony Orchestra and a special religious talk by Rev. Coughlin, also to operate from 2 to 3 p. m., EST, Fridays, April 21, 28 and May 5 and 12, in order to broadcast programs consisting of Columbia Network features, including Irene Beasley and the American School of the Air.

**NEW**—City of New York, Municipal Broadcasting System, Portable-Mobile in area of New York City.—Construction permit for new relay broadcast station to be operated on 1622, 2058, 2150 and 2790 kc., 3 watts, A-3 emission.

**NEW**—City of New York, Municipal Broadcasting System, Portable-Mobile in area of New York City.—Construction permit for new relay broadcast station to be operated on 1622, 2058, 2150 and 2790 kc., 3 watts, A-3 emission.

**W8XKA**—Westinghouse Electric and Manufacturing Co., Pittsburgh, Penna.—Construction permit to move transmitter from Pittsburgh, Penna. to Springfield, Mass., install new transmitter, change frequency from 31600, 35600, 38600 and 41000 kc. to 42600 kc., increase power from 50 watts to 1 KW and change emission to special for frequency modulation.

**W9XXL**—Ashland Broadcasting Co., Ashland, Ky. (Portable-Mobile).—Construction permit for reinstatement of relay broadcast station (experimental) on 31100, 34600, 37600, 40600 kc., 10 watts, A-3 emission.

**WAVB**—Vee Bee Corporation, Portable-Mobile in area of Portsmouth, Ohio.—Modification of construction permit for new relay broadcast station requesting changes in equipment and reduce power from 35 watts to 25 watts.

**WNEI**—Indianapolis Power and Light Co., Portable-Mobile in area of Indianapolis, Ind.—Construction permit for new transmitter and reduce power from 1.5 watts to .15 watts.

**KAOE**—KFNF, Inc., Portable-Mobile in area of Shenandoah, Iowa.—License to cover construction permit for new relay broadcast station.

**KAOE**—KFNF, Inc., Portable-Mobile in area of Shenandoah, Iowa.—License to cover construction permit for new relay broadcast station.

**NEW**—The May Department Stores Co., Los Angeles, Calif.—Construction permit for new television station to be operated on 60000-86000 kc., power of 1 KW, A3 and A5 emission.

**NEW**—H. E. Studebaker, Portable-Mobile in area of Lewiston, Idaho.—Construction permit for new relay broadcast (experimental) station using the equipment of W7XDA on 31100, 34600, 37600 and 40600 kc., 7.5 watts power and A-3 emission.

**W6XAC**—Salt River Valley Broadcasting Co., Portable-Mobile in area of Phoenix, Ariz.—License to cover construction permit for new relay broadcast (experimental) station.

**WMPC**—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Granted extension of special temporary authority to operate from 9 to 10 a. m., EST, Monday, Tuesday, Wednesday, Thursday, Friday and Sunday mornings, for the period April 6 to May 5, in order to broadcast certain educational programs.

**WGBF**—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate simultaneously with station KFRU, with reduced power of 250 watts, from 7 to 7:45 p. m., CST, on April 5, in order to broadcast foreign program (Roy Howard reporting international situation).

**KFRU**—KFRU, Inc., Columbia, Mo.—To operate simultaneously with WGBF with reduced power of 250 watts from 7 to 7:45 p. m., CST, on April 5, in order to permit station WGBF to broadcast foreign program (Roy Howard reporting international situation), in Evansville.

**WJBO**—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted extension of special temporary authority to operate simultaneously with WTAW from 8 to 9 p. m., CST, the following Mondays, April 17 and 24, and May 1 and 8, in order to broadcast special programs from La. State Univ. and special addresses by the President and members of the faculty of that Univ.

**WHIO**—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted special temporary authority to rebroadcast in connection with special Army Day program, the transmission from Army aeroplanes flying over Wright Field at Dayton, using regular army communications equipment and frequencies from 3:15 to 3:30 p. m., EST, on April 6.

**So. Car. Broadcasting Co., Inc., Charleston, S. C.**—Granted special temporary authority to operate station W4XBK, the high frequency relay broadcast station licensed to station WIS, during the week beginning April 9, and ending in no event later than April 16, in order to pick up and rebroadcast

over WCSC, descriptions of Sail Boat Race Regatta and other features in connection with annual Azalea Festival.

**W1XOJ**—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to test the high frequency broadcast equipment of station W1XCJ authorized by modification of C. P., on frequency of 43000 kc., with power not to exceed 100 watts, for the period April 10 to May 9, for tuning and adjustment of the antenna elements which are now being assembled for erection atop 400 ft. mast.

## APPLICATIONS FILED AT FCC

### 550 Kilocycles

**KOAC**—Oregon State Agricultural College, Corvallis, Ore.—C. P. to install new transmitter and antenna; increase power from 1 KW to 5 KW; move transmitter from Physics Bldg., O. S. A. C., Corvallis, Ore., to near Corvallis, Ore. Amended to make changes in transmitting equipment and antenna, and move transmitter from Corvallis, Ore., to Granger, Ore.

### 570 Kilocycles

**WOSU**—Ohio State University, Columbus, Ohio.—Modification of license to increase power from 750 watts night, 1 KW day, to 1 KW day and night.

### 580 Kilocycles

**WIBW**—Topeka Broadcasting Association, Inc., Topeka, Kans.—License to cover construction permit as modified for new transmitter, move of transmitter and antenna changes.

### 720 Kilocycles

**WGN**—WGN, Inc., Chicago, Ill.—License to cover C. P. (B4-P-1856) as modified for equipment changes and move of transmitter and studio.

### 740 Kilocycles

**KMMJ**—KMMJ, Inc., Grand Island, Nebr.—License to cover construction permit as modified (B4-MP-730) for move of transmitter and studio.

### 880 Kilocycles

**WSUI**—The State University of Iowa, Iowa City, Iowa.—C. P. install new transmitter, directional antenna for day and night use; increase power from 500 watts, 1 KW LS, to 1 KW, 5 KW LS; move transmitter from Capitol and Washington Sts., Iowa City, Iowa, to Iowa City, Iowa. Amended: antenna changes.

### 1020 Kilocycles

**WDZ**—WDZ Broadcasting Co., Tuscola, Ill.—Modification of C. P. (B4-P-1928) for new equipment and increase in power, further requesting new transmitter, extend completion date 180 days after grant.

### 1110 Kilocycles

**WRVA**—Lerus & Brother Co., Inc., Richmond, Va.—License to use old W.E. D-94992 transmitter as an auxiliary transmitter for emergency use only.

### 1190 Kilocycles

**WATR**—The WATR Co., Inc., Waterbury, Conn.—License to cover construction permit for equipment changes, move of transmitter, change in frequency and power, and unlimited hours of operation, using directional antenna.

### 1200 Kilocycles

**WMFR**—Radio Station WMFR, Inc., High Point, N. C.—Construction permit to make changes in equipment.

**WMFR**—Radio Station WMFR, Inc., High Point, N. C.—Construction permit to make equipment changes and increase power from 100 watts to 100 watts night, 250 watts day.

**WABI**—Community Broadcasting Service, Bangor, Maine.—C. P. to install new transmitter, directional antenna for night use; change frequency from 1200 kc. to 560 kc.; increase power from 100 watts, 250 watts LS, to 1 KW.

### 1210 Kilocycles

- WCOV—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—Modifications of license to change hours of operation from daytime to unlimited, using 100 watts power.
- WRAL—Capitol Broadcasting Co., Raleigh, N. C.—License to cover C. P. (B3-P-1705) as modified for a new station.
- WGNV—Peter Goelet, Newburgh, N. Y.—License to cover C. P. (B1-P-1822) as modified for changes in frequency, hours of operation, increase in power, and equipment changes.
- WCOV—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—Voluntary assignment of C. P. to Capital Broadcasting Co., Inc. Amended to change to assignment of license.

### 1280 Kilocycles

- WTNJ—WOAX, Inc., Trenton, N. J.—Modification of license to increase day power from 500 watts to 1 KW.

### 1370 Kilocycles

- KAST—Astoria Broadcasting Co., Astoria, Ore.—License to cover C. P. (B5-P-1894) as modified for equipment changes, change in frequency, power and time, and move of transmitter.
- NEW—George Penn Foster, Maxwell Kelch, and Calvert Chas. Applegate, d/b as Las Vegas Broadcasting Co., Las Vegas, Nev.—Construction permit for new broadcast station to be operated on 1370 kc., 100 watts night, 250 watts day, unlimited time.

### 1410 Kilocycles

- NEW—The Mayflower Broadcasting Corporation, Boston, Mass.—C. P. for new station on 1410 kc., 500 watts, 1 KW LS, unlimited time, facilities of WAAB.

### 1420 Kilocycles

- NEW—E. B. Sturdivant, d/b as Silver Crest Theatres, Yuma, Ariz.—C. P. for new station on 1420 kc., 100 watts, S.H. (7 a. m. to 2 p. m., 6 p. m. to 10 p. m.).
- NEW—Samuel M. Emison, Vincennes, Ind.—Construction permit for new broadcast station to be operated on 1420 kc., 100 watts, unlimited time.
- WGNC—F. C. Todd, Gastonia, N. C.—License to cover C. P. (B3-P-1977) for a new station.

### 1440 Kilocycles

- WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Construction permit to install new transmitter and antenna, increase power from 1 KW to 1 KW night and 5 KW daytime, and move transmitter locally.

### 1480 Kilocycles

- KOME—Harry Schwartz, Tulsa, Okla.—Voluntary assignment of license to Oil Capitol Sales Corporation.

### 1500 Kilocycles

- KVWC—R. H. Nichols, W. H. Wright and Stewart Hatch, a partnership, d/b as The Northwestern Broadcasting Co., Vernon, Tex.—Construction permit to make changes in transmitting equipment and increase power from 100 watts to 100 watts night, 250 watts day.
- KNEL—G. L. Burns, Brady, Tex.—Modification of license to change hours of operation from daytime to unlimited, using 100 watts power night.

### MISCELLANEOUS

- WAOE—Martin R. O'Brien, Portable-Mobile in area of Aurora, Ill.—License to cover construction permit for new relay broadcast station.
- W9XEG—Martin R. O'Brien, Portable-Mobile in area of Aurora, Ill.—Modification of construction permit for new relay broadcast (experimental) station requesting changes in equipment.
- KBOL—Woodmen of the World Life Insurance Society, Portable-Mobile in area of Omaha, Nebr.—License to cover construction permit for new relay broadcast station.

- W4XD—WPTF Radio Co., Portable-Mobile in area of Raleigh, N. C.—Construction permit for changes in equipment and reduce operating power from 15 watts to 2 watts.
- W4XD—WPTF Radio Co., Portable-Mobile in area of Raleigh, N. C.—License to cover above construction permit (B3-PRE-248).

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

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

**Aero Industries Technical Institute, Inc.**, which conducts a vocational school in modern aircraft construction and allied fields, with its principal office and place of business in Los Angeles, is charged in a complaint with misrepresentation in advertising its home study or correspondence courses. (3750)

**Art China Company**—See Majestic China Company, Inc.

**Commonwealth Manufacturing Corporation**, 4208 Davis Lane, Cincinnati, manufacturer and distributor of welding machines, is charged in a complaint with misrepresentation in newspaper and other advertising matter of the character, utility and merit of its device.

The Aladdin welder, advertised as a 90-pound professional welding machine, is represented, the complaint alleges, as being capable of welding as strongly, durably and economically as machines costing \$2000 to \$3000. Among other representations of the respondent cited in the complaint are that the "Aladdin will pay for itself on the first few jobs you do with it" and that "With your Aladdin you can become a master welder, with a well paid trade, sure of steady employment anywhere." The complaint charges that these statements are deceptive and misleading. (3745)

**Danson Laboratories**—Dan M. Thompson, doing business as Danson Laboratories and Thompson Laboratories, 32 North State Street, Chicago, is charged in a complaint with misrepresentation in advertisements of "Danson Formula," an alleged sure cure for alcoholism. The complaint says that in advertisements in newspapers and elsewhere the respondent has represented that he conducts a laboratory and that the Danson Formula is a competent and effective treatment for alcoholism. The complaint alleges that these representations are false and misleading. (3752)

**Elmo, Inc.**—A complaint previously issued against Elmo, Incorporated, Philadelphia cosmetics manufacturer, and its sole distributor, Elmo Sales Corporation, has been amended.

The original complaint charged these corporations with violation of Section 2 (e) of the Robinson-Patman Act by furnishing the mercantile establishments of some of their purchasers at the respondents' expense with the services of demonstrators of the respondents' toilet preparations, without at the same time according services of the demonstrators to other purchasers on proportionately equal terms. These practices also constituted unfair competition in violation of Section 5 of the Federal Trade Commission Act, it was charged.

Under the amended complaint similar violations are charged, and in addition it is alleged that, in violation of the Federal Trade Commission Act, the respondents' plan of furnishing demonstrators is deceptive to the public and has a tendency to lend itself to misrepresentation of competitors' products and the substitution



of the respondents' products therefor in sales, and to place in the hands of unscrupulous dealers an instrumentality for fraud and deception.

The amended complaint points out that personnel furnished to merchants by the respondents are able to stress the merits of the respondents' products as against competing preparations and that they depend solely for continuance in employment upon adequate sales of the respondents' products. Buyers relying on the expert advice of the demonstrators are unaware that they are employed not by the merchants in whose stores they appear but by the respondent cosmetic companies, it is alleged. (2974)

**Elmo Sales Corporation**—See Elmo, Inc.

**J. C. Field & Son**—See Progress Tailoring Company.

**Hershey Creamery Company**—See Illinois Baking Corporation.

**Kastar Specialty Manufacturing Company, Inc.**, 510 Sixth Avenue, New York City, is charged in a complaint with misrepresentation. In advertisements and other printed matter the corporation, which sells and distributes automobile accessories and specialties, allegedly represents itself as being a manufacturer of the articles it distributes. The complaint charges that the merchandise is made and manufactured in plants and factories neither owned nor controlled by the respondent. (3746)

**Lambert Pharmacal Company**, St. Louis, is charged with violation of the Robinson-Patman Act in connection with the sale of Listerine and allied products under a complaint.

To certain favored customers the respondent is alleged to allow percentage rebates based on monthly purchases, in addition to regular trade discounts granted all customers. It is alleged that such favored customers in turn furnish the respondent with advertising, selling or warehousing facilities and place orders for a minimum amount of Lambert products.

It is alleged that the rebates are not allowed to the respondent company's other competing customers on proportionally equal terms, and that this violates Section 2 (d) of the Act which prohibits payments to or for the benefit of customers of anything of value as compensation for services or facilities furnished by or through such customers in connection with the processing or sale of commodities manufactured or sold unless the payments are made on proportionally equal terms to all other competing customers. (3749)

**Majestic China Company, Inc.**, Art China Company, and Herman Siegel, Sigmund Gladstone and John Lindsey, sometimes known as Jack Lindsey, individually and as officers and employees of the Majestic China Company, Inc., and trading as Art China Company, and John H. Feinne, individually and as an officer of Majestic China Company, Inc., and trading as Windsor China Company, all of South Bend, Ind., are charged in a complaint issued with misrepresentation and with making disparaging statements concerning competitors.

Chinaware sold by respondents to retailers with sales stimulator plans, to be distributed by retailers as premiums, was falsely advertised and described as superior to that of competitors, according to the complaint. The respondents also, the complaint continued, falsely represented that they or some of them operated or controlled a pottery or factory located at Sebring, Ohio, and that Majestic China Company, Inc., maintained a branch warehouse at South Bend. (3748)

**Progress Tailoring Company**—A complaint has been issued charging Progress Tailoring Company, trading as J. C. Field & Son, Chicago, and four subsidiaries with misrepresentations in the sale of men's clothing.

Although allegedly advertising that they would give a free suit to agents who would sell their products, the respondents did not supply a suit free, according to the complaint, but required certain services and the sale of several suits before delivering the so-called free clothing. Such requirement was not disclosed in the initial advertisements, according to the complaint.

The four subsidiary companies are charged with falsely advertising that they are tailoring companies maintaining their own personnel, and three of the companies are alleged to exaggerate the extent of their businesses and to imply that they are manufacturers when in fact they are only sellers.

Progress Tailoring Company is alleged to misrepresent that it is exclusively a wholesale tailor. The complaint points out that this concern does not sell at wholesale or at a saving to the consumer of retailer costs and profits. (3747)

**Sommers & Company**—See Wholesale Dry Goods Institute, Inc.

**Superyarn Company**—Adolph Friedman, trading as Superyarn Company, located at 353 Grand St., New York, and engaged in the business of selling and distributing textile fabrics and knitting yarns, is charged in a complaint with falsely representing the constituent fiber or material of which the various products distributed by him are composed, by means of false representations on labels attached to his products and in various advertising matter, and by failure to disclose the rayon content of certain of his products. (3753)

**Thompson Laboratories**—See Danson Laboratories.

**Wholesale Dry Goods Institute, Inc.**, its officers, directors and members, with headquarters at 40 Worth Street, New York City, whose membership includes approximately 135 individuals, co-partnerships and corporations engaged in the wholesale distribution of dry goods, notions and kindred lines throughout the United States, is charged in a complaint with acts and practices tending to prevent competition and create a monopoly within the meaning of the Federal Trade Commission Act.

Henry S. Sommers of Sommers & Co., St. Paul, and Henry Matter and Jarrett H. Buys, of New York City, are officials of the Institute and its directorship includes executives of a score of prominent wholesale firms throughout the country. The Wholesale Dry Goods Institute was organized, the complaint alleges, for the ostensible purpose of improving trade practices within the wholesale field, furthering better trade relations between wholesalers and other elements of the textile industry, studying and adapting merchandising methods to new economic conditions, analyzing operating costs and allocating sales efforts.

It is alleged that the Institute and its members, under an agreement, combination and conspiracy, has prepared and distributed a directory containing the names of approximately 1400 individuals, co-partners and corporations, which the Institute considers meet its definition of wholesalers.

It is alleged that under the agreement the Institute from time to time has compiled a list of manufacturers of dry goods, notions and kindred merchandise in which all the manufacturers are classified. The highest classification is given those manufacturers who confine their sales to wholesalers; in the lowest grade are placed manufacturers who sell also to chain stores, syndicates and retail stores without maintaining any differential in price. This list, the complaint charges, is revised from time to time and manufacturers listed in it are reclassified according to their current selling policies. (3751)

**Windsor China Company**—See Majestic China Company, Inc.

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Aronson-Caplin Company**—Misrepresentation of the fabrics contained in women's garments is prohibited under an order to cease and desist issued against Aronson-Caplin Company, Inc., 148 Madison Avenue, New York.

In the sale of women's lingerie, including slips and nightgowns, the respondent is prohibited from using the term "pure dye" or other terms of similar meaning to designate fibers or fabrics or other products which are not composed wholly of unweighted silk, and from using the words "satin" or "taffeta" or others of similar



import to describe any fabric or product not made wholly of silk, unless the descriptive words are truthfully employed to designate the type of weave, construction or finish. In that case such words are to be qualified by explanations clearly describing the fibers or materials from which the fabric or product is made. (3649)

**W. H. Comstock, Ltd.**, whose principal office and place of business is in Brockville, Ontario, with a branch office in Morristown, N. Y., has been ordered to cease and desist from misrepresentations in the sale and distribution of Comstock's Dead Shot Worm Pellets and Comstock's N and B Liniment, medicinal preparations.

The respondent is ordered to cease representing that the worm pellets preparation is unfailing in its action in the treatment of worm infection and that the liniment preparation has a therapeutic value in the treatment of rheumatism, lumbago, or neuralgia, or that it has a therapeutic value in the treatment of chest colds or muscular pains of the human body other than as a counter-irritant for muscular pains due to minor conditions, such as excessive exercise or fatigue. (3650)

**Greater Chambers Company**—William W. Chambers, trading as The Greater Chambers Company, Washington, D. C., has been served with an order requiring him to cease and desist from misleading representations in the sale of caskets, vaults or undertaking facilities.

In the sale of these products, the respondent, it was found, represented that certain facilities and merchandise were furnished free; that he provided a \$500 funeral for \$265, a \$300 funeral for \$165 and a regular \$150 funeral for \$75, and that the prices charged for complete funerals represented a saving and discount to the purchaser.

It was also found that the respondent represented that burial vaults sold by him for \$85 were of \$150 value and were waterproof and airtight and would serve the purposes of a mausoleum because of the nature of their construction.

Findings are, however, that the respondent did not furnish any articles or facilities free, but the prices thereof were included in the prices charged on the purchase of a casket or other similar merchandise, and that the respondent did not furnish funerals of the value represented at a reduction in price because the prices charged were the usual, customary prices.

The order directs the respondent to discontinue representing as customary and usual certain prices and values which in fact are fictitious and greatly in excess of the regular prices; to cease advertising certain prices as constituting a saving or discount to the purchaser when in fact they are the usual prices, and to desist from employing the word "free" to designate articles or facilities regularly included in a combination offer with caskets or other similar merchandise. (3035)

**Hershey Creamery Company**—See Illinois Baking Corporation.

**Illinois Baking Corporation**, Chicago, and Hershey Creamery Company, Harrisburg, Pa., have been ordered to cease and desist from the use of lottery methods in connection with the sale of ice cream cones and frozen confections, respectively, to dealers or ultimate consumers.

Illinois Baking Corporation, it was found, manufactures ice cream cones which it sells to wholesalers and jobbers for resale to retailers. "Safe-T Cones" are shipped in packages containing 250 cones. With each package is enclosed a coupon on the corners of which are one of the letters in the words "Safe-T Cones." Retail dealers obtaining a collection of coupons, the letters on which spell the words "Safe-T Cones," receive from their jobber 1,000 additional cones without extra cost, according to findings.

Hershey Creamery Company, it was found, sells to dealers assortments consisting of several frozen confections known as "Fudgicle" and "Banjo," packed separately in paper bags and sold for 5 cents each. According to findings, the purchaser who receives a confection, the handle of which bears a concealed phrase, such as "Return this stick for free Fudgicle," receives an additional confection without extra cost. (3495-3700)

**Lanteen Laboratories, Inc.**—An order has been issued prohibiting misrepresentation in the sale of so-called feminine hygiene preparations and appliances. Respondents are Lanteen Labora-

tories, Inc., Lanteen Medical Laboratories, Inc., which also trades as Medical Bureau of Information, and Rufus Riddlesberger, who controls the business of the two Lanteen companies, all of Chicago.

Selling jellies, capsules, powders, liquids and diaphragms, under the general trade name of Lanteen, the respondents are directed to cease representing that any of their preparations or appliances, used alone or with other preparations or appliances, forms a competent preventative of ill health, has beneficial therapeutic value, or will prevent conception.

Under the order, these preparations and appliances are not to be represented as being tested and approved by an independent, non-profit organization devoted to scientific research on women's diseases and prevention of conception, or as being prepared, designed or approved by members of the medical profession, when these are not the facts. (3051)

**Medical Bureau of Information**—See Lanteen Laboratories, Inc.

**Traffic Inspectors Training Corporation**, Syracuse, N. Y., selling a correspondence course for persons who desire to become traffic inspectors or checkers, was served with an order prohibiting misleading representations in the sale of its course. Frank J. Kavanagh and Charles Van Buren, officers, are included as respondents.

Among representations prohibited are the assertions that trained men and women are constantly needed as traffic inspectors; that the field is new and uncrowded; that positions are guaranteed because of the respondents' connections with railroad companies; that the course can be completed in three months or less and that students can obtain jobs and earn salaries prior to completion of the course. (3562)

## STIPULATIONS

The Commission has entered into the following stipulations:

**American Landscape School**, Des Moines, Iowa, agreed to cease advertising that its course can be mastered by anyone; that it is the most complete authoritative or readable course on this subject and provides the shortest and surest way to success.

Under its stipulation, the respondent will no longer represent that students will receive personal or individual criticism, unless this is actually a fact, or that students will, after completing the course, be able to start in the landscape business as seasoned professionals.

Other misleading representations to be discontinued are that there is a big demand in this field for trained men and women, unless and until this is a fact; that the standards of the American Landscape School are accredited by authorities as the highest in the world and that the school provides the most liberal terms ever offered for nationally recognized training in landscape architecture. (02349)

**Amos Hosiery Mills**—Robert T. Amos, trading as Amos Hosiery Mills, High Point, N. C., agrees to cease using:

(1) As a stamp or brand for hosiery the designation "silk-rayon," alone or in conjunction with other words as purportedly descriptive of hosiery not composed throughout of such fibers or of hosiery the top, heel and toe of which are composed of other material. If the boot or leg is composed of a combination of rayon and silk, each in substantial quantity, but the top, heel and toe are made of other material and the words "rayon" and "silk" are employed to describe the rayon and silk content, they shall be arranged in the order of their predominance by weight and accompanied by suitable language clearly indicating that the designation does not apply to top, heel and toe.

(2) The word "wool" (a) in connection with the phrase "cotton and rayon" or other words as descriptive of hosiery not containing wool in substantial part, and (b) as descriptive of hosiery containing wool mixed with other fibers, when, due to over-emphasis of the word "wool," the tendency is to convey the impression that a greater proportion of that fiber is present than actually is the fact.



The stipulation provides that if the hosiery is composed of a mixture of fibers, as cotton and rayon, and of wool in a known amount of five per cent by weight or less, and the word "wool" is used to refer to such known wool content, then it shall be immediately accompanied by suitable disclosure of the amount of wool actually present and by the names of the other constituent fibers in the order of their predominance by weight, such as "cotton, rayon, and 3 per cent wool." (2328)

**Biovegetin Products, Inc.**, trading as V. M. Products, Chicago, Ill., agrees to desist from advertising that scientists agree that a few of the respondent's Vi-Donna Capsules are sufficient to supply the body's need for Vitamin E; that the product will prevent sterility and incapacity for reproduction and that it is manufactured by the respondent, unless, in the latter instance, the respondent actually owns, maintains or operates a factory wherein the preparation is made. (02348)

**Clark-Millner Company**, 450 West Superior St., Chicago, will discontinue advertising its product Hide-It as the original water-proof blemish cream, the respondent admitting that its preparation was not the first product of its kind to be marketed as a water-proof blemish cream. (02352)

**College of Intellectual Science**, Des Moines, Iowa, agreed to discontinue advertising that its instructions are new or startling or reveal hidden secrets; that they will enable students to use the forces of creation to realize their dreams or attain or insure success, master their own fates or shape their own futures. The respondent also agreed to discontinue unwarranted use of the name Edison in a manner implying that Thomas A. Edison was interested in the establishment of its course.

The use in its corporate or trade name of the word "College", either with or without the words "Intellectual Science", will be discontinued, under the stipulation, and the respondent will cease referring to its organization as a "correspondence school". The stipulation points out that the respondent's school has neither the curriculum nor the qualifications to be designated as a college nor is it a correspondence school. (2418)

**Cooper Wells & Co.**, St. Joseph, Mich., agrees to cease using:

(1) The word "silk" in any way to imply that its hosiery or the surface or any designated part thereof is made wholly of silk, when such is not a fact.

(2) The phrase "pure silk surface" so as to imply that hosiery has an ornamental facing or surface of pure silk over a fabric other than pure silk, when such is not a fact.

(3) The phrases "silk and rayon" or "rayon and silk" as descriptive of hosiery not composed throughout of the named fabrics, and the phrase "silk and rayon" in any manner implying that the silk content is equal to or greater than the rayon content, when such is not a fact. In a mixed fabric the fibers shall be named in the order of their predominance by weight.

(4) The words "silk", "rayon silk", or "silk and rayon" to describe hosiery not composed throughout of the named fibers, or hosiery the top, heel and toe of which are composed of other material. If the boot or leg is properly represented as "silk", "rayon and silk" or "silk and rayon", but the top, heel and toe are made of other material, the designating language shall clearly indicate the differentiation. (2322)

**Crescent Knitting Company**, Statesville, N. C., stipulates that it will discontinue employing:

(1) The names of designated fibers, as "cotton, rayon, silk", as being purportedly descriptive of products not composed throughout of all such fibers or as descriptive of hosiery the top, heel and toe of which are composed of other materials. If the boot or leg is properly represented as "cotton, rayon, silk", but the top, heel and toe are of other materials, then properly qualifying language is to be used.

(2) The word "wool" as descriptive of men's hosiery in a manner implying that it is composed entirely or in substantial part of that material, when such is not a fact. If the product has a known wool, rayon, or other fiber content of 5 per cent or less by weight, and the name of the fiber is used to describe such content, such name shall be accompanied by suitable disclosure of the amount of the fiber actually present in the article, as for example, "3 per cent wool", "5 per cent rayon". (2325)

**Mary Dunhill, Inc.**—See Lord & Taylor.

**Electric Razor Products, Inc.**, 6537 Russell St., Detroit, selling the Cadillac Electric Dry Shaver, stipulated that in its efforts to obtain agents to sell its product it will cease making unmodified representations or claims of earnings in excess of the average earnings of its active fulltime salespersons under normal business conditions, and will discontinue advertising that its razor is the lowest in price or is higher in quality than other makes, or that General Devices Company is a \$25,000,000 industry. (02347)

**Flexible Printing Company, Inc.**, 706 Sixth Ave., New York, in the sale of cards and stationery, stipulates that it will cease use in advertising matter of the words "engraved" or "engraving", alone or in connection with the word "process", in a manner implying that its products are made by engravers employing the process of producing impressions from inked, engraved plates, when this is not a fact. It is pointed out that the respondent's process comprises a powdering and heating application which produces a raised, glossy effect imitating plate engraving work. (2424)

**Franklin Tailoring Company**, trading also as Jackson Tailoring Company, 330 South Franklin St., Chicago, agreed to discontinue designating, describing or representing as "wool", "all wool", or "woolen" the principal fabrics (not including linings and fittings) used in the manufacture of men's clothing, when such fabrics are not composed wholly of wool, etc., or representing or describing as "wool", "all wool" or "woolen" any fabric made partly of wool and partly of cotton, silk, rayon, linen or any other fiber, unless the material is designated as "wool and cotton", "wool and silk", "wool and rayon", etc., in the order of the predominating fiber content. The respondent will also cease representing that certain of its suits are free to sales agents when in fact they are bought and paid for by services the agents perform. (02343)

**Healing Ministry**—Selling a correspondence course called The Christly Method of Healing, John Kegell and Jessie Kegell, of Asheville, N. C., who are in business under the name The Healing Ministry, have entered into a stipulation to cease misleading representations.

In the stipulation the respondents agree to cease representing that they possess or can impart to others the knowledge, training and power to heal and cure disease or injury or give immunity to bad luck; that the respondents can teach purchasers of their course to perform miracles; that either of them have extraordinary or unusual qualifications, authority or power such as to enable them to prevent bad luck or protect persons from all forms of evil, and that the respondents have authority to award diplomas, titles or degrees. (02346)

**H. I. Herzman, Inc.**, 325 West Adams St., Chicago, in the sale of handkerchiefs, will cease using on stationery and other printed or advertising matter the word "manufacturers" or the assertion "we manufacture" as descriptive of its business. The stipulation points out that the respondent company neither manufactures the products it sells nor owns or controls the plant in which they are made. The respondent also agrees to cease representing that it has a factory at Passaic, N. J., or maintains offices in Belfast or Brussels, in Puerto Rico or in Swatow, China, or elsewhere abroad, when this is not a fact. (2422)

**Homeland Tailors, Inc.**, 2500 East Ashland Ave., Baltimore, agreed to discontinue and has discontinued designating, describing or representing as "wool" or "worsted" the principal fabrics (not including linings and fittings) used in the manufacture of men's clothing, when such fabrics are not composed wholly of wool, etc., or representing or describing as "wool" or "worsted" any fabric made partly of wool and partly of cotton, silk, rayon, linen or any other fiber, unless the material is designated as "wool and cotton", "wool and silk", "wool and rayon", etc., in the order of the predominating fiber content. The respondent agreed also to cease and has ceased representing that it is a wholesale tailoring shop. (02355)

**Chas. L. Huisking & Co., Inc.**, 155 Varick St., New York, selling Vitamine Brand Cod Liver Oil High Hatchability Special, and Vitamine Brand Cod Liver Oil Natural, agrees to cease adver-



tising that its products have been endorsed by universities and agricultural experiment stations. The respondent admitted that they have not been so endorsed. Another representation to be discontinued is that it is imperative to feed cod liver oil to chickens, or that to do so will guarantee healthy egg-layers. (02353)

**Lord & Taylor**, a New York department store, and **Mary Dunhill, Inc.**, New York, distributors of cosmetics, agreed in advertising their cream products to cease using the word "nourishing" so as to imply that their preparations, applied locally to the skin, will nourish or feed it, when such is not a fact. **Mary Dunhill, Inc.**, agrees also to stop representing that use of its lotion and astringent products will correct acne or comprise a treatment for an acne condition of the skin, regardless of cause, and will discontinue printing on its labels the word "Paris" so as to imply that it has a Paris office, when such is not the fact. (2425 and 2426)

**Lovely Lady, Inc.**, 333 North Michigan Ave., Chicago, stipulated that **Lovely Lady Face Cream** will not be advertised as capable of penetrating or "revitalizing" the skin, of ending a "false face" powdery look, or of causing women to appear years younger. The respondent agreed also to discontinue representing that **Balmite** is a new or scientific product or the base of **Lovely Lady Face Powder**, the stipulation pointing out that it is not such and that **Balmite** is the trade name of a zinc soap. (02351)

**Peerless Hosiery Mills, Inc.**, Burlington, N. C., stipulates that it will desist from representing that its products are composed of fibers in any designated proportion, when such is not a fact, and agrees that in making disclosure of a mixed fiber content, each constituent fiber shall be named in the order of its predominance by weight, as, for example, "silk and wool", where the silk prevails.

The respondent agrees to cease using the phrase "genuine Irish linen reinforced" or any statement of similar meaning as descriptive of a product so as to imply that it is composed of linen or of a predominating linen fiber content reinforced by some other fiber, when such is not a fact.

The respondent further stipulates that it will desist from using the name of a fiber such as "rayon" as purportedly descriptive of men's hosiery not made throughout of that fiber or of hosiery the top, heel and toe of which are composed of other material. If the boot or leg is properly represented as "rayon", but the top, heel and toe are of other materials, then suitable qualifications shall be made. (2324)

**Pierce-Airo, Inc.**, 436 Lafayette St., New York, manufacturing and selling **DeWald** and **Motortone** radio sets, agreed to cease the use in printed matter of the words "Pierce-Airo", either alone or in connection with an arrow, or of any other phonetic or correct spelling of the words "Pierce Arrow" so as to mislead purchasers of its sets into believing that they have been made by **Pierce Arrow Motor Car Company**, Buffalo, when this is not a fact. The respondent also agreed to cease misstating the number of functioning tubes in its sets. (2428)

**M. Pressner & Company**—Max and Emanuel Pressner, trading as **M. Pressner & Co.**, 932 Broadway, New York, in the sale of sun glasses, agree to cease employing the phrases "Made in America" or "Made in America by American Workmen" in a manner implying that the products so advertised are composed entirely of American-made parts. The stipulation provides that if the sun glasses are composed only partially of American-made parts the phrase "Made in America" shall be accompanied by explanation that all the parts are not manufactured in this country. (2423)

**B & N Remedy Company**—Shirley L. DeArmond, trading as **B. & N. Remedy Co.**, Knoxville, Tenn., in selling a laxated herb compound called **B. & N. Tonic**, agrees to discontinue advertising the preparation as a competent treatment for dizzy spells, stomach

disorders, nervous dyspepsia and other ailments and to cease representing that the product is a tonic. The respondent admitted that his preparation is almost wholly a laxative and cannot be accurately described as a tonic. (02350)

**Reuben-Richards Company, Inc.**, Brooklyn, N. Y., has entered into a stipulation to desist from misrepresentation with regard to a coloring material for treating noodles to give them the appearance of containing more egg ingredient than is actually present.

Respondent agrees to cease distributing the preparation "**Richards Danish Vegetable Base—N—For Noodles**" for use in noodles or related products in such manner as to imply to prospective purchasers or the consuming public that they contain egg in greater proportion than is present, and to discontinue representing that all Federal and State Pure Food laws permit the use of the product. (2419)

**Rollins Hosiery Mills, Inc.**, Des Moines, Iowa, agrees to cease using in its catalogs, on labels and otherwise, the word "silk", alone or in connection with the phrase "pure thread" or with other words as descriptive of hosiery not composed of silk, or the phrase "silk and rayon" as descriptive of hosiery not composed throughout of a mixture of the named fibers, or of hosiery the top, heel and toe of which are composed of cotton or a material other than a mixture of silk and rayon.

The stipulation provides that if the leg or boot of the hosiery is properly represented as "silk", but the top, heel and toe are composed of other material, then the word "silk" shall be immediately accompanied by suitable phraseology in conspicuous type clearly indicating that such designation does not apply to the top, heel and toe. Also, when the words "silk and rayon" are accurately used to describe hosiery composed of such fibers, or any part thereof, the fibers shall be named in the order of their predominance by weight and with equal conspicuousness, as, for example, "rayon and silk", where the rayon predominates. (2321)

**Ruby's Cosmetic Laboratories**—James Benson and Ruby Allen Trimble, trading as **Ruby's Cosmetic Laboratories**, 1944 Jos. Campau Avenue, Detroit, agreed to cease advertising that **Ruby's Bleaching Cream** contains a vitamin and that due to this or any other content, the product locally applied will rejuvenate or vivify the skin, feed the underlying tissues or restore the firmness of youth. The respondents will cease representing **Ruby's Straightening Oil** or **Ruby's Scalp Food Compound** as being capable of increasing hair growth to any extent beyond natural growth and will discontinue use of the word "Laboratories" as part of their trade name, to imply that they operate or control laboratories, when such is not a fact. They will also cease asserting that their business is connected with a so-called beauty university. (2420)

**Three Dreams Laboratories, Inc.**, and **Glee B. Bryant**, its secretary and treasurer, 2111 Clinton Street, Detroit, agreed to stop representing that their products branded **Three Dreams** are efficacious for beauty troubles generally or will keep a person lovely all the time or bring love, romance or popularity to the user. Use of the word "hair grower" in a manner implying that the product will cause hair to grow, or to grow long or beautiful, will be discontinued. The respondents will cease employing the word "Laboratories" in their corporate or trade name or in any way which may deceive buyers into believing that they own or control the laboratory or plant in which their preparations are made or compounded, when this is not a fact. (2427)

**Varady, Inc.**, 427 West Randolph St., Chicago, will discontinue representing that any of its products, namely **Varady Oil of Youth**, **Varady Face Cream** and **Varady Face Powder**, constitute a cure for dry skin or permanently supply the skin with missing elements. The stipulation requires that the cream will not be advertised as capable of removing twice as much dirt as do all competing products or as being free from wax, and the respondent will discontinue asserting that any of its products eliminate wrinkles, regardless of cause, or will keep the skin young. (02356)



# FCC Assignments For April

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| <p>Duties of Commissioners, Secretary, and Chief Engineer of the FCC as allocated by Order No. 28, dated November 29, 1937, which provides "That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p><b>ASSIGNMENT FOR<br/>MONTH OF<br/>April</b></p> |
| <p>"All applications for aeronautical, aircraft, geophysical, motion picture, airport, aeronautical point to point, municipal and state police, marine relay, marine fire, and emergency and special emergency radio facilities.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p><b>Commissioner<br/>Eugene O. Sykes</b></p>      |
| <p>"All applications for licenses following construction which comply with the construction permit; applications for extensions of time within which to commence and complete construction; applications for construction permit and modification of construction permit involving only a change in equipment; applications to install frequency control; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for special temporary authorization; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter site; and applications for relay broadcast stations.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p><b>Commissioner<br/>Thad H. Brown</b></p>        |
| <p>"All radio matters of every character (except broadcast, operator licenses and amateur and ship stations) within the territory of Alaska.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p><b>Commissioner<br/>Paul A. Walker</b></p>       |
| <p>"All uncontested proceedings involved in the issuance of certificates of convenience and necessity; and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <p><b>Commissioner<br/>Norman S. Case</b></p>       |
| <p>"All matters arising in connection with the administration of tariff circulars of the Commission adopted pursuant to Section 203 of the Act, including the waiver of notice for the filing of tariffs.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p><b>Commissioner<br/>T. A. M. Craven</b></p>      |
| <p>"All matters arising under the Rules of Practice and Procedure of the Commission relating to withdrawals, dismissals, or defaults of applications or other proceedings, subject to the statutory right of appeal to the Commission; and to hear and determine all interlocutory motions, pleadings and related matters of procedure before the Commission.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p><b>Commissioner<br/>George Henry Payne</b></p>   |
| <p>"That the Secretary of the Federal Communications Commission is hereby authorized to determine, order, certify, report or otherwise act, with the advice of the General Counsel and the Chief Engineer, upon:</p> <ul style="list-style-type: none"> <li>(a) all applications for operator licenses, and</li> <li>(b) all applications for amateur and ship stations.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p><b>Secretary<br/>T. J. Slowie</b></p>            |
| <p>"That the Chief Engineer of the Federal Communications Commission is hereby authorized to determine upon all applications and requests, and to make appropriate order in letter form for the signature of the Secretary in the following matters:</p> <ul style="list-style-type: none"> <li>(a) operation without an approved frequency monitor;</li> <li>(b) operation without an approved modulation monitor;</li> <li>(c) operation without thermometer in automatic temperature control chamber;</li> <li>(d) operation without antenna ammeter, plate voltmeter or plate ammeter;</li> <li>(e) operation with substitute ammeter, plate voltmeter or plate ammeter;</li> <li>(f) operation with temporary antenna system;</li> <li>(g) operation with auxiliary transmitter as main transmitter;</li> <li>(h) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application;</li> <li>(i) where formal application is not required, application for new or modified equipment or antenna system;</li> <li>(j) where formal application is not required, change of specifications for painting and lighting of antenna towers;</li> <li>(k) operation to determine power by direct method during program test periods;</li> <li>(l) relocation of transmitter in the same building;</li> <li>(m) operation with reduced power or time under Rules 142 and 151;</li> <li>(n) approval of types of equipment;</li> <li>(o) where it appears that terms of construction permit have been complied with, authorization for equipment and program tests or extensions thereof;</li> <li>(p) denial of requests for equipment and program tests where specifications of construction permit have not been met;</li> <li>(q) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorization it appears that the terms of the construction permit have not been met;</li> <li>(r) extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission;</li> <li>(s) changes in equipment necessary to comply with technical requirements specified in authorizations, orders, rules or releases (except formal applications);</li> <li>(t) representations of compliance with technical requirements specified in authorizations, orders, rules or releases (except formal applications);</li> <li>(u) operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location."</li> </ul> | <p><b>Chief Engineer<br/>Ewell K. Jett</b></p>      |







## Neville Miller Opens Joint Campaign

The first joint campaign in radio history gets under way this Sunday afternoon, when Neville Miller, president of the NAB, and Bond Geddes, executive vice president of the RMA, are interviewed in a "preview" discussion on the Magic Key program. (NBC-Blue, 2-3 P.M., EST.)

Meetings between broadcasters, retailers and wholesalers have taken place in 125 cities, laying a solid foundation for this campaign of goodwill, designed to promote the best interests of American radio via radio.

In addition to special programs by stations and networks, scores of members have reported speaking engagements at luncheon meetings and civic clubs in their listening area. To assist speakers, Headquarters last week published manuscript of a twenty-five minute speech entitled "What A Free Radio Means to America". Ed Kirby, NAB Director of Public Relations, who is coordinating the NAB-RMA campaign, is scheduled to address the Women's Forum in New York City on April 21, on the same subject.

While the transcription series which will be furnished non-network stations is still in production, the networks announced a comprehensive list of programs supporting the campaign in many diverse program areas. All transcription services have pledged complete cooperation and special institutional copy will come to member stations with current library releases, destined to further the four objectives of the campaign. Affiliated stations are asked to give widespread local publicity to those network NAB-RMA programs. The schedule appears in another part of the REPORTS.

### FREE OFFERS

Several weeks ago, Metro-Goldwyn-Mayer sent broadcasters a script, intended to be read as news, in which the film firm stated that it was going to spend \$2,500,000 in advertising next season's pictures in newspapers, magazines, direct mail, billboards and trade journals. *Not a dime for radio.*

J. K. Kennelly, manager of Station KGCU, Mandan, North Dakota, addressed the following letter to M-G-M:

"This radio station is in receipt of continuity which is labeled 'Exclusive for Radio Broadcasting,' and in the first part of this eleven page story you state that two and one half million dollars will be spent in newspaper, magazine, direct-by-mail, billboards, and trade journals, but nothing about any radio advertising.

"Don't you think that the radio stations have been giving your industry plenty of free advertising, and you are still asking for more without giving them a break on some of the money that is to be spent.

"We are just a small station out here in North Dakota, but two of the owners of this station are interested in seven moving picture theatres, and I think that we have a right to express our opinion on this deal.

"Why don't you be fair with the radio stations and spend some of this two and one half million dollars with them in advertising?

"I would appreciate hearing from you on this matter."

Harry Maizlish, General Manager, KFWB, Warner Brothers station in Hollywood, has advised the NAB

(Continued on page 3414)



The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NA tional 2080

Neville Miller, *President*

Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel*; Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*

## FREE OFFERS

(Continued from page 3413)

that the Warner Brothers' transcription series entitled, "America Marches On," offered to broadcasters for free use, "is absolutely non-commercial."

"The purpose behind the program is to contrast the living conditions in our democracy with the conditions in Fascist ruled countries with a view toward preserving our democracy from the Fascist elements seeking to destroy it in this country," Mr. Maizlish added. "The programs have claimed some of the highest paid actors in the industry who have taken part in these programs voluntarily. The top-notch writers and producers have been responsible for its production and this radio series has, all in all, had the utmost cooperation from every studio in Hollywood \* \* \*

"There are no 'plugs' for Warner Brothers or for anyone else, included in the program."

The NAB has asked the Borden Company whether it thinks a few cans of Eagle Brand Milk are adequate compensation for advertising that brand in radio cooking schools, as the company has suggested.

The radio director of the Seventh World's Poultry Congress has been advised that the broadcasting industry will handle news of the Congress on the basis of merit but that "plugs" will have to be paid for.

Lucien Lelong, Inc., perfume manufacturer, and the Flower Industries Council, New York, tried to chisel a little free time just before Easter. The NAB has suggested to each that they undertake a regular radio advertising campaign. The same suggestion was made to G. and C. Merriam Company, Springfield, Massachusetts, publishers of Webster's dictionaries, who sent out a script plugging their publications under the guise of an audience participation game.

Radio Tradeways, Inc., Chicago, admits that its Father Flanagan "Made in Boys' Town" transcription series aims to get publicity for Father Flanagan's "worthwhile project" via the "free ride" route. Stations are free to sell this series.

At least one station has been approached by Coe, Guy and Walter, Inc., Chicago agency, with what amounts to a percentage proposition for the Skrudland Photo

Finishing Company and a straight percentage proposition for the Neverlift Company (iron rests).

The Gamble Stores, Inc., with headquarters in Minneapolis, has asked Middle Western stations to use a "bicycle safety" script which apparently is intended, among other things, to bring more bicycle riders to the store for new equipment. The NAB has advised the Gamble Stores that any station which thought a bicycle safety campaign would be in the public interest would arrange its program with the help of local police and needed no help from anyone commercially interested.

## "ABC" PRICE REDUCED FOR NAB-RMA CAMPAIGN

Because of the great demand created by the NAB-RMA campaign for extra copies of "The ABC of Radio," Headquarters is able to announce a drastic reduction in the cost of these. Members may now place their orders at the following reduced prices: For quantities in lots of 500 or more at seven cents (7¢) per copy; in lots of less than 500, at eight cents (8¢) per copy.

The fourth volume of the NAB News Review, dated April 17, is now ready for distribution. This booklet is published six times a year. The entire series of six is available at the following prices: 50 copies @ \$10.00; 100 copies @ \$19.00; 150 copies @ \$27.50; 200 copies @ \$36.00.

## Legal

### INTERNATIONAL COPYRIGHT UNION

The Senate Committee on Foreign Affairs has reported favorably without amendment United States adherence to the International Convention of the Copyright Union as revised and signed at Rome on June 2, 1928. This action was taken April 11, and the report has been placed on the executive calendar of the Senate. Ratification by the Senate automatically will bring under the copyright laws of the United States a large quantity of musical compositions which heretofore have not enjoyed copyright protection in this country. The State Department has been endeavoring to obtain ratification of the Convention for a number of years as a part of its foreign trade relations program, but heretofore the Senate has refused to ratify until amendments to the federal copyright law are passed which would bring the copyright law into conformity with the provisions of the International Convention. Because of the need for copyright legislation before adherence by the United States, the action of the Senate Foreign Relations Committee in rendering a favorable report was unexpected. The question is now before the Senate for action by that body.



## PRIZE CONTESTS

Senator Nye of North Dakota has introduced a bill (S. 2058) which would require publication or other suitable public announcement in connection with prize contests of the name of each winning contestant and the entries submitted by each such contestant. The bill does not refer to radio broadcasting by name but refers to advertisement of such contests in newspapers, magazines, periodicals or other publications transported in interstate or foreign commerce and then includes "any other facility or instrumentality of interstate or foreign commerce."

The bill provides that the publication or public announcement of the prize winner's name and the prize winning entry shall be "in such manner as is adequate for the information of the public." If the bill becomes law, prize contests in broadcasting programs will come within the provisions of the bill. The bill makes violation a misdemeanor.

## BILLS AFFECTING BROADCASTING

### CONGRESS

S. 2058 (Senator Nye, North Dakota) PRIZE CONTESTS—Requires publication of prize winners and the prize winning entry in all promotion contests carried on through the use of the mails or any facilities of interstate or foreign commerce. Referred to the Committee on Post Offices and Post Roads.

### STATE LEGISLATION

#### ARKANSAS:

H 592 (Smith) ADVERTISING—GIVING OF PRIZES—To amend Section one of Act No. 238 of the Acts of 1937, entitled: "An Act to regulate and tax the medium of business advertising of giving away prizes of money or other thing of value, designating duties of the Commissioner of Revenues hereunder and for other purposes. Referred to Revenue & Taxation Committee.

H 648 (Weisenberger) TAXATION—ADVERTISING—PRIZES—To give cities and towns the right to prohibit, regulate and/or tax the medium of business advertising by giving away prizes of money or other thing of value. Referred to Calendar Committee.

#### CALIFORNIA:

A 1796 (Burns) COSMETICS—To prevent the sale of adulterated, mislabeled or misbranded cosmetics and complexion soaps. Referred to Manufacturers Committee.

#### COLORADO:

H 576 (Dameron) MONOPOLISTIC ABUSE—A bill for an act in aid of the Federal copyright laws to assist in their enforcement . . . by removing and declaring illegal certain monopolistic abuses . . . practiced under the guise of copyrights . . . by price fixing combinations, monopolies and combinations in restraint of commerce and trade. Referred to Mercantile & Manufacturing Committee.

#### MICHIGAN:

S 422 (Flynn) SHORT WAVE RADIOS IN CARS—Relating to the operation of short wave radios in autos. Referred to State Affairs Committee.

#### MONTANA:

S 174 (Waldrop) DECEPTIVE ADVERTISING—Prohibiting and penalizing deceptive advertising. Referred to Judiciary Committee.

S 204 (Swertelle) LOTTERIES—Proposes to amend the Constitution as to lotteries. Referred to Constitutional Amendments Committee.

#### NEW YORK:

S 1850 (Phelps) TAXATION—Strikes out the five per cent tax on total gross receipts from boxing, sparring or wrestling exhibi-

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tions and substitutes a five per cent tax on the admission price of all tickets sold or otherwise disposed of and a five per cent tax on gross income from sale of broadcasting, motion picture and television rights. Referred to Finance Committee.

#### OHIO:

H 455 (Culp) MUSIC COPYRIGHT—Restricts the power of owners of copyrighted music over public entertainments by requiring copies of all contracts to be filed with the secretary of state. Referred to Codes Committee.

#### PENNSYLVANIA:

H 139 (Skale) PROPAGANDA—Making it a misdemeanor to disseminate, circulate, exhibit or publish, or to have in possession any matter, or to abet in any manner in inciting, promoting or advocating hatred, violence or hostility against any person or group by reason of race, color or religion. Referred to Judiciary General Committee.

S 495 (Bartlett) RADIO BROADCASTING—Amending Sections 3 and 4 of Act of December 1, 1938 to provide that contracts shall not be required for private wires used for radio broadcasting by any protective services or in interstate commerce. Referred to Public Utilities Committee.

#### VERMONT:

H 379 (Committee on Judiciary) COPYRIGHTS—Relating to copyrights and performance rights of musical compositions. It regulates the license therefor and levies a privilege tax. Referred to State Affairs Committee.

#### WISCONSIN:

A 308 (Siebert) ADVERTISING PRICE OF LIQUOR—Relating to advertising the price of liquor. To Excise & Fees Committee.

A 622 (Education Com.) BROADCASTING LICENSES—Relating to the improvement and operating of broadcasting facilities licensed to agents. Referred to Education Committee.

## DISTRICT MEETINGS SCHEDULED

District 1—Director, John Shepard, 3rd. May 11, studios of The Yankee Network, Boston, Massachusetts.

District 3—Director, Clair McCollough. April 21, 2 p. m., Benjamin Franklin Hotel, Philadelphia, Pennsylvania.

District 5—Director, W. Walter Tison. May 14 and 15, Ponte Verde Beach, Florida.

District 7—Director, Mark Ethridge. May 4, Cincinnati, Ohio.

District 11—Director, Earl Gammons. May 11 and 12, Rochester, Minnesota.

## NETWORK CAMPAIGN SCHEDULES

Following are the CBS, NBC and Mutual schedules, still incomplete, for the NAB-RMA campaign to sell radio

by radio, to start with "open house" in all member stations the week of April 17:

(All time Eastern Standard Time, unless after April 30—then Daylight Saving)

NAB—RMA Programs by the Columbia Broadcasting System.

April 17—2:30-3:00 P. M.—"Machines and Men—The Story of Radio"—Special broadcast of the American School of the Air.

April 17—10:30-11:00 P. M.—"It Seems That Radio Is Here to Stay"—An original script especially written for the NAB-RMA campaign by Norman Corwin; broadcast by the Columbia Workshop. (Another original script in promotion of American radio will be written by Mr. Corwin and produced by the Columbia Workshop in May.)

April 23—7:00-7:30 P. M.—"Radio and the Public Interest"—A round-table discussion between four outstanding Americans (names later), led by Lyman Bryson, on the People's Platform.

April 26—5:15-5:30 P. M.—"So You Want to Be a Radio Director?"—First in a series of adaptations to interview young people about radio and its work. Interviews by Earle McGill, CBS casting and production director, on "So You Want to Be . . .?"

May 1—5:45-6:00 P. M.—CBS has deliberately held back the announcement of the invention of a new television device by Dr. Peter C. Goldmark, CBS chief television engineer, for this program dedicated to the NAB-RMA campaign.

Also, announcement will be made of a synthetic reverberating machine, designed to produce concert-hall-like dimension to studio-produced musical programs. Gilbert Seldes, CBS television program director, will lead the interview and demonstration. The program is one of a series entitled "Adventures in Science."

May 28—3:00-4:00 P. M.—Howard Barlow and the CBS Symphony Orchestra, playing the prize-winning composition in the National Federation of Music Clubs contest, and with other works written especially for radio. Deems Taylor, commentator.

Additional CBS Cooperation: On "Highway to Health—Radio's Contribution to the National Health"; on "Of Books and Men"; on others in the series American School of the Air. Dates later. Deems Taylor speaking on "Music on the Radio."

*Note to CBS Affiliated Station Publicity Directors:*

These superb CBS programs deserve all the local build-up you can give them—n'est-ce pas?

NAB-RMA Programs by the National Broadcasting Company:

April 17—1:15 P. M.—NBC-Red—Judge J. M. Braude, head of the Boys' Court in Chicago, will outline the value of radio in preventing juvenile delinquency. Interviewed by Alma Kitchell on LET'S TALK IT OVER.

April 17—7:15 P. M.—NBC-Red—S. K. Ratcliffe, British lecturer, discusses part radio has played in international affairs. Subject: MEN OF THE HOUR IN ENGLAND.

April 17—7:30 P. M.—NBC-Red—A whimsical dramatization of the History of Radio: THE SPECTACULAR SPINKLE.

April 17—9:30 P. M.—NBC-Blue—Discussion of American radio, on the NATIONAL RADIO FORUM. (Names later.)

April 18—12 Noon—NBC-Blue—MEET THE ARTIST, conducted by Nellie Revell.

April 19—1:15 P. M.—NBC-Red—Laurice York Erskine, author of the NBC juvenile serial, "Renfrew of the Mounted," analyzes the value of radio for children. Interviewed by June Hynd on LET'S TALK IT OVER.

April 19—2:30 P. M.—NBC-Blue—American Radio and Its Programs—A Feature of the Women's National Radio Committee Annual Radio Award Luncheon.

April 19—5:00 P. M.—NBC-Blue—American Radio and "Be Kind to Animals Week," with Victor Moore, William Gaxton and Mrs. Richard Harkness, Jr.—How Radio Helps the ASPCA (American Society for Prevention of Cruelty to Animals).

April 21—6:05 P. M.—NBC-Blue—Radio and What It Means to American Women, on ALMA KITCHELL'S BRIEF CASE.

April 21—7:30 P. M.—NBC Blue—THE ABC OF NBC (Guest Relations Division—Radio City).

NBC advises that "this schedule by no means completes NBC's plans for the NAB-RMA year-round campaign. The National Farm and Home Hour will cooperate to the fullest, as will Nellie Revell's "Meet the Artist" program. NBC's Special Events De-

partment is planning a number of special features tied in with the campaign. Further details will be announced. \* \* \*

*Note to NBC Affiliated Station Publicity Directors:*

Let's tell the world—NBC is! Almost every day, the first week!

NAB-RMA Programs by the Mutual Broadcasting System (Incomplete).

April 20—8:30 P. M.—Demonstration of the improvement in broadcasting and reception equipment since 1922, through the use of filter mikes, on "Wallenstein Sinfonietta Program."

Intimate NAB-RMA tie-ups on programs of Gabriel Heatter, Uncle Don, Raymond Gram Swing, Ed Fitzgerald, John Gambling and Martha Deane.

Further dates and program titles on the way.

*Note to MBS Affiliated Station Publicity Directors:*

Here's Mutual—making another Mutual friend for radio. Let's help!

## SUMMER WORKSHOP

Dates and teaching staff for its 1939 Summer Radio Workshop have been announced by New York University. Courses will start July 5 and end August 12. The staff includes Douglas Coulter, Robert S. Emerson, Earle Lewis McGill and Max Wylie, all of CBS, and Philip Cohen, United States Office of Education.

## THOMPSON SWORN IN

Frederick I. Thompson of Alabama was sworn in as a member of the Federal Communications Commission on Thursday succeeding Judge Eugene O. Sykes who resigned April 5. Mr. Thompson will fill the unexpired term of Judge Sykes which ends July 1, 1941. The Senate confirmed Mr. Thompson last Saturday.

## Monopoly Hearing

APRIL 6

The commission continued to consider transcriptions. Albert A. Pulley, chief technical director of disc recording studios for RCA at Camden, N. J., the first witness, talked principally about the technicalities of recording. T. Kennedy Stevenson, president of Electrical Research Products, Inc., a Western Electric subsidiary, discussed patent licensing in the transcription business.

APRIL 11

John Shepard III, Yankee Network, and Samuel R. Rosenbaum, WFIL, at the commission's request, discussed network contracts. They agreed that the commission should keep hands off the relationship between networks and affiliates, and that networks and affiliates should try to work out problems that had arisen.

"I recognize that the public interest must be regarded, but I look with extreme disfavor upon any interference or actual substitution of government judgment for that of those who are operating the business, except as a last and necessary resort for the protection of the public interest," said Mr. Rosenbaum.

APRIL 12

Returning to transcriptions, the commission examined Emanuel J. Rosenberg, executive vice-president of the Transamerican Broadcasting and Television Corporation, New York, and Percy L. Deutsch, president of the World Broadcasting System, New York.



## FCC TELEVISION COMMITTEE MAKES A FIELD TRIP

Problems facing the Federal Communications Commission in its efforts to set up standards of production and transmission for the television industry, and to allocate wave-lengths for television broadcasting, were discussed Wednesday by the television committee of the commission in a press conference in the Hotel Ambassador.

T. A. M. Craven, chairman of the committee, explained that the group was "departing from ordinary procedure and going out into the field" to gather information on television for a report to the commission. The survey, he said, represented an attempt on the part of the government to "co-operate with private business enterprise in planning the development of a new art."

Other members of the committee are Thad H. Brown and Norman S. Case. They were accompanied by Andrew D. Ring, assistant chief engineer of the commission in charge of broadcasting; George B. Porter, assistant general counsel in charge of broadcasting, and William B. Brauer, patent counsel for the commission. The committee will confer with radio manufacturers and technicians here, and witness demonstrations of developments in the industry.

Development of television to a point where it is commercially practicable faces a three-part problem, Mr. Craven said, which embraces the manufacturing of apparatus, operating of television transmission stations, and regulation of the stations in the interest of the public. He said the National Association of Radio Manufacturers, including most of the firms interested in television, already had proposed standards for the industry which were being considered as part of the survey.

Mr. Craven explained that at present all commercial broadcasting was encompassed in a 1,000-kilocycle band ranging from 500 to 1,500 kilocycles, while each television station would require an individual band of 6,000 kilocycles. As the wave-lengths below 40,000 already are filled by aircraft, ship and other forms of radio transmission, television will have to find channels above that point. He said there was a potential field for various forms of radio transmission up to 300,000 kilocycles, and nineteen television bands had been tentatively set aside.

There are several types of television equipment, he said, and unless manufacturers adhered to some standards, some receivers could not receive television sent out by a different type of transmitter. He admitted that some manufacturers might face a loss of their investments if regulation of the industry forced them to abandon manufacturing types of equipment that did not meet certain standards.

Asked for a comment on censorship of the radio and whether television might not make censorship necessary

to prevent "Sally Rand" dances over the air, Mr. Craven said he could not comment on that. He said that personally he was against censorship, and Mr. Brown voiced agreement with him, explaining that any way, the act creating the F. C. C. strictly ruled out censorship.

Mr. Craven said he hoped the committee would have its report ready for the commission in a month.

## 769 STATIONS

The F. C. C. during March issued operating licenses to three new stations and granted construction permits for the construction of three new stations. The count of stations as of April 1st as compared with previous months is as follows:

|                                | Jan. 1 | Feb. 1 | Mar. 1 | Apr. 1 |
|--------------------------------|--------|--------|--------|--------|
| Operating Stations . . . . .   | 722    | 727    | 729    | 732    |
| Construction Permits . . . . . | 42     | 39     | 37     | 37     |
| Total . . . . .                | 764    | 766    | 766    | 769    |

## RADIO CENSUS

The Federal Communications Commission has designated the Chief Accountant to act as liaison officer with the Bureau of the Census in connection with the sixteenth decennial census, to obtain data with respect to the number of radiobroadcast receiving sets, to determine from the Federal licensing standpoint, the use of radio as an instrument of social significance, and problems of national defense.

## FCC ORDER ON ARGUMENT

An order has been issued by the Federal Communications Commission in connection with the proposed new rules governing broadcast stations by which application for oral argument must be filed within thirty days by those desiring to be heard in opposition to any of the rules. The official order is as follows:

IT APPEARING, that pursuant to Orders heretofore entered by the Commission dated April 6, 1938 (Minute No. 149-38) and April 27, 1938 (Mimeograph No. 26,877), the Committee of the Commission, composed of Commissioners Case, Chairman, Craven and Payne, has submitted its written report and recommendations in the above-entitled matter; that said Order of April 27, 1938, provided for the filing of exceptions and request for oral argument by the parties of record, in conformity with Rules 106.27 and 106.28; and

IT FURTHER APPEARING, that said rules have been repealed since the entry of said Order of April 27, 1938, and that the Commission is desirous of permitting the persons participating in the hearing to express their views on the Report of the Committee.

IT IS ORDERED, this seventh day of April, 1939, that a copy of the Report of the Committee herein be mailed to each party participating in the hearing, that each such party shall have the right to file exceptions to the report, together with a brief in support thereof if desired, and to request oral argument thereon at any time within a period of thirty days from the mailing by the Secretary of the Commission of the Report; if exceptions, brief or request for argument be filed, fifteen copies thereof shall be furnished the Commission.

## RULES POSTPONED

The FCC postponed to July 1, 1939, the effective date of the revised rules governing commercial radio operator licenses.

## FCC RULES ANALYSIS

The following preliminary analysis of the recommendations on the allocation of stations contained in report to FCC on proposed rules and standards was prepared by R. M. Wilmotte, acting NAB engineer:

The following analysis covers the subject of allocation as it is affected by the rules and standards recommended by the Committee to the FCC. Each class of station, as it exists at present, is treated separately. This analysis indicates the expected operation of the proposed rules and standards. For accurate wording the report itself as submitted to the FCC should be consulted.

### *Dominant Clear Channel Stations*

Included as clear channels are all the present clear channels, both those that are truly clear and those that may be duplicated for night-time operation, as well as the high power regionals. The allocation provides that 25 channels shall not be duplicated and that 19 may be duplicated. The frequencies that are recommended to remain clear and those that are recommended for duplication are listed in Rule 31.05.

In the rules and standards as originally proposed, provided for three classes of stations operating on clear channels. IA were to be truly clear and IB were to be duplicated, but given the same day-time protection as Class IA and night-time protection up to the 500 mv/m 50% sky wave contour. Because of the objections of several individual station licenses to an IB classification, the Committee recommends that all dominant clear channels be termed Class I stations. (See Rule 31.02 (1) ). The proposed operation of the stations, however, has not been changed, only the official classification has been changed.

The power recommended is 50 kilowatts for pure clear channel stations (See Rule 31.05 (a) ), and for dominant stations on a channel that may be duplicated, the maximum is 50 kilowatts and the minimum 10 kilowatts.

The Committee recommended against the use of powers in excess of 50 kilowatts at this time, largely on the basis of the possible social and economic consequences rather than on the basis of the engineering facts presented.

As far as service is concerned, pure clear channel stations will be protected from interference from stations in other countries up to the border of the United States, that is foreign stations operating on the same frequency will have to protect the border of the United States on these frequencies, so that a signal of 100 microvolts per meter during the day and of 500 microvolts per meter 50% of the time at night, would be free from objectionable interference. These stations are also to be protected from objectionable interference from stations on adjacent channels both day and night up to their 500 microvolt per meter day-time contour.

Class II stations are to be permitted to operate day-time or limited time on the same frequency as pure clear channel stations.

There may be more than one station operating on a clear channel that may be duplicated. These stations are to protect each other by directional antennas or other means at night and are also to be protected by other stations on the same channel up to their 500 microvolt per meter 50% of the time sky wave contour at night and their 100 microvolt per meter contour during the day. Stations on adjacent channels are to provide the same protection as for pure clear channel stations, that is up to the 500 microvolt per meter day-time contour both day and night.

Foreign stations, when the Havana agreement becomes effective, will have to protect the existing dominant clear channel stations operating on channels that may be duplicated, as would United States stations, but not beyond the borders of the United States.

In the first part of the report the Committee recommended that no duplication be carried out on the pure clear channels at this time until the possible improvements which may be available in a better use of regional and local station channels and of the 19 clear channels which were recommended to be shared station channels were exhausted.

### *Secondary Stations Operating on Clear Channels*

Secondary stations operating on clear channels are to be called Class II stations. Their power is limited to a minimum of 250 watts and a maximum of 50 kilowatts. On pure clear channels, they can operate only limited time, in most cases it is likely, though it is not stated in the report, that the time limit will be local sunset at the dominant station operating on the same frequency. They may be permitted to operate at night, however, on the clear channels that may be duplicated.

They must protect Class I stations to their 100 microvolt per meter contour during the day and their 500 microvolt per meter contour 50% of the time sky wave contours at night. They must also protect Class I stations on adjacent channels to their 500 microvolt per meter day contour both day and night.

As far as their own protection is concerned, they are not to be protected from interference from Class I stations, but it is recommended that they be so located that their service area be not limited by such interference to a signal contour greater than their 2.5 mv/m ground wave contour. They are to be protected to this contour at night by other classes of stations and to their 500 microvolt per meter ground wave contour by these other classes of stations during the day, both on the same and on adjacent channels. However, if a station happens to be limited to a contour in excess of these figures, there will be no obligation on the part of any other station to protect it beyond the contour to which it is limited.

These proposed rules and standards indicate that secondary stations on clear channels have an opportunity, if social and economic conditions require it, of increasing their power so as to give service to at least their 2.5 mv/m contour at night and at least their 500 microvolt per meter contour during the day. Those stations that operate on the clear channels that may be duplicated, have an opportunity also of operating at night, provided they protect the service areas of the dominant clear channel stations, using, if necessary, a properly designed directional antenna.

If their present service area is limited by interference to a signal greater than 2.5 mv/m at night or 500 microvolts per meter during the day, it may be worth while for them to seek greater protection by cooperation with other stations, in order to improve their service and qualify for a higher degree of protection from new applicants.

### *High Power Regional Channels*

The high power regional channels are recommended to become clear channels, which may be duplicated. Stations operating on these channels may be classified as Class I or Class II stations, depending on their operation and the degree of interference that they receive. The proposed rules for these stations have been discussed above.

### *Regional Channels*

Stations operating on regional channels are to be called Class III stations. The frequencies on which they may operate are given in rule 31.06. They are to be normally protected to their 500 microvolt per meter contour during the day. For the purpose of night protection, they are divided into two groups called IIIA and IIIB. Class IIIA stations are to be protected to the 2.5 mv/m ground wave contour, and Class IIIB stations to the 4 mv/m ground wave contour. Both classes may operate with power up to 5 kw. daytime, but Class IIIB stations may not operate with more than 1 kw. at night. The lower limits are 1 kw. for IIIA and .5 kw. for IIIB. Another way of expressing classification is that a regional station that gives service free from objectionable interference within its 2.5 mv/m contour is likely to be classified as a class IIIB station, and will be limited in power to 1 kw. at night, while a station whose service is free from interference beyond its 2.5 mv/m contour is likely to be classified as a Class IIIA station, and will qualify to apply for a power of 5 kw. unlimited time.

Regional stations will have to protect the service area of Class I stations. They will receive and give protection to all other classes of stations in accordance with the standards of protection corresponding to the particular classification of each.

If a regional station receives objectionable interference in excess of the normal protection for its particular classification, there will be no obligation for other stations to protect it beyond the contour to which it is limited.

The four special broadcast stations now operating on 1530 kc. and 1550 kc. with 20 kc. separation are classified as Class III. Under the Havana agreement the separation on these frequencies will be reduced to 10 kc.

While the proposed rules do not recommend a blanket increase in power for all regional stations, the first part of the report indicates clearly that many increases in power are contemplated. This report states ". . . it seems desirable that wherever possible, the Commission should attempt to secure better equalization of facilities in states and communities than exists at present by granting increases of power to regional and local classes of stations." It appears, however, from the proposed rules and standards that some of these increases will depend on the service area of the stations not being subject to interferences in excess of an amount



that would limit the service within their 2.5 mv/m contours. Regional stations should study, therefore, their present interference limitations. If they wish to qualify for a Class IIIA standing, and their limiting contour is in excess of 2.5 mv/m, they should endeavor to have their interference reduced. One method that has been advocated by a small group of stations since 1936 is for the regional stations operating at night on the same channel to cooperate in building directional antennas to protect each others' service areas.

According to the proposed rules and standards some regional stations should have much to gain by reducing their present interference by one means or another.

A Class IIIB station may be assigned to a channel available for this class, when a need therefore is shown, even though objectionable interference will be received to a field intensity contour greater than that specified as the normally protected contour for its class, provided that no objectionable interference will be caused by it to existing stations, and that the population residing in the area between the normally protected contour for its class and the contour for which interference will be received does not exceed 10% of the population of its actual primary service area. A Class IIIA station, however, cannot be so assigned, for if it is, it immediately falls to a IIIB classification.

A local station may be assigned on a clear channel, but in that case, the regional stations do not have to protect it, although it has to protect them.

#### Local Stations

Under the proposed rules, local stations are called Class IV stations. There are six local channels as at present; they are listed in rule 31.07.

Local stations may be permitted to operate with 100 watts or 250 watts. They will normally be protected to their 500 microvolt per meter contour during the day and 4 mv/m ground wave contour at night. On these channels, the separation required for day-time protection will also determine the night-time separation, apparently without consideration being given to the actual interference caused by the sky waves from other local stations operating on the same frequency. While this condition may appear at first sight to be arbitrary, it should be realized that a single local station cannot alone create by means of its sky wave objectionable interference up to a four millivolt per meter contour. It is true, however, that such a degree of interference may be produced by a group of local stations on the same frequency. The standards proposed do not appear to take this contingency into consideration.

While the report does not recommend a blanket increase of power to all local stations, in Part I it is made clear, as explained for regional stations, that many increases in power are contemplated. For this reason, local stations should study their present interference and the interference they cause. Those that are limited to a contour beyond the normal service may be able to qualify for an increase in power to 250 watts, both day and night, provided that increase does not cause interference to other stations, and the social and economic conditions justify it.

A Class IV station may be licensed to operate on a regional channel, but in that case, it must protect the Class III stations on the channel and can claim no protection from them. However, it is recommended that the Class IV stations be so located that the interference received will not be greater than to the 4.0 mv/m contour at night and the 500 microvolt per meter contour during the day. The assignment of a class IV station to a regional channel normally is not to be considered as making the best usage of the assignment and will be made only when it is shown among other things that

1. There are no other transmission facilities in the town or towns in the proposed service area.
2. There is no local channel assignment available for that area.
3. Adequate economic support is not available for a Class III station.
4. It is not practical from an engineering point of view to establish a Class III station and it would not prevent the establishment of any Class III station on that channel or an adjacent channel.

#### Allocation conditions applicable to all classes of stations

It is important for a full understanding of the proposed standards and rules to bear in mind that the class of any station is determined by the channel assignment, the power, and the field intensity contour to which it renders service free of interference from other

stations as determined by the standards. In other words, no station will be permitted to change to a class normally protected to a contour of less intensity than the contour to which the station renders interference free service; and any station of a class normally protected to a contour of less intensity than that to which the station actually renders interference free service will be automatically reclassified according to the class normally protected; the minimum consistent with its power and channel assignment. Likewise, any station to which the interference is reduced so that service is rendered to a contour normally protected to a higher class will be automatically changed to that class, if consistent with its power and channel assignment.

Without crossing interference boundaries which would thus reclassify a station automatically, it is possible for a station to be protected beyond the normally protected contour for its classification. When it is shown that primary service is rendered by any of the above classes of stations, beyond the normally protected contour, and when primary service to 90% of the population of the area between the normally protected contour and the contour to which such station actually serves, is not supplied by any other station or stations carrying the same general program service, the contour to which protection may be afforded in such cases will be determined from the individual merits of the case under consideration. Population appears to be the criterion, no weight being given to area, to qualify for such special protection.

It is seen from these standards of good engineering practice that it appears to be the intention of the committee to consider granting special protection to stations who qualify by being sufficiently protected from the interference of other stations. Those stations seeking to qualify for a higher classification or for special protection should, therefore, take steps to reduce the interference they suffer from other stations, by cooperative effort or other means.

In studying the allocation problems brought up by the proposed rules and standards, the full picture should include the effect of the Havana agreement, for it will be given weight in view of its being finally adopted. The Havana agreement opens all frequencies to all the nations providing only that certain interference conditions will be maintained. Existing Class II, III and IV stations will have to protect the service areas of the Class I stations allocated to Canada, Mexico, and Cuba, which may be duplicated, and the border of these countries, when the allocated channel is not to be duplicated. The same protection will be provided by foreign stations to Class I stations in the United States. New stations of other classifications will have to protect existing stations. The agreement will require many of the United States stations to shift their frequencies. The new allocation of channels has been given in the FCC mimeograph release No. 27905 and is reproduced in the report on page 36 of the Appendix I. The change in frequencies which will be required of United States stations was given in the FCC mimeograph release No. 27906 and is reproduced in Appendix XII of the report.

#### Primary Service

The signal for primary service is recommended to be a signal free from interference from other broadcast stations and also free from objectionable fading either in changing intensity or selective fading. The signal recommended for different types of areas is given in the following table. The last column gives the standards recommended in the seventh annual report of the Federal Radio Commission, which are the last figures officially recognized. These figures are given to show the change of standards recommended.

TABLE I  
Primary Service

| Area                                                                          | Recommended<br>in Report | Recommended<br>in 1933 |
|-------------------------------------------------------------------------------|--------------------------|------------------------|
| City, business or factory area                                                | 10 to 50 mv/m            | 10 to 25 mv/m          |
| City residential areas . . . . .                                              | 2 to 10                  | 2 to 5                 |
| Rural—all areas during winter<br>or northern areas during<br>summer . . . . . | 0.1 to 0.5               | 0.1 to 5               |
| Rural—southern areas during<br>summer . . . . .                               | 0.25 to 1.0              | 0.1 to 5               |

In determining the population of the primary service area, it is recommended that the following signal be considered as satisfactory to overcome man-made noise in towns of the population given.

TABLE II

Signal to Overcome Man-made Noise

| Population      | Field intensity ground wave |
|-----------------|-----------------------------|
| Up to 2,500     | 0.5 mv/m                    |
| 2,500 to 10,000 | 2.0 mv/m                    |
| 10,000 and up   | values given in Table I     |

Calculation of Interference

It has been the practice to date in presenting evidence before the FCC to assume that the limiting interference was equal to the greatest interference produced by any single station. A station producing nearly the same interference as another was not considered, therefore, to have any effect on the total interference. This practice was evidently incorrect.

The total interference produced according to the proposed stand-

ards is to be taken as equivalent to a single signal having an intensity equal to the root sum square of the interfering signals and no station thereafter assigned the channel should increase the root sum square value of the interfering field intensity above the normally protected contours specified for each class of station, with some important exceptions that are given in detail on page 7 of the appendix XVII of the report.

Summary of Interference and Service Standards

The report gives a summary tabulation of the recommended service and protection for each class of station. It is reproduced in Table III where there has been added a column to show the change from the existing standards based on the seventh annual report of the Federal Radio Commission, issued in 1933. High power regionals are not listed here. They were granted the same protection as regional stations, while under the proposed rules they are to be classified as class I or II.

TABLE III

Protected Service Contours and Permissible Interference Signals for Broadcast Stations

| Class of Station | Class of Channel used | Permissible Power              | Signal intensity contour of area protected from objectionable interference <sup>1</sup> |                                      | Permissible interfering signal on same channel <sup>2</sup> |                       | Boundary service recommended in 1933 |           |
|------------------|-----------------------|--------------------------------|-----------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------|-----------------------|--------------------------------------|-----------|
|                  |                       |                                | Day <sup>4</sup>                                                                        | Night                                | Day <sup>4</sup>                                            | Night <sup>5</sup>    | Day                                  | Night     |
|                  |                       |                                |                                                                                         |                                      |                                                             |                       |                                      |           |
| Ia               | Clear                 | 50 kw                          | SC 100 uv/m<br>AC 500 uv/m                                                              | Not duplicated                       | 5 uv/m                                                      | Not duplicated        | 100 uv/m                             | 500 uv/m  |
| Ib               | Clear                 | 10 kw to 50 kw                 | SC 100 uv/m<br>AC 500 uv/m                                                              | 500 uv/m (50% sky wave)              | 5 uv/m                                                      | 25 uv/m               | 100 uv/m                             | 500 uv/m  |
| II               | Clear                 | 0.25 kw to 50 kw               | 500 uv/m                                                                                | 2500 uv/m <sup>5</sup> (ground wave) | 25 uv/m                                                     | 125 uv/m <sup>5</sup> | —                                    | —         |
| III-A            | Regional              | 1 kw to 5 kw                   | 500 uv/m                                                                                | 2500 uv/m (ground wave)              | 25 uv/m                                                     | 125 uv/m              | 500 uv/m                             | 1000 uv/m |
| III-B            | Regional              | 0.5 to 1 kw night and 5 kw day | 500 uv/m                                                                                | 4000 uv/m (ground wave)              | 25 uv/m                                                     | 200 uv/m              | 500 uv/m                             | 1000 uv/m |
| IV               | Local <sup>6</sup>    | 0.1 kw to 0.25 kw              | 500 uv/m                                                                                | 4000 uv/m (ground wave)              | 25 uv/m                                                     | 200 uv/m              | 2000 uv/m                            | 2000 uv/m |

SC—Same channel

AC—Adjacent channel

The standard of interference for signals of the same frequency has not been changed in the proposed standards from the ratio of 20:1 of desired to undesired signal, but there is recommended a substantial change in the standards of interference from adjacent channels. Table IV gives the maximum ground wave of undesired station permissible under the proposed rules and Table V gives the ratio of desired to undesired signal under the proposed rules and for comparison according to the present standards.

TABLE IV

Adjacent Channel Interference

| Channel separation between desired and undesired stations | Maximum ground wave field intensity of undesired station |
|-----------------------------------------------------------|----------------------------------------------------------|
| 10 kc.                                                    | 0.25 mv/m                                                |
| 20 kc.                                                    | 5. 0 mv/m                                                |
| 30 kc.                                                    | 25. mv/m                                                 |

The undesired ground wave signal shall be determined at or within the 0.5 mv/m ground wave contour of the desired station. These values apply to all classes of stations both day and night and are based on ground waves which hold for an effective power up to 50 kw. Above this effective power, when an interfering sky wave signal for 10 per cent or more of the time exceeds five times the desired signal 10 kc. removed in frequency (or undesired exceeds 25 times the desired signal 20 kc. removed in frequency), interference will be produced. This may result from the use of a directional antenna and in such cases the interference shall be determined from the 10% sky wave of an interfering station to the normally protected ground wave or to a sky wave of a desired station, on the basis of a ratio of 1 to 5 (or 1 to 25 for 20 kc.) for desired signal to the undesired sky wave signal for 10 per cent or more of the time.

TABLE V

| Channel Separation | Ratio of Desired to Undesired Recommended in Report | Signal Present Standards |
|--------------------|-----------------------------------------------------|--------------------------|
| 10 kc.             | 2:1 ground wave <sup>7</sup><br>1:5 sky wave        | 2:1<br>2:1               |
| 20 kc.             | 1:10 ground wave<br>1:25 sky wave                   | 1:3<br>1:3               |
| 30 kc.             | 1:50                                                | 1:10                     |
| 40 kc. and above   | No restriction <sup>8</sup>                         | 1:30                     |

It will be seen that the proposed standards of interference are very different from existing ones. A notable variation is the difference in interference standards for day and night operation. The existing standards were based on a certain ratio between the ground waves during the day and the same ratio with the interfering sky waves at night. In the proposed standards the ground wave is the only one that need be considered as a source of adjacent channel interference because the ratio of interference at night has been made so high, that sky waves will seldom reach such values on the basis of the average sky wave curve of the FCC which is recommended for the calculations of sky waves.

<sup>1</sup> When it is shown that primary service is rendered by any of the above classes of stations, beyond the normally protected contour, and when primary service to 90% of the population of the area between the normally protected contour and the contour to which such station actually serves, is not supplied by any other station or stations, the contour to which protection may be afforded in such cases will be determined from the individual merits of the case under consideration. When a station is already limited by interference from other stations to a contour of higher value than that normally protected for its class, this contour shall be the established standard for such station with respect to interference from all other stations.

<sup>2</sup> For adjacent channels see Table II.

<sup>3</sup> Sky wave field intensity for 10% or more of the time.

<sup>4</sup> Ground wave.

<sup>5</sup> These values are with respect to interference from all stations except class Ib, which stations may cause interference to a field intensity contour of higher value. However, it is recommended that class II stations be so located that the interference received from class Ib stations will not exceed these values. If the class II stations are limited by class Ib stations to higher values then such values shall be the established standard with respect to protection from all other stations.

<sup>6</sup> Class IV stations may also be assigned to regional channels according to Rule 31.09.

<sup>7</sup> This ratio of desired to undesired signal is not based on the characteristics of the average receiver but upon what the characteristics of an ideal receiver would be which would permit high fidelity reception of a station in the high fidelity primary service area (primary area where no interference would be caused to a receiver responding faithfully to a band 15 kc. wide or 7.5 kc. audio response). The ratio of desired to undesired (1 to 5 and 1 to 25) for interference from a sky wave 10 and 20 kc. removed in frequency respectively is based on the characteristics of most good receivers placed in operation since 1936 and operated as most listeners adjust variable selectivity receivers where the signal is one millivolt or less.

<sup>8</sup> Two stations, one with a frequency twice that of the other, should not be assigned in the same primary service area unless special precautions are taken to avoid interference from the second harmonic of the lower frequency.



## Conclusion

There has been much thought and work given by the Committee to the report, but whatever is done, the influence of the proposed rules on the allocation of stations will depend on their interpretation and applications. In this connection, special attention should perhaps be paid to a portion of part I of the report on the flexibility of the rules. It reads as follows:

"Another consideration of importance is the close association between the rules and the standards of good engineering practice and the degree of flexibility permitted in applying them to conform with practicalities. This degree of flexibility has definite advantages, in that it permits the application of modern developments to the solution of current broadcasting problems as they occur. However, it places an additional responsibility upon the Commission to adhere basically to sound engineering principles."

Flexibility was possible under the existing rules and it does not appear to have been brought out clearly in what way the proposed standards are to be applied to be flexible. One might consider the ideal condition of presenting the engineers with the problem of serving a certain community or a number of such communities with a certain degree of service, at a cost not to exceed a given amount. At the present time the engineer fits a station as best he can into the field strength contours that meet with standards of service and interference, but which may or may not fit with the market area to be served. Flexibility, if properly applied, may assist in that direction. Partly in line with this thought is a recommendation contained also in the first part of the report, which gives priority for increased facilities to certain communities and stations as follows:

(1) Communities having no radio stations and capable of supporting same.

(2) Communities having existing stations with inadequate technical facilities to serve properly the population therein.

(3) Communities having an adequate number of radio stations and capable of supporting additions without detriment to resultant service.

(4) Existing stations at a competitive disadvantage with other stations in the community by reason of inadequate technical facilities.

An analysis of the other engineering features of the report is being prepared and is expected to be ready for publication in next week's bulletin.

# FEDERAL COMMUNICATIONS COMMISSION

## DECISIONS OF COMMISSION

The Federal Communications Commission has granted the application of the McComb Broadcasting Corporation for a new station at **McComb, Mississippi**, to operate on **1200 kilocycles**, 100 watts, daytime.

It was found by the Commission that there is a public need in McComb for the broadcast service proposed and that the program service as outlined by the applicant is designed to serve the interests of the area. The Commission also stated that the operation of the proposed station will not cause objectionable interference.

The application of the Mountain Top Trans Radio Corporation for a construction permit for a new station at **Denver, Colorado**, to operate on **1310 kilocycles**, 100 watts night, 250 watts LS, unlimited time, was denied by the Commission.

"Satisfactory evidence has not been presented," stated the Commission in its decision, "on behalf of the applicant that its president and principal stockholder is a citizen of the United States and that it is legally qualified to be the licensee of a radio broadcast station, as required by Section 310 of the Communications Act of 1934, as amended."

The Commission denied the application of Radio Enterprises, Inc., for a construction permit for a new station at **Victoria, Texas**, to use **1310 kilocycles**, 100 watts night, 250 watts LS, unlimited time.

The Commission stated in its decision that the "applicant is not financially qualified to construct and operate the proposed station." It is pointed out in the decision that the Commission has held all along that the applicant must have available or have access to, "sufficient assets to finance the construction and reasonably extended initial operation of the station."

The Commission has granted the application of the Citizens Voice and Air Show for a new station at **Provo, Utah**, to use **1210 kilocycles**, 100 watts night, 250 watts day, unlimited time, and denied the application of the Provo Broadcasting Company for a construction permit at Provo to use the same facilities.

The Commission found in its decision that there is an existing public need for local broadcast service in the Provo area and that no objectionable interference would be involved by the granting of either application. The Commission stated that the station proposed by Citizens Voice and Air Show will "afford a more comprehensive and otherwise satisfactory service to residents in the area of Provo than the station proposed by Provo Broadcasting Company."

The Commission has granted the application for consent to transfer control of Golden Empire Broadcasting Company licensee, of Stations **KHSL, Chico, California**, and **KVCV, Redding, California**, to Ray McClung, Horace E. Thomas and Stanley R. Pratt, Jr.

The Commission found in its decision that the Golden Empire Broadcasting Company is in all ways qualified to continue the operation of the station and the present service of the stations is meritorious but that the service under the proposed new ownership "will be broadened to include services not now rendered and to meet the needs of outlying areas." The Commission stated also that the technical equipment of the station will be improved so as to render more efficient service, and that "a higher grade personnel will be employed and the licensee will be under the control of stockholders who are financially able to make the improvements contemplated."

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases beginning the week of April 17. They are subject to change.

Tuesday, April 18

- WJBW—Charles C. Carlson, New Orleans, La.—Renewal of license, 1200 kc., 100 watts, shares WBNO.  
 WJBW—Charles C. Carlson, New Orleans, La.—Modification of license, 1200 kc., 100 watts, unlimited time. Present assignment: 1200 kc., 100 watts, shares WBNO.  
 WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, 1210 kc., 100 watts, unlimited time.

Further Hearing

- NEW—Spartanburg Advertising Co., Spartanburg, S. C.—C. P., 1370 kc., 100 watts, 250 watts LS, unlimited time.

Thursday, April 20

- WAGA—Liberty Broadcasting Co. (Assignor), Liberty Broadcasting Corp. (Assignee), Atlanta, Ga.—Voluntary assignment of license, 1450 kc., 500 watts, 1 KW LS, unlimited time.

### FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings. They are subject to change.

May 17

- KRKO—Lee E. Mudgett, Everett, Wash.—Renewal of license, 1370 kc., 50 watts, shares KEEN.  
 KRKO—Lee E. Mudgett, Everett, Wash.—C. P., 1370 kc., 100 watts, 250 watts LS, unlimited time. Present assignment: 1370 kc., 50 watts, shares KEEN.  
 KRKO—Lee E. Mudgett, Everett, Wash.—Voluntary assignment of license to The Everett Broadcasting Co., Inc. (Assignee); 1370 kc., 50 watts, shares KEEN.  
 NEW—Cascade Broadcasting Co., Inc., Everett, Wash.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time.

June 6

- KUSD—University of South Dakota, Vermillion, S. Dak.—Renewal of license, 890 kc., 500 watts, 500 watts LS, shares KFNF.  
 WNBC—State Broadcasting Corp., New Britain, Conn.—Modification of license, 1380 kc., 1 KW, unlimited time (DA). Present assignment: 1380 kc., 250 watts, 1 KW LS, unlimited time (DA).

June 20

- WGBF—Evansville on the Air, Inc., Evansville, Ind.—C. P., 1250 kc., 1 KW, 5 KW LS, unlimited time (DA night). Present assignment: 630 kc., 500 watts, 1 KW LS, simultaneous day, shares KFRU night.  
 KFRU—KFRU, Inc., Columbia, Mo.—C. P., 1370 kc., 100 watts, 250 watts LS, unlimited time. Present assignment: 630 kc., 500 watts, 1 KW LS, simultaneous day, shares WGBF night.  
 KXOK—Star-Times Publishing Co., St. Louis, Mo.—C. P., 630 kc., 1 KW, 5 KW LS, unlimited time (DA night). Present assignment: 1250 kc., 1 KW, unlimited time (DA night).

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

- WDEV—Lloyd E. Squire and Wm. G. Ricker, d/b as Radio Station WDEV, Waterbury, Vt.—Granted involuntary assignment of license for WDEV from Charles B. Adams, Adm. of

Harry C. Whitehill Estate and Executor of Mary M. Whitehill Estate, to Lloyd E. Squire and William G. Ricker, d/b as Radio Station WDEV.

- WHK—The Radio Air Service Corp., Cleveland, Ohio.—Granted extension of experimental authority to modulate the signals of regular broadcast station WHK with facsimile between the hours of 1 and 6 a. m., EST, using 1 KW power, from May 1 to November 1, 1939.  
 KFBK—McClatchy Broadcasting Co., Sacramento, Calif.—Granted extension of experimental authority to modulate the signals of regular broadcast station KFBK with facsimile between 12 midnight and 6 a. m., PST, using 10 KW, for the period ending November 1, 1939.

### DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

- WSUI—The State University of Iowa, Iowa City, Iowa.—Application for C. P. to move transmitter site locally, approximately 2 miles from present site; install new equipment and directional antenna; and increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day, employing DA for both day and nighttime operation. Application designated for hearing to determine if interference might result to existing stations, and because pending applications from Iowa involve increase in service.  
 KRLH—Clarence Scharbauer, Midland, Tex.—Application for C. P. to make changes in transmitting equipment and increase power and time of operation from 100 watts daytime to 100 watts night, 250 watts day, unlimited time. Application designated for hearing to determine if interference might result to existing station KRBC.  
 KOAC—Oregon State Agricultural College, Corvallis, Ore.—Application for C. P. to move transmitter site locally from Physics Bldg. to Granger, Ore.; install new equipment and vertical radiator; and increase power from 1 to 5 KW. (To be heard before the Commission.) Application designated for hearing because the request violates Rule No. 120, and to determine the question of interference which might result.

### RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

- KDFN, Casper, Wyo.; KELA, Chehalis, Wash.; KGB, San Diego, Calif.; KG CX, Wolf Point, Mont.; KGNC, Amarillo, Tex.; KGNF, North Platte, Nebr.; KLPM, Minot, N. Dak.; KOY, Phoenix, Ariz.; KRIS, Corpus Christi, Tex.; KSCJ and auxiliary, Sioux City, Iowa; KSTP, St. Paul, Minn.; KSO, Des Moines, Iowa; KWK, St. Louis, Mo.; WAGA, Atlanta, Ga.; WBBR, Brooklyn, N. Y.; WBIG, Greensboro, N. C.; WFBL, Syracuse, N. Y.; WHAZ, Troy, N. Y.

The following stations were granted renewal of licenses for the period ending October 1, 1939:

- KFIO, Spokane, Wash.; WASH, Grand Rapids, Mich.; WNAC, Boston, Mass.; WOOD, Grand Rapids, Mich.; WXYZ, Detroit, Mich.  
 W8XE—Radio Air Service Corp., Cleveland, Ohio.—Granted renewal of facsimile broadcast (exp.) station license for the period ending March 1, 1940, subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.  
 W9XSP—Star-Times Publishing Co., St. Louis, Mo.—Granted renewal of facsimile broadcast (exp.) station license for the period ending March 1, 1940, subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.  
 W2XMN—Edwin H. Armstrong, near Alpine, N. J.—Granted renewal of high frequency broadcast (exp.) license for the period ending April 1, 1940, subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.  
 W2XOY—General Electric Co., Albany, N. Y.—Granted renewal of high frequency broadcast (exp.) license for the period ending April 1, 1940, subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.



- W9XPD—The Pulitzer Publishing Co., St. Louis, Mo.—Granted renewal of high frequency broadcast (exp.) license for the period ending April 1, 1940, subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.
- W8XNT—Radio Air Service Corp., Cleveland, Ohio.—Granted renewal of high frequency broadcast (exp.) license for the period ending April 1, 1940, subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.
- W9XOK—The Star-Times Publishing Co., St. Louis, Mo.—Granted renewal of high frequency broadcast (exp.) license for the period ending April 1, 1940, subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.
- W8XO—The Crosley Corp., Mason, Ohio.—Granted renewal of experimental broadcast station license for the period ending May 1, 1940, subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.
- W2XKI—National Broadcasting Co., Inc., New York; W10XF—Portable; W10XR—Portable-Mobile.—Granted renewal of experimental broadcast station license for the period ending May 1, 1940, subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.
- W4XFN—The National Life and Accident Ins. Co., Inc., Nashville, Tenn.—Granted renewal of experimental broadcast station license for the period ending May 1, 1940, subject to change or cancellation by the Commission at any time without advance notice or hearing.
- W1XEH—Travelers Broadcasting Service Corp., Avon, Conn.—Granted renewal of experimental broadcast station license for the period ending May 1, 1940, subject to change or cancellation by the Commission at any time without advance notice or hearing.
- W3XDD—Bell Telephone Labs., Inc., Whippany, N. J.—Present license for experimental broadcast station, expiring May 1, was extended upon a temporary basis only for the period ending June 1, 1939, pending determination upon application for renewal of license.
- W1XCS-W1XEV—Connecticut State College, Storrs, Conn.—Present license for experimental broadcast station, expiring May 1, was extended upon a temporary basis only for the period ending June 1, 1939, pending determination upon application for renewal of license.
- W2XBF—William G. H. Finch, New York City.—Present license for experimental broadcast station, expiring May 1, was extended upon a temporary basis only for the period ending June 1, 1939, pending determination upon application for renewal of license.

#### MISCELLANEOUS

- KOAN—The Pittsburg Broadcasting Co., Inc., Pittsburg, Kans.—Denied special temporary authority to operate from 5 to 6 a. m., CST, with power of 1 KW, during the month of April, in order to conduct experimental farm programs as outlined in applicant's request of March 20.
- W10XFZ—Don Lee Broadcasting System, Los Angeles, Calif.—Portable-Mobile.—Granted C. P. to make changes in equipment and reduce power in experimental relay broadcast station from 100 watts to 10 watts. Also granted license to cover C. P. upon an experimental basis only, conditionally.
- WDZ—WDZ Broadcasting Co., Tuscola, Ill.—Granted modification of C. P. to install new equipment and extend completion date to 180 days after grant.
- WGNC—F. C. Todd, Gastonia, N. C.—Granted license to cover C. P. authorizing a new station to operate on **1420 kc.**, with 100 watts night, 250 watts day, unlimited time.
- WRAL—Capitol Broadcasting Co., Inc., Raleigh, N. C.—Granted license to cover C. P. authorizing a new station to operate on **1210 kc.**, with 100 watts night, 250 watts day, unlimited time.
- W9XEG—Martin R. O'Brien (Aurora, Ill.), Portable-Mobile.—Granted modification of C. P. for changes in equipment in experimental relay broadcast station.
- WGN—WGN, Inc., Chicago, Ill.—Granted license to cover C. P. authorizing move of transmitter site locally, modification of present equipment, and installation of vertical radiator.
- WELI—City Broadcasting Corp., New Haven, Conn.—Granted modification of C. P. to move transmitter site locally to Benham Road and Paradise Ave., Hamden, Conn., and make changes in DA system for nighttime use only.
- WMOB—S. B. Quigley, Mobile, Ala.—Granted modification of C. P. for approval of transmitter and studio sites at 600 St. Louis St., and installation of vertical radiator.
- Columbia Broadcasting System, Inc., New York City.—Granted special temporary authority to transmit to station CMCK, Havana, Cuba, through the regular commercial facilities of RCA, a sustaining program scheduled on Columbia Network from 6 to 7 a. m. Sunday, April 9 (program will consist of an Easter sunrise service, featuring a special address from Pope Pius XII, originating in the Vatican in Rome).
- WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate from 9 to 11 a. m. and from 2 to 6 p. m., AST, on April 9, 16, 23, 30, in order to broadcast baseball games; from 10 p. m., April 8, to 1 a. m., April 9, in order to broadcast Mayaguez Country Club dance and religious services; from 9 to 11 a. m., AST, on April 7, in order to broadcast religious services from the Catholic Church. Also granted special temporary authority to operate from 2 to 6 p. m., AST, on April 6 and 7, in order to broadcast religious services from the Catholic Church; to operate from 9 to 11 a. m. and from 2 to 6 p. m., AST, on April 8, in order to broadcast religious services from Catholic Church.
- The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to originate and transmit play-by-play account of games between Boston National League hockey teams and Toronto, Canada, teams to be played in Boston on April 6, 9, 16 and 20, beginning at 9 p. m., EST, to station CKCL via American Tel. and Telg. lines.
- NEW—Harold H. Thoms, d/b as Asheville Daily News, Asheville, N. C.—The Commission modified its order in this case, effective April 3, so as to insert after the word "Granted" the following: "subject to the selection of a satisfactory transmitter site and compliance with Rules 131, 132 and 139 of the Commission, in which event the permittee herein shall file an application for modification of C. P. specifying the exact transmitter site and antenna system to be used and the make, type number, and approval number of the modulation monitor proposed to be employed, within two months after the above date. If for any reason such application cannot be submitted within the time allowed, an informal request for the extension of the time must be submitted stating the necessity therefor."
- KFVS—Hirsch Battery & Radio Co., Cape Girardeau, Mo.—Granted special temporary authority to operate from 5 to 6 a. m., CST, on April 9, in order to broadcast Easter sunrise services.
- KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Granted special temporary authority to operate from 6 a. m., CST, to local sunset (April 7 p. m. and May 7:30 p. m., CST), for a period not to exceed 30 days, in order to make additional measurements during daytime to complete final adjustments.
- WAIR—C. G. Hill, Geo. D. Walker and Susan H. Walker, Winston-Salem, N. C.—Granted special temporary authority to operate from 4:30 to 6 a. m., EST, on April 9, in order to broadcast Easter sunrise service of the Moravian Church.
- KOAC—Oregon State Agricultural College, Corvallis, Ore.—Granted petition for order to take depositions in re application of KOY for modification of license to change frequency and power.
- WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa.—Granted motion to set aside the action of the Secretary of March 25, 1939, in not accepting the appearance of WMT as a party respondent in re the application of The Gazette Co. for a new station at Cedar Rapids, Iowa.
- KMA—May Seed & Nursery Co., Shenandoah, Iowa.—Granted motion to dismiss without prejudice the application for C. P. to make changes in antenna and move studio and transmitter.
- WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Petition to intervene in the hearing on the application of W. B. Greenwald for a new station at Topeka was withdrawn by petitioner.
- NEW—M & M Broadcasting Co., Marinette, Wis.—Petition for decision in lieu of findings in re application for new station was referred to the Commission en banc for action.
- KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Granted petition to intervene in the hearing on the application of M. C. Reese for a new station in Phoenix, Ariz.



- NEW—M. C. Reese, Phoenix, Ariz.—Granted motion for order to take depositions in re application for new station to use **1220 kc.**, 100 watts, 250 watts LS, unlimited. Also granted petition to amend application with reference to transmitter site and retain hearing date (May 10th).
- WCNW—Arthur Fasje, Brooklyn, N. Y.—Granted petition to accept and consider amended application, requesting facilities of WWRL in addition to facilities of WMBQ.
- WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Granted petition to accept late filing of "Reply Brief of Brooklyn Broadcasting Corp." in opposition to "Reply Brief of Respondents," in re applications in dockets Nos. 1882, 1967 and 2039.
- NEW—W. B. Greenwald, Topeka, Kans.—Dismissed with prejudice application for C. P. to erect a new station at Topeka to use **1370 kc.**, 100 watts, 250 watts LS, unlimited time, which was scheduled for hearing on April 11.
- KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Granted motion for clarification of issues in re application for modification of license to change frequency and power.
- NEW—James Louis Bloom, Jr., Brooklyn, N. Y.—Denied as in cases of default applications for C. P.'s for two new special experimental stations, because applicant failed to file a written appearance.
- WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted special temporary authority to operate simultaneously with KYHS on **1060 kc.**, from 9 to 11 p. m., EST, on April 11, in order to broadcast political programs in connection with municipal primaries in Baltimore.
- KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted special temporary authority to conduct transmission tests on a frequency of **1622 kc.**, with power not to exceed 25 watts, in the vicinity of St. Paul, Minn., in order to test transmission from the site specified in application for relocation of KSTP transmitter, for a period not to exceed 2 weeks following date of authorization.
- WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Denied special temporary authority to operate from 8 to 10 p. m., EST, on April 21, in order to broadcast a special meeting of the local Junior Chamber of Commerce, including an address by the National President of Junior Chamber of Commerce.
- KFJM—University of North Dakota, Grand Forks, N. Dak.—Granted extension of special temporary authority to operate with increased power (from 500 watts to 1 KW) from 9 to 9:30 p. m., CST, on Wednesdays and Thursdays, on May 3 and 4, in order to broadcast educational talks as described in program attached to letter of January 5, 1939.
- WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted special temporary authority to operate from 8 to 9:30 p. m., CST, on April 19, in order to broadcast a meeting of the Dairymen's Parody League.
- WCBN—Columbia Broadcasting System, Inc., New York City.—Granted extension of special temporary authority to operate relay broadcast station WCBN, aboard the aircraft *Yankee Clipper*, owned by Pan American Airways Co., on frequencies **2400, 4800, 6430, 8655, 12862.5, 17310 and 23100 kc.**, in addition to the normal licensed frequencies, for the period April 19 to May 18, to relay broadcast special programs during flight of *Yankee Clipper* from Seattle to Alameda, Calif., to Port Washington, N. Y., to London and return, and to be broadcast over CBS.
- WWL—Loyola University, New Orleans, La.—Granted extension of special temporary authority to operate with power of 50 KW and a conventional antenna for the period April 16 to May 15, pending completion of equipment tests of directional antenna authorized in grant of October 25.
- KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Granted special temporary authority to rebroadcast over station KVI portions of the conversation between short-wave stations of the Rainier National Park Service, April 15 and 16, in connection with the Silver Skis Downhill Race.
- KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Granted special temporary authority to operate a portable-mobile radio telephone transmitter with a temporary antenna system, using power output not to exceed 100 watts (unmodulated carrier) on the frequency **1110 kc.**, at locations in and near Hot Springs, Ark., from 1 hour after sunrise and ending not later than 1 hour before sunset, for a period not to exceed 30 days, in order to make measurements and investigations for the purpose of ascertaining site at which to locate the transmitter of KTHS, which it is proposed to move.
- W2XMN—Edwin H. Armstrong, New York City.—Granted special temporary authority to rebroadcast the transmissions from experimental broadcast station W2XWC for the period ending no later than April 1, 1940.
- W2XUP—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted extension of special temporary authority to operate facsimile broadcast (experimental) station on frequency **25700 kc.** in lieu of normal licensed frequencies, for the period April 18 to May 17, pending definite arrangements to be made in the ultra high frequency bands.
- National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate experimental relay broadcast stations W2XF, W2XK, W3XEK, W3XPO, W3XPP, W6XDE, W6XDG, W8XUE, W8XB, W9XAP, W9XDV, W9XDW, W9XXD, W9XXG, W10XAH, W10XAI, W10XAK, W10XAM, W10XAN, W10XAP, W10XAX, W10SCG, W10XCH, W10XDX, W10XDY, W10XDZ, W10XEA, W10XEB, W10XED, W10XFO, W10XFR, W10XGC, W10XN, W10XV and W10XY, on the frequency **31.22 and 37.02 megacycles**, in lieu of present assignments **31.1 and 37.6 megacycles**, for the period April 20 to May 19, pending adjustment of relay broadcast frequency assignments above **30 megacycles** as contemplated by General Order No. 19.
- W8XBF—William G. H. Finch, New York City.—Granted extension of special temporary authority to operate experimental broadcast station W2XBF on frequency **42260 kc.**, in addition to the normal licensed frequencies for the period April 21 to May 20, pending definite arrangements to be made in the ultra high frequency bands.
- WTAR—WTAR Radio Corp., Norfolk, Va.—Granted extension of special temporary authority to operate with 5 KW power night, for the period April 12 to May 11, in order to overcome interference from Cuban station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency **780 kc.**, or reduces power so that additional interference is not involved. This authority is granted conditionally, subject to change or cancellation by the Commission at any time without advance notice or hearing, if, in its discretion, the need for such action arises.
- W2XMN—Edwin H. Armstrong, near Alpine, N. J.—Granted extension of special temporary authority to operate high frequency broadcast station W2XMN on frequency **42.8 megacycles**, power 40 KW, for the period April 15 to May 14, pending definite arrangements to be made in the ultra high frequency bands.
- W8XWJ—The Evening News Assn., Detroit, Mich.—Granted extension of special temporary authority to operate high frequency broadcast experimental station W8XWJ on the frequency **42060 kc.**, in addition to normal licensed frequencies for the period April 17 to May 16, pending definite arrangements to be made in the ultra high frequency bands.
- W2XDG—National Broadcasting Co., New York City.—Granted extension of special temporary authority to operate high frequency broadcast station on the frequency **38.65 megacycles**, pending definite arrangements to be made in the ultra high frequency bands, for the period April 19 to May 18.
- World Wide Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate two test transmitters for a period not to exceed 30 days, on 500 watts power, utilizing frequencies **15250 and 15130 kc.**, in order to test proposed transmitter locations for International Stations W1XAL and W1XAR.

## APPLICATIONS FILED AT FCC

### 620 Kilocycles

- KWFT—Wichita Broadcasting Co., Wichita Falls, Texas.—Modification of construction permit (B3-P-1471) for a new station, requesting changes in transmitting equipment, and move of transmitter from Block 27, Wichita County, Lake Wichita Road, Near Wichita Falls, Tex., to Resettlement Road, Wichita Falls, Texas, and specify studio site as 800 Eighth St., Wichita Falls, Texas, extend commencement and completion dates from 4-27-39 and 10-27-39 for 30 days after grant and 120 days thereafter.



### 680 Kilocycles

VLAW—Hildreth & Rogers Co., Lawrence, Mass.—Construction permit to make changes in equipment.

### 810 Kilocycles

VNYC—City of New York. Municipal Broadcasting System, New York, N. Y.—Modification of license to change hours of operation from daytime to specified hours (6 a. m. to 11 p. m., EST).

### 1100 Kilocycles

NEW—Atlantic City Broadcasting Co., Atlantic City, N. J.—Construction permit for new broadcast station to be operated on 1100 kc., 5 KW, share WBIL facilities WPG, contingent on WPG's move. Amended: To request specified hours.

### 1200 Kilocycles

VHBY—WHBY, Inc., Greenbay, Wisc.—Modification of construction permit (B4-P-2289) for move of transmitter, new transmitter and antenna, further requesting approval of antenna and approval of studio and transmitter site at 103 College Ave., Appleton, Wisc., changes in equipment.

NEW—M. C. Reese, Phoenix, Arizona.—Construction permit for a new station on 1200 kc., 100 watts, 250 watts day, unlimited time. Amended: Transmitter site to be determined, Phoenix, Arizona.

VENY—Elmira Star-Gazette, Inc., Elmira, N. Y.—Modification of construction permit (B1-P-1461) as modified for new station, to change hours of operation and power from 250 watts daytime operation to 100 watts night, 250 watts day, unlimited hours of operation; extend commencement and completion dates 60 and 180 days, respectively.

### 1210 Kilocycles

VPIV—Petersburg Newspaper Corp., Petersburg, Va.—Modification of construction permit (B2-P-1475) for a new station requesting approval of antenna, and approval of studio and transmitter sites at Wythe St., Petersburg, Va.

VJMC—Walter H. McGenty, Rice Lake, Wis.—License to cover construction permit (B4-P-1231) for new station.

### 1250 Kilocycles

VNEW—WODAAM Corp., New York, N. Y.—Modification of license to increase power from 1 KW night, 5 KW day, to 5 KW day and night.

### 1310 Kilocycles

NEW—Roy E. Martin, Opelika, Ala.—Construction permit to erect a new station to be operated on 1310 kc., 100 watts night, 250 watts day, unlimited time.

KWOS—Tribune Printing Co., Jefferson City, Mo.—Modification of license to increase power from 100 watts night, 250 watts day, to 250 watts day and night.

### 1370 Kilocycles

KRE—Central California Broadcasters, Inc., Berkeley, Calif.—Modification of license to increase night power from 100 watts to 250 watts.

### 1400 Kilocycles

VVFW—Paramount Broadcasting Corporation, Brooklyn, N. Y.—Modification of construction permit B1-P-918 as modified for equipment changes, requesting further equipment changes and extension of commencement and completion dates from 4-13-39 and 8-13-39 for 30 and 120 days, respectively.

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—License to cover construction permit (B1-P-2265) for changes in transmitter and antenna.

### 1420 Kilocycles

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—Voluntary assignment of license from The Coliseum Place Baptist Church to WBNO, Inc.

WCBS—WCBS, Inc., Springfield, Ill.—Construction permit to install a new transmitter, directional antenna for night use; change frequency from 1420 kc. to 1290 kc., power from 100 watts night, 250 watts day, to 500 watts night, 1 KW day; move transmitter to 3.5 miles southeast of city, Route 24, Springfield, Ill. Amended: antenna changes.

### 1500 Kilocycles

WCNW—Arthur Faske, Brooklyn, N. Y.—Modification of license to change specified hours to hours now used by WCNW plus all hours now used by Station WMBQ (requesting facilities of WMBQ). Amended to request unlimited time, and facilities of WWRL in addition to WMBQ's.

### MISCELLANEOUS

NEW—The Associated Broadcasters, Inc., Portable-Mobile—Construction permit for new relay broadcast (experimental) station on frequencies 38900, 39100, 39300, 39500 kc., power 2 watts, emission A3.

WIXAR—World Wide Broadcasting Corp., Norwood, Mass.—License to cover construction permit (B1-PIB-15) for new international broadcast station. (Section 8)

NEW—City of New York, Municipal Broadcasting System, New York, N. Y.—Construction permit for a new relay broadcast station on 1622, 2058, 2150, 2790 kc., 50 watts.

NEW—City of New York, Municipal Broadcasting System, New York, N. Y.—Construction permit for new relay broadcast station on 1622, 2058, 2790, 2150 kc., 50 watts.

NEW—The Louisville Times Co., Louisville, Ky.—Construction permit for a new facsimile station on 25700 kc., 500 watts, unlimited time. A3 and A4 emission, located at Ash Lane, 2½ miles N. E. of Eastwood, Ky.

NEW—The Louisville Times Co., Louisville, Ky.—Construction permit for a new relay broadcast station (low frequency) on 1646, 2090, 2190, 2830 kc., 50 watts power, A3 emission.

NEW—Gazette Printing Co., Janesville, Wisc.—Construction permit for new relay broadcast station (experimental) on 31100, 34600, 37600, 40600 kc., 10 watts, unlimited time, A-3 emission.

NEW—Gazette Printing Co., Janesville, Wisc.—Construction permit for new relay broadcast station (experimental) on 37600, 40600, 31100, 34600 kc., 10 watts, unlimited, A-3 emission.

WRDI—Northwestern Publishing Company, Danville, Ind.—License to cover construction permit for new low frequency relay broadcast station.

WIXLU—The Travelers Broadcasting Service Corp., Hartford, Conn.—Modification of license to change power from 5 watts to 0.2 watts and correct the maximum rated carrier output of transmitter.

WIXT—The Travelers Broadcasting Service Corp., Area, Connecticut—Modification of license to reduce operating power and correct maximum rated carrier power of transmitter to specify 25 watts instead of 100 watts.

NEW—Stromberg-Carlson Telephone Mfg. Co., Rochester, N. Y.—Construction permit for new high frequency broadcast station to be operated on 40300, 41200, 41600, 41800 kc., 2 kilowatts, unlimited time.

NEW—The Travelers Broadcasting Service Corp., Hartford, Conn.—Construction permit for new high frequency broadcast station on 43200 kc., 1000 watts, unlimited time.

W3XO—C. M. Jansky, Jr., and Stuart L. Bailey, doing business as Jansky & Bailey, vicinity of D. C.—Modification of construction permit (B1-PHB-45) as modified, to change transmitter and antenna, and frequency monitor, and extend completion date to 120 days after grant.

NEW—Allen B. DuMont Laboratories, Inc., Portable-Mobile.—Construction permit for a new television broadcast station on 60000-86000 kc., also 156000-162000 kc., 50 watts power, aural and visual. Emission A3 and A5.

W2XVT—Allen B. DuMont Laboratories, Inc., Passaic, N. J.—Construction permit for changes in equipment, add frequencies 60000-86000 kc., and increase aural and visual power to 5 KW.

NEW—Allen B. DuMont Laboratories, Inc., Manhattan, N. Y.—Construction permit for a new television broadcast station located at 515 Madison Ave., New York City, on frequency band 60000-86000 kc., aural and visual power of 1 KW, emission A3 and A5.

NEW—Allen B. DuMont, Washington, D. C.—Construction permit for a new television broadcast station located at 14th and F Sts., Washington, D. C., on 42000-56000, 60000-86000 kc., aural and visual power, 1 KW.

NEW—Kolorama Laboratories, Inc., Irvington, N. J.—Construction permit new television station on 2000-2100 kc., 500 watts power, visual only. A5 emission. Located at 168 Coit St., Irvington, N. J.

# FEDERAL TRADE COMMISSION ACTION

## COMPLAINTS

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

**Fels & Co.**, Philadelphia, manufacturer of soap chips, including "Fels Naptha Soap Chips," is charged with misleading representations in the sale of that product, in a complaint.

In its advertising literature and on containers, the respondent company is alleged to have advertised to the effect that "Fels Naptha Soap Chips" is a superior detergent because of its naptha content; that it contains a sufficient amount of naptha to enhance substantially its value and cleansing power, and that at the time it reaches the consumer it contains a sufficient amount of naptha to be effective.

The complaint alleges that these representations are exaggerated and misleading in that the product does not contain a sufficient amount of naptha to enhance its value and increase its cleansing power, and contains neither a sufficient amount of naptha nor of any other petroleum distillate to warrant its being labeled as a naptha product. (3755)

**Wyeth Chemical Company**, Jersey City, N. J., distributor of "Freezone" for removing corns and calluses, has been served with a complaint alleging misrepresentation in the sale of its product.

In newspaper and periodical advertising the respondent company is alleged to have represented directly and by implication that use of its preparation will cure corns and calluses and prevent formation and recurrence thereof, and will promptly stop the pain caused by corns and prevent its recurrence.

These representations are alleged to be false, misleading and untrue. The complaint charges that the preparation will not accomplish the results claimed, although it may have an analgesic effect and mitigate pain caused by corns.

In newspaper, periodical and radio advertising the respondent company is alleged to have represented directly and by implication that corns have roots, and that its preparation will remove such roots, will deaden pain caused by corns and prevent its recurrence, and that the entire corn can be removed by use of the fingers through one application of the preparation.

The complaint charges that in fact corns do not have roots, and that consequently the preparation will not remove roots. The complaint points out that while "Freezone" may have an analgesic effect and mitigate the pain, it will not deaden it and prevent recurrence. Neither can the entire corn be removed by use of the fingers through one application of Freezone, as it is necessary to make repeated applications and remove the cornified layers gradually by peeling off the tissue dissolved after each application of the preparation, according to the complaint. (3754)

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Charles Cluthe & Sons**—Frederick Cluthe, trading as Charles Cluthe & Sons, Bloomfield, N. J., and Charles Cluthe & Sons, a corporation, has been ordered to discontinue misleading representations in the sale of truss appliances.

Among representations found to have been made by the respondents in their advertising were that their product is a new kind of truss which will overcome rupture troubles and enable a

ruptured person to engage safely in the severest exercise and strain.

The respondents also were found to have represented that elastic or spring trusses manufactured by competitors are not adapted to the body.

These representations were found to be false and misleading in violation of the Federal Trade Commission Act and the respondents were ordered to cease and desist from making them. (3512)

**Idaho Candy Company**—Prohibiting the use of lottery methods in the sale of candy to the ultimate consumer, an order to cease and desist has been issued against Idaho Candy Company, Boise, Idaho.

The order prohibits sale and distribution of candy or other merchandise so packed and assembled that such sale is to be made or may be made by means of a lottery device.

The order also forbids placing in the hands of dealers assortments of candy or other merchandise which may be used without alteration of the contents to conduct a lottery, and the placing in the hands of dealers such assortments together with push cards, punch boards or other lottery devices. (3130)

**Karl Mayer Company**—See Allen B. Wrisley Company.

**Motor Equipment Specialty Company**—Prohibiting unfair representations in the sale of two devices for use in the upkeep of automobiles, an order to cease and desist has been issued against Hiram E. Barber, operating as Motor Equipment Specialty Company, Beaver City, Nebr. Barber sells the Mesco Fender Roller for removing dents and the Universal Wheel Check for adjusting wheel alignment.

In his efforts to obtain salesmen, Barber was found to have misrepresented the possibilities of earnings, the efficiency and merchantability of his products and the terms and conditions of sale.

The order forbids the representation of any specified sum as possible earnings or profits of salesmen or distributors for any given time which is not a true representation of the average net earnings consistently made by the respondent's full-time agents. It was found that none of the salesmen obtained by the respondent as a result of his advertising made earnings even approaching those achieved by certain individuals cited as examples. (3617)

**Real Soap Company**—See Allen B. Wrisley Company.

**Twentieth Century Business Builders, Inc.**—"Count the dot" and "count the block" sales promotion plans were the subject of a cease and desist order issued in which Twentieth Century Business Builders, Inc., a corporation, and Edwin I. Gordon, an individual, are respondents. Gordon is the general manager of the corporation, whose place of business is located at 917 Furniture Mart Building, Chicago.

Findings of the Commission are that the respondent, in connection with the plans, sells and distributes to retail merchants certain advertising mats which reproduce what is known to the trade as "count the dot" or "count the block" puzzles. The dots are superimposed upon photographs or reproductions of merchandise sold by merchants using the plan, and announcements are made that upon a given day the dealer or merchant will give, free of charge, to the person most closely approximating the number of dots or blocks in the picture, certain items of merchandise represented to be of a stated value.

It is further represented that the person submitting answers or solutions to such puzzles nearest the correct answer will receive vouchers or checks redeemable in the merchandise sold at the stores of the retail dealers. Representations are made that only a stated number of these vouchers and checks are issued by the retail merchant. (2774)

**Allen B. Wrisley Company**, and Allen B. Wrisley Distributing Company, also trading under the name of Regal Soap Company, both of 6801 West 65th St., Chicago, and Karl Mayer, George A. Wrisley and Wrisley B. Oleson, trading as Karl Mayer & Co., Merchandise Mart, Chicago, have been ordered to cease and



desist from misrepresentation of the olive oil content of soaps manufactured and distributed by them.

Among the brands of soap manufactured, labeled, wrapped and distributed by the respondents are Wrisley's Oliv-ilo, Wrisley's Oliv-skin, Royale Olive Oil Pure, Palm and Olive Oil Soap and Purito Olive Oil Castile.

Findings of the Commission are that these brands contain only 5 to 15 per cent olive oil or olive oil foots. Del Gloria Castile, another brand distributed by Karl Mayer & Co., contained 36 per cent olive oil prior to the Fall of 1936, and since that time approximately 51 per cent.

The respondents are ordered by the Commission to cease and desist from using the word "olive" or any combination of words of similar import to describe or in any way refer to soap, the oil or fatty content of which is not wholly olive oil, except that in the case of soap containing olive oil and other oils as the fatty content, the word "olive" may be used as descriptive of the olive oil content if there is used in immediate connection or conjunction with it, in letters of at least equal size and conspicuousness, words truthfully describing each constituent oil in the order of its predominance by volume, beginning with the largest single oil constituent. (3021)

## STIPULATIONS

The Commission has entered into the following stipulations:

**Richard Hudnut**, New York cosmetics corporation, has entered into a stipulation to cease misleading representations in advertising its products.

The respondent corporation agreed to discontinue advertising that any of its products will of itself affect the shape of the facial contour or will prevent or eliminate wrinkles and signs of age, regardless of cause; or that any of the respondent's products is a skin food or that use of any of these preparations will "banish" fatigue.

The respondent also agreed to cease representing that application of the principles involved in its recommended Beauty Angle Treatment will restore vitality to the skin, eliminate sallowness, bumps or blotches, or constitutes the natural way to achieve any given results, or is the only treatment by which the circulation is stimulated naturally. (02357)

**Magic Snap-On Dress Company, Inc.**—Two New York garment companies have entered into stipulations to cease misleading representations in the sale of women's popular priced dresses. They are Magic Snap-On Dress Co., Inc., 462 Seventh Ave., and Roselle Frocks Manufacturing Co., Inc., 1350 Broadway.

Each company sells dresses equipped with snap fasteners patented by another concern which licensed their use by the respondents. Each respondent agreed to cease using on tags or labels attached to or accompanying the dresses it sells, statements such as "Protected by patents granted," or assertions of similar meaning, the effect of which is to convey the belief that the products referred to are actually protected by virtue of existing granted patents, when this is not a fact. The respondents also agreed to discontinue use of the phrase "Protected by patents pending" or assertions of similar meaning, implying that a pending application for a patent affords protection to the applicant against infringement prior to issuance of a patent. The stipulations point out that the mere application for patents on garments does not warrant the implication of patent protection thereon. (2429-2430).

**J. V. Mulligan**, 1110 F St., N. W., Washington, D. C., dealer in class, school and fraternity jewelry, has entered into a stipulation to cease and desist from misrepresentation in the sale of his merchandise.

The respondent agrees to discontinue, in advertising or sales representations, or as a stamp, marking or label for his rings or other articles, use of the term "10-K," or words, phrases, statements or representations of similar import as descriptive of a ring or other article of which the gold content is other than 10 carats or better of fine gold throughout, and to cease guaranteeing or otherwise representing that an article offered for sale is of a specified quality, when he does not in fact replace inferior article thus sold with others that would meet the specifications stated. (2431)

**Pennsylvania Salt Manufacturing Co.**, 1000 Widener Building, Philadelphia, engaged in the sale of a flake or powder caustic designated Lewis' Lye, has entered into a stipulation to cease misleading representations in the sale of its product.

Among representations to be discontinued are that the respondent's lye is the best on the market; that it is "kind to your hands" or "safe for the most delicate fabrics"; that it can always be relied upon for satisfactory results; that it kills worm eggs, germs and bacteria, and, that when fed to hogs, it is a "general conditioner" or controls hog mange. (02358)

**Purina Mills**—See Ralston Purina Company.

**Ralston Purina Company**, trading as Purnia Mills, St. Louis, and Standard Chemical Manufacturing Company, Omaha, have entered into stipulations to discontinue misleading representations in the sale of feed products.

The St. Louis company agreed to cease representing that by feeding "Purina Sow and Pig Checkers" one will obtain more pigs per litter, when farrowed, or will have more pigs living at weaning time or will have pigs that will weigh more at any time, unless these representations are limited to cases where an unbalanced or deficient ration has theretofore been fed.

This company also agreed to desist from advertising that by feeding "Purina Chick Startena" one may be assured of healthy chicks, or chicks weighing more than if they had been fed other feeds, unless such claims are limited to cases where failure to get optimum results are due to improper feeding.

The respondent stipulated that it will cease representing that by feeding "Purina Cow Chows" one may under all conditions obtain more milk from dairy cows or be assured of any definite increase in milk production.

The Omaha company stipulated that it will cease advertising that feeding chickens its product "Egg O Day," will build health, stimulate egg glands, prolong productive life or make better hatching eggs, that the preparation is a tonic, or that by using a package of "Egg O Day," \$2 worth or any other quantity of extra eggs can be obtained. (02359-02960).

**Roselle Frocks Mfg. Company, Inc.**—See Magic Snap-On Dress Company, Inc.

**Standard Chemical Manufacturing Company**—See Ralston Purina Company.

**Universal Supply Company**—Trading as Universal Supply Company, G. R. Nagel, San Antonio, Tex., has entered into a stipulation to cease misleading representations in the sale of a plan for selling advertising space on laundry cards. Nagel agreed to stop advertising that under his plan no capital is needed. He admitted that an initial expenditure for printing is generally necessary. Nagel also agreed to discontinue misleading representations of possible earnings by purchasers of the plans he sells. (02361)







# The Week In Washington

Studiously avoiding the monopoly issue, the Supreme Court this week directed a district court in Florida to proceed with a case to determine whether that State's anti-ASCAP law was constitutional. At the same time the court decided that a similar case involving the State of Washington's law was not properly in the Federal Courts.

In a vigorous dissent, however, Justice Hugo Black, agreed with Florida's Attorney-General that ASCAP constitutes a price fixing monopoly in violation of Anti-Trust Laws and that the case should be dismissed. He strongly criticized the Court for refusing to throw out a suit brought by "a price fixing combination that actually wields the power of life and death over every business in Florida, and elsewhere, dependent upon copyrighted musical compositions for existence".

A Senate Interstate Commerce sub-committee favorably reported the Johnson (D-Col) Bill to ban both beer and liquor advertising on the air. Efforts to stop the bill in the full Committee are under way. Beer advertising accounted for \$1,268,638 of the broadcasting industry's revenue last year.

The FCC's hearing on network broadcasting, monopoly "and related matters" came to an end Wednesday after the Commission had taken seventy volumes of testimony and received 662 exhibits. The Commission Committee in charge of the hearing took under advisement a motion by Louis G. Caldwell, counsel for Mutual, that the Commission ban renewal of network contracts beyond December 31, 1940. Both CBS and NBC protested.

Reports to Headquarters indicated practically 100 per cent cooperation and excellent results in the "Open House Week" which started off the NAB-RMA campaign to promote the American System of Broadcasting.

## Legal

### U. S. SUPREME COURT DECIDES TWO ASCAP CASES

The United States Supreme Court, on Monday, April 17, rendered its long-delayed decisions on the technical point of jurisdiction of the federal court involved in the ASCAP suits against officials of the States of Florida and Washington. ASCAP had sued the officials of both states to enjoin them from enforcing the provisions of the respec-

tive state statutes enacted in 1937 which sought to curb price fixing activities of copyright pools.

The state officials in both cases moved to dismiss ASCAP's petition on the grounds that ASCAP failed to show the \$3,000.00 jurisdictional amount necessary to give the federal court jurisdiction of the cases. In the Florida case, the lower court determined that it had jurisdiction and granted a preliminary injunction, whereas the lower court in Washington determined that the jurisdictional amount was not established and therefore dismissed the suit. Appeals were taken to the United States

(Continued on page 3430)



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## U. S. SUPREME COURT DECIDES TWO ASCAP CASES

(Continued from page 3429)

Supreme Court by the Attorney General of Florida and by ASCAP in the respective cases. Incidental in the Florida appeal was the claim that ASCAP constituted a price fixing monopoly violating anti-trust laws and as such should not receive aid from a court of equity.

Although the majority of the court concluded in the Florida case that the jurisdictional amount had been established and therefore remanded the case to the lower court for the purpose of taking evidence, Mr. Justice Black, in a vigorous and powerful dissenting opinion, stated that ASCAP is "a price fixing combination that actually wields the power of life and death over every business in Florida, and elsewhere, dependent upon copyrighted musical compositions for existence. Such a monopolistic combination's power to fix prices is the power to destroy." He forcefully criticized the majority of the court for delaying a decision on ASCAP's illegal price fixing until after testimony is taken. He pointed out that a careful scrutiny of "appellee's bill for injunction reveals no allegations indicating that Florida's power to prohibit monopolistic price fixing would \* \* \* be altered by proof of any particular economic facts which are properly the subject of evidence and of findings," and further said:

"If the States have somehow lost their historic power to prohibit monopolistic price fixing combinations before presentation of evidence to a federal court, at what point in our history and in what manner did they lose it? The people have not exercised their exclusive authority, by Constitutional amendment, to strip the States of their power over price fixing combinations and thus raise monopoly above the traditional power of legislative bodies.

"It was expressly conceded at the bar that Florida had the Constitutional power to prohibit price fixing combinations unless the copyright laws limited this power. And, since argument of the present case, a decision rendered by us February 13, this year, made clear the principle that the copyright laws grant no immunity to copyright owners from statutes prohibiting monopolistic practices and agreements. We there declared that 'An agreement illegal (by statute) because it suppresses competition is not any less so because the competitive article is copyrighted.'" *Interstate Circuit, Inc., v. United States.*

Mr. Justice Black's opinion is important in the copyright problem and constitutes a landmark in that, for the first time in ASCAP's history, a judge unequivocally has held ASCAP to be an illegal price fixing combination violating anti-trust laws.

The majority opinion deals exclusively with the jurisdiction of the federal court, stating that other issues can be more satisfactorily disposed of upon final hearing. The basis for sustaining jurisdiction is that the members of ASCAP's "have a common and undivided interest in the matter in controversy" and that this is represented by the total license fees taken from the state. An analysis of the majority opinion discloses an apparently studied effort to avoid mention of the monopoly. It has been suggested that, if the court had not adopted this method but had followed Mr. Justice Black's opinion, it would have left on the statute books of Florida a statute which in many respects is considered by attorneys to be unconstitutional. These provisions are Section 2 and related sections, which provide that the purchaser of sheet music shall obtain for the price of the sheet music the right to perform that music publicly for profit for the duration of the copyright. It has been suggested that, since the Supreme Court could not pass upon the constitutionality of these sections in the present proceeding but must wait until such question is before it after final adjudication by the lower court, the majority recognized the irreparable damage which would be sustained by copyright owners and therefore avoided all reference to the monopoly. Attorneys say that support is given to this suggestion when the apparently studied care of the majority to avoid mention of monopoly or mention of any facts in the record which disclosed monopoly are considered in conjunction with Mr. Justice Black's forceful argument and the further fact that the decision normally would have been rendered in early February. It is said further support is found in Mr. Justice Black's statement that, even after the taking of testimony, there is nothing to indicate "that Florida's power to prohibit monopolistic price fixing would \* \* \* be altered" and his references to "suspension of the Florida statute until evidence is heard by the court." He pointed out that "Thus, while the law is suspended, these non-resident appellees can carry on a monopolistic business in Florida contrary to its prohibitions, and the people of Florida who must pay monopoly prices are granted no protection." Added significance may be drawn from the fact that, if the majority of the court had disagreed with Mr. Justice Black on the illegality of the ASCAP price fixing combination, they could have so stated. The monopoly issue definitely was before the court for consideration, and it has been suggested that, if the majority had believed ASCAP's price fixing was legal, they would not have avoided the question.

In discussing ASCAP's monopolistic price fixing, Mr. Justice Black said:

"Even according to the comparatively new judicial formula here applied, the only issue is whether 'novel . . . unique' or 'grave constitutional questions' are raised by the charge that these state officials will perform their sole duty under the Florida statute of prosecuting appellees for violations of the prohibitions against monopolistic price fixing. Paraphrasing this formula, the question here actually becomes: *When complainants charge in a Federal*



*Court of Equity that a State has passed, and its officers are about to enforce, a law against monopolistic price fixing, is there so much doubt about the power of the State to prohibit monopolistic price fixing that operation of the law must be enjoined and effect denied to it until evidence is heard by the Court?*

"Here, both the very bill upon which the injunction now approved was granted and affidavits of record establish beyond dispute appellees' flagrant violation of the Florida law by combining to fix prices. This combination apparently includes practically all (probably 95%) American and foreign copyright owners controlling rendition of copyrighted music for profit in the United States. *Not only does this combination fix prices through a self-perpetuating board of twenty-four directors, but its power over the business of musical rendition is so great that it can refuse to sell rights to single compositions, and can, and does require purchasers to take, at a monopolistically fixed annual fee, the entire repertory of all numbers controlled by the combination.* And these fees are not the same for like purchasers even in the same locality. Evidence shows that competing radio stations in the same city, operating on the same power and serving the same audience, are charged widely variant fees for identical performance rights, not because of competition, but by the exercise of monopoly power. Since it appears that music is an essential part of public entertainment for profit, radio stations or other businesses arbitrarily compelled to pay discriminatory fees are faced with price fixing practices that could destroy them, because the Society has a monopoly of practically all—if not completely all—available music. When consideration is also given to the fact that an arbitrarily fixed lower rate is granted to a favored station itself controlled by another instrument of public communication—a newspaper—the ultimate possibilities for control of the channels of public communication and information are apparent.

"*We have here a price fixing combination that actually wields the power of life and death over every business in Florida, and elsewhere, dependent upon copyrighted musical compositions for existence. Such a monopolistic combination's power to fix prices is the power to destroy.* Should a Court of Equity grant this combination the privilege of violating a State anti-monopoly law? (*Cont'l Wall Paper Co. v. Voight & Co.*, 212 U. S. 227, 262, affirming 148 Fed. 939, and others.) Does a State law prohibiting such a combination present 'grave constitutional questions?'

"It is my position that a State law prohibiting monopolistic price fixing in restraint of trade is not 'novel' and 'unique' and raises no 'grave constitutional questions.' *The constitutional right of the States to pass laws against monopolies should now be beyond possibility of controversy.* 'That State legislatures have the right . . . to prevent unlawful combinations to prevent competition and in restraint of trade, and to prohibit and punish monopolies, is not open to question,' (*Waters-Pierce Oil Co. v. Texas*, 212 U. S. 86, 107, and others) and few have challenged the power of State legislatures to ordain that 'competition not combination, should be the law of trade.' (*National Cotton Oil Co. v. Texas*, 197 U. S. 115, 129, and others.) Surely, there is presently no basis to doubt this power and to assert that its exercise raises 'grave constitutional questions.' As recently as 1937, this Court held that Porto Rico, with legislative powers not equal to, but 'nearly as extensive as those exercised by any State legislature,' could prohibit monopolistic price fixing as one of the 'rightful subjects of legislation' upon which legislatures act. (*Puerto Rico v. Shell Co.*, 302 U. S. 253, 260, 261.)"

In the Washington case, the majority of the Supreme Court concluded that the lower court should have heard evidence on the question of the jurisdictional amount at the time such evidence was offered by ASCAP. This offer was made after the lower court had filed its opinion, but before a decree was entered. The lower court did not refuse to accept the testimony on the grounds that the time had expired during which it should have been offered but based its refusal on the grounds that it was immaterial. Under these circumstances, the Supreme Court decided that error had been committed by the lower court and remanded the case for the taking of testimony on the jurisdictional amount.

The majority opinions in both the Florida and Washing-

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ton cases pointed out the distinction between the statutes in the respective states. The court found that the Florida statute prohibited ASCAP from doing business within the state and therefore was "prohibitory." On the other hand, it found that the Washington statute permitted ASCAP to do business provided license fees were on a per-piece basis and that this was merely regulatory.

## WOW LOSES APPEAL

The United States Court of Appeals for the District of Columbia on Monday, April 17, decided against WOW in its appeal from the decision of the Commission, granting the application of WKZO. In 1934 WKZO asked leave of the Commission to move its transmitter site, to change its equipment and power, and to change its hours of operation from daytime to unlimited time. Both stations operate on 590 kc.

The Court upheld the Commission, stating that a denial of the application would result in a "denial to the City of Kalamazoo of night radio service on a record which preponderantly shows that this can be had without resulting in objectionable interference to WOW or any other station."

## AMENDMENT TO COMMUNICATIONS ACT PROPOSED

A bill was introduced in Congress April 17th (H. R. 5791) and has been referred to the Interstate and Foreign Commerce Committee, which would amend the Communications Act by providing that it shall be unlawful to record a program without the consent of the performer or performers.

Violation of the provision is made punishable under Section 501, which provides for a fine of not more than \$10,000, or imprisonment for not more than two years, or both.

## BILLS AFFECTING BROADCASTING CONGRESS

H. R. 5791 (Mr. Schulte, Indiana) COMMUNICATIONS ACT—To prohibit recording for profit or gain any program without consent in writing of the performers. Referred to Interstate and Foreign Commerce Committee.

### STATE LEGISLATION

MICHIGAN:

S. 469 (Flynn) RADIOS IN CARS—Relating to the use of short wave radios in automobiles. Referred to State Affairs Committee.

PENNSYLVANIA:

S. 558 (Eroe) RADIO BROADCASTING STATIONS—Making it lawful for fifth class counties to erect and maintain radio broadcasting stations. Referred to County Government Committee.

### LIQUOR ADS

The Senate Committee on Interstate Commerce on Thursday ordered a favorable report on the Johnson (D-Colo) bill (S. 517) to ban beer and liquor advertising on the air.

Previous to this action a three-man subcommittee, made up of Senator Johnson, Senator Andrews (D-Fla) and Senator Gurney (R-SD), too favorable action over the protest of the NAB, the American Federation of Labor and others. Both the NAB and the A. F. of L. contended enactment of the bill would constitute an extremely dangerous precedent.

A decline in the amount of hard liquor advertising carried by broadcasting stations this year is indicated by returns to an NAB questionnaire. Revenue from this source for January and February was \$1,943 for nine stations. During the whole of 1938, 14 stations received \$23,202. Four hundred and thirty-eight stations answered the questionnaire. Beer accounts in 1938 were reported by 317 stations and accounted for \$1,268,638 revenue.

The indicated decline of hard liquor advertising during the first two months of 1939 is undoubtedly attributable to the NAB Board of Directors resolution of December 13, 1938, that "American broadcasting stations should not carry distilled spirits advertising."

A full report on returns to the questionnaire is being mailed to all stations which made returns.

## Proposed FCC Rules

In last week's reports, the analysis of the report of the Committee to the FCC on Proposed Rules Governing Standard Broadcast Stations and Standards of Good Engineering Practice covered those sections dealing with allocation. The present article covers the remaining engineering sections.

The sections not dealing with allocation cover in detail Rules and Standards on the construction and operation of broadcast equipment. These items are arranged and explained clearly in the report. Moreover, there are provided two appendices which list the changes of the proposed rules with those now in force (Appendix XI), and also the modification of the proposed rules from those originally proposed at the hearing of June 6, 1938 (Appendix X). It would be difficult to improve on the arrangement of the report to aid broadcasters in analyzing the effect upon them of the detailed changes proposed in the Rules. In the following analysis, therefore, only the more important features of the proposed rules and standards are considered. For the exact wording of the provisions discussed, the original report should be referred to.

Rule 31.03. Paragraph 3 of this Rule define a daytime station. According to this paragraph, daytime stations may operate between 6 a.m. and average monthly local sunset. The old rule used to make it permissible to operate "until sunset at the dominant station if further West than the daytime station."

Paragraph 2 of this rule, however, permits the operation of some stations until sunset at the dominant station, if that station is located to the West. This paragraph is applicable, however, only to "limited time" stations, which are Class II stations operating on clear channels only.

Rule 31.04 lists the requirements for a new broadcast station or for increase in the facilities of an existing station.

Paragraph 1 of this rule has been modified from that originally proposed. Originally, an authorization for a new station, or new facilities, was to be dependent on showing that "the proposed programs are of such standards as to provide a meritorious service, including such cultural programs as may be required, to the listening public; but there is a need for such service; and that the necessary program material is available to provide such service." In its report, the Committee deleted this section on the grounds that it might conceivably lead to Government censorship of program material.

Paragraph 5 of this rule originally had a section requiring that an applicant for a Class IV station be a resident in and be familiar with the needs of the community to be served. In the Committee's report, this section is deleted on the grounds that it is a matter to be determined by the Commission in the consideration of an individual case.

Rule 31.12 is a new rule which covers special experimental authorization. It specifies the showing which an applicant must make when petitioning for special experimental authorization in addition to the regular license. The requirements of this rule are quite detailed. There is one clause of special importance to those stations that finance part of their experimental work by advertising during the experimental period. This section prohibits the transmission of any commercial or sponsored program, or any commercial announcement during such time of operation. It goes even further by prohibiting additional charges to be made in case other additional facilities are made available for experimental purposes by reason of transmission of such facilities.

Rule 31.14. This rule gives the expiration date of licenses and states that the license period is to be for one year instead of six months, as it is at present.

Rule 32.05. This rule deals principally with the antennas to be used. Section (a) of this rule indicates that existing stations whose antennas do not meet the Proposed Standards of Good Engineering Practice will not have to change their structures when the rules come into effect, but if they ask for additional facilities, they will have to meet these Standards of Good Engineering Practice, if such facilities are granted.

Section (e) of this rule prohibits the use of a common antenna of two stations, unless both stations are licensed to the same licensee. At the hearing some objection was raised to this rule and a suggestion was made that the use of a single antenna by two licensees ought to be permitted when an agreement suitable to the FCC was made between the two stations, or when the two licensees were controlled by the same organization. In rejecting these suggestions, the Committee states that the rule is desirable from an administrative standpoint, and that it does not appear that an undue hardship is caused by the requirements of this rule.

Rule 33.04. This rule gives the formula for calculating the operating power by indirect measurement from the plate input power of the last radio stage. According to this rule, low power stations using this method of power measurement will have to reduce their output power. The basis is stated to be the increase of efficiency of modern equipment. The reduction in power, when the new rules would come into effect, for low power stations using the indirect method of measuring power is different in the report of the Committee from that originally proposed. The reductions are given in the following table:

*Reduction in input power required owing to increased efficiency of equipment for stations employing plate modulation in last stage.*

| <i>Maximum rated carrier power of transmitter</i> | <i>Originally proposed at hearing of June 6, 1938</i> | <i>Proposed in Committee's report</i> |
|---------------------------------------------------|-------------------------------------------------------|---------------------------------------|
| 100 watts                                         | 17%                                                   | 23%                                   |
| 250-1000 watts                                    | 8                                                     | 8                                     |
| 5000 watts & over                                 | 7                                                     | 7                                     |

Rule 33.12. This rule deals with the tolerance permissible in frequency. The present tolerance of 50 cycles is to be changed to 20 cycles.



Rule 33.16. This rule was a new rule requiring that certain clocks be maintained at the transmitter. The rule has been deleted in the Committee's report.

Rules 33.17 and 33.18. These rules cover in detail the use and operation of auxiliary transmitters. The Committee recommended a change in the rule as originally proposed, permitting identical transmitters to be used as main transmitters. If they are not identical or not located in the same place, one must be licensed as a main transmitter and the other an auxiliary transmitter.

Rule 34.05. This rule establishes a standard for proportionate division of time for the broadcast day for sharing time stations. One night hour is to be considered the equivalent of two day hours.

Rule 34.14. This rule is similar to the existing rule, but provision is made that daytime stations shall not operate prior to 6 a.m. local standard time for the transmission of regular programs.

Rule 34.17 to 36.04 go into great detail on the requirements for operating a station, keeping the logs, announcing programs, re-broadcasting, and conditions under which the station may permit a candidate for public office to use its facilities.

The Proposed Standards of Good Engineering Practice go into detail of requirements for the measurement of field intensities, the requirements for directional antennas, the requirements for measuring resistance, etc. They also cover details of equipment, including minimum antenna heights and ground systems, painting and lighting of antennas, safety requirements, construction and general operation, indicating instruments, etc. To engineers, a few points may be of more general interest. The term "unattenuated field at one mile" is replaced by the "effective field intensity at one mile." The effective field is taken to be that at a distance of two wavelengths from the antenna. The method of obtaining this value is described in detail on p. 2.1.

On p. 2.5 is given standards of measurement for measuring the field intensity of broadcast stations. The second paragraph on that page states that in presenting evidence, actual measurements will take precedence over theoretical values, provided such measurements are properly taken and presented. In the case of sky wave measurements, recordings are to be made on ten or more nights for sufficient periods each night to obtain reasonable average values. Existing stations may find this condition burdensome. It is well known that ten nights may indicate sky wave values which do not correspond to true average values. They may be taken during a year when the sun spot activity is such that waves are abnormally high or abnormally low, or they may be taken shortly after a magnetic storm, in which case the values will also be abnormal. An applicant for new facilities could, according to this standard, present evidence based on selected measurements, which could only be counteracted by similar measurements taken under different conditions and on different days. This provision may mean that the existing station will have to protect itself by making elaborate and extensive measurements every time a new applicant endeavors to interfere in some of its service area.

On p. 4.1 there is a description on selecting a site for a broadcast station. Of particular interest in this description is a table offered as a general guide to be used in determining the site from the point of view of limiting the blanket area. This is shown in the following table:

Selection of Site

| Power of Station | Population of City or Metropolitan Area <sup>1</sup> | Approx. Radius of Blanket Area 250 MV/M | Site-Distance from Center of City (Business or Geographical) | Maximum Percentage of Total Area <sup>1</sup> |
|------------------|------------------------------------------------------|-----------------------------------------|--------------------------------------------------------------|-----------------------------------------------|
| 100 watts        | 5,000-50,000                                         | 0.15 mi.                                | 1/2-1 mi                                                     | 1%                                            |
| 100 watts        | 50,000 or more                                       | 0.15 mi.                                | "                                                            | "                                             |
| 250-500 watts    | 5,000-150,000                                        | 0.3 to 0.5 mi.                          | 1-3 mi.                                                      | 1%                                            |
| 250-500 watts    | 150,000 or more                                      | 0.3 to 0.5 mi.                          | "                                                            | "                                             |
| 1 kilowatt       | 5,000 to 200,000                                     | 0.6 to 0.9 mi.                          | 2-5 mi.                                                      | 1%                                            |
| 1 kilowatt       | 200,000 or more                                      | 0.6 to 0.9 mi.                          | "                                                            | "                                             |
| 5-10 kilowatts   | All                                                  | 1.5 to 2.5 mi.                          | 5-10 mi.                                                     | 1%                                            |
| 25-50 kilowatts  | All                                                  | 3.0 to 4.5 mi.                          | 10-15 mi.                                                    | 1%                                            |

<sup>1</sup> The total population is the population of the city sought to be served except in those instances when the station is to be located in an area classified by the Department of Commerce, Bureau of Census, as a metropolitan area, in which case the population of the metropolitan area shall apply, provided, however, that when the power of the station is such that all the metropolitan area cannot be served, the population that will actually be served shall determine. The population figures are those determined by the latest official census and where greater population is claimed, the burden of proof is on the applicant.

<sup>2</sup> In these instances it is usually necessary to locate the station within the city in order to render satisfactory service throughout the city. Such sites shall be in or near the center of the business district and under no circumstances will a site in the residential area be approved.

There is also given a table which is valuable in estimating the ground conductivity in different directions from the transmitter, for purposes of calculating the service area of the station and the interference it may produce. This table is reproduced here.

Ground Conductivities

| Type of Terrain                                                                                                             | Inductivity | Conductivity             | Absorption factor at 50 miles, 1000 kc <sup>-1</sup> |
|-----------------------------------------------------------------------------------------------------------------------------|-------------|--------------------------|------------------------------------------------------|
| Sea water, minimum attenuation...                                                                                           | 81          | 4.64 x 10 <sup>-11</sup> | 1.0                                                  |
| Pastoral, low hills, rich soil, typical of Dallas, Texas area.....                                                          | 20          | 3 x 10 <sup>-13</sup>    | 0.50                                                 |
| Pastoral, low hills, rich soil, typical of Ohio and Illinois.....                                                           | 14          | 10 <sup>-13</sup>        | 0.17                                                 |
| Flat country, marshy, densely wooded, typical of La. near Mississippi River.....                                            | 12          | 7.5 x 10 <sup>-14</sup>  | 0.13                                                 |
| Pastoral, medium hills, and forestation, typical of Md., Pa., N. Y., exclusive of mountainous territory and sea coasts..... | 13          | 6 x 10 <sup>-14</sup>    | 0.09                                                 |
| Pastoral, medium hills and forestation, heavy clay soil, typical of central Va. ....                                        | 13          | 4 x 10 <sup>-14</sup>    | 0.05                                                 |
| Rocky soil, steep hills, typical of New England.....                                                                        | 14          | 2 x 10 <sup>-14</sup>    | 0.025                                                |
| Sandy, dry, flat, typical of costal country.....                                                                            | 10          | 2 x 10 <sup>-14</sup>    | 0.024                                                |
| City, industrial areas, average attenuation.....                                                                            | 5           | 10 <sup>-14</sup>        | 0.011                                                |
| City, industrial areas, maximum attenuation.....                                                                            | 3           | 10 <sup>-15</sup>        | 0.003                                                |

This is a new requirement of special interest to stations that have used concentric lines to feed their radiators. It is provided on p. 12.4a that duplicate transmission lines are required in such cases. This provision has been added by the Committee in its report and was not in the Standards of Good Engineering Practice as originally proposed.

On p. 18.1 is listed the money required to construct and complete electrical tests of stations of different classes and power. Since this section may be of interest to many stations, it is reproduced below in complete form.

Rule 31.4 (4) requires that an applicant for a standard broadcast station show that it is financially qualified to construct and operate the proposed station.

It is considered that the money specified below is required to construct and complete electrical tests of a new standard broadcast station of the class and power indicated, in accordance with the requirements of the Rules and Regulations of the Commission and Good Engineering Practice.

Power and Class of Station

Money Required

|                            |         |
|----------------------------|---------|
| 100 Watts Class IV         | \$6,500 |
| 250 Watts Class IV         | 8,500   |
| 250 Watts Class II         | 10,000  |
| 500 Watts Class II or III  | 22,500  |
| 1000 Watts Class II or III | 25,000  |
| 5 kw Class II or III       | 40,000  |
| 10 kw Class I or II        | 65,000  |
| 25 kw Class I or II        | 175,000 |
| 50 kw Class I or II        | 200,000 |

Attention is invited to the fact that the above figures are considered the minimum required for satisfactory installation, including the transmitter, antenna system, monitoring equipment and equipment for one large and one small studio of average dimensions and equipment including microphones, speech input equipment, and usual acoustical treatment, but exclusive of the cost of land and buildings and organization and development costs. More elaborate installations including directional antenna would increase the cost accordingly.

The other requirements and recommendations comprised in the Proposed Standards of Good Engineering Practice go into such detail that they cannot be satisfactorily abstracted.

In conclusion, it may be pointed out that the Proposed Standards of Good Engineering Practice have increased the requirements made by the FCC on the operation of a broadcast station.

<sup>1</sup> This figure is stated for comparison purposes in order to indicate at a glance which values of conductivity and inductivity represent the higher absorption. This figure is the ratio between field intensity obtained with the soil constants given and with no absorption.

There does not appear to be any section which reduces any of the present requirements and the whole trend seems to be toward increasing details of regulation. There is a possible alternative for such detailed regulation by requiring that the performance of a station, measured by the service rendered, reaches a certain minimum standard, leaving the broadcaster to use whatever method he desires to achieve this result. There are many arguments for and against both these methods of regulation. That used by the FCC is to regulate method of achieving performance rather than the performance itself. On the assumption that this method is the best, the Engineering Committee of the NAB considered that, with the exceptions of some provisions, and a feeling that the rules and standards were becoming too detailed, the Engineering Division of the FCC were to be congratulated on having consolidated the regulations relating to standard broadcasting and for having clarified many of the points that have been in doubt for a good many months, if not years.

RAYMOND WILMOTTE.

## Monopoly Hearing

### APRIL 13

Transcriptions again were discussed, with Cyril O. Langlois, of Langlois and Wentworth, Inc., and Langworth Feature Programs, Inc., and J. R. Poppele, WOR, representing Radio Quality Group Service, on the stand.

### APRIL 18

Fred Weber, general manager of Mutual, suggested that exclusive network contracts should be eliminated and that five-year contracts were too long. He also suggested some limitation on time options, and said that a fourth "restrictive" factor was "one company operating two sets of networks." Asked whether he thought some Commission action on network contracts was needed, he said "it is absolutely necessary."

Elliott Roosevelt, president of the Texas State Network, appearing as a Commission witness, suggested that networks "probably should be licensed to operate" as such. He said he did not "think it necessary for the Commission to definitely set up hard and fast rules with regard to option time \* \* \* other than to see that there is no restraint of competition." He said he didn't think exclusive contracts were necessary, but disagreed with Mr. Weber about any limit on their length.

Joseph N. Weber, president of the American Federation of Musicians, urged the Commission to continue its rule requiring announcement of transcribed programs as such. He maintained that a trained musician could tell the difference between a "live" show and a recorded show, when he listened to his radio.

### APRIL 19

The Commission introduced another set of exhibits dealing with station and network income. Then Louis G. Caldwell, counsel for Mutual, made a motion that the Commission ban renewal of any network contracts beyond December 31, 1940. Both NBC and CBS counsel objected, Judge John J. Burns of CBS expressing "amazement at the gall of counsel for Mutual." But the Commission took the motion under advisement. The hearing was concluded with Adrian Murphy, CBS, about that network's record and transcription activities. The Commission suggested that parties to the proceeding file briefs, and said the record was not yet closed.

### FREE OFFERS

The Beauty Products Company, Kansas City, has suggested that broadcasting stations go into the shaving cream business, advertising and selling "Shavoil," at a profit of \$15 a hundred bottles.

The Popular Music Instruction Company wants stations to advertise and sell its piano lessons, keeping 40 cents from every incoming dollar.

Rogers and Smith, Dallas, Texas, wants stations to

advertise and sell rose bushes, keeping 40 cents out of each dollar received.

The NAB has advised all three that broadcasting stations are in the broadcasting business and has suggested that each undertake a regular radio advertising campaign.

### CALENDAR OF MAY EVENTS

|                  |                                                      |
|------------------|------------------------------------------------------|
| May 1            | —Moving day in many cities                           |
| May 1            | —May Day or Child Health Day                         |
| May 1 to May 7   | —National Egg Week                                   |
| May 7 to May 13  | —National Music Week                                 |
| May 7 to May 13  | —Raisin Week                                         |
| May 8            | —National Restaurant Week starts                     |
| May 10           | —Confederate Memorial Day                            |
| May 12           | —National Hospital Day                               |
| May 12 to May 18 | —Peace Week                                          |
| May 13           | —West Coast Relays in Fresno, California             |
| May 14           | —Mothers Day                                         |
| May 14           | —National First Aid Week                             |
| May 15           | —Straw Hat day in many cities                        |
| May 15           | —Air Mail service, established 1918                  |
| May 18           | —Ascension Day (Parochial Schools closed)            |
| May 18           | —International Good Will Day                         |
| May 21           | —Lindbergh's Paris Flight, 1927                      |
| May 21 to May 27 | —Foreign Trade Week                                  |
| May 21 to May 28 | —National Tennis Week                                |
| May 21 to May 28 | —National Poetry Week                                |
| May 21 to May 28 | —National Cotton Week                                |
| May 22           | —National Maritime Day                               |
| May 24           | —Empire Day in Canada                                |
| May 28           | —Dionne Quintuplets born at Callender, Ontario, 1934 |
| May 30           | —Memorial Day                                        |

### JACK FALVEY

Information about Jac Falvey is available at headquarters for any interested member.

### CELLER PUTS "ABC OF RADIO" IN CONGRESSIONAL RECORD

Headquarters acknowledges with thanks receipt of a letter from Representative Emanuel Celler (D-NY) who has had "The ABC of Radio," published by the NAB, reprinted in the Congressional Record.

In introducing the ABC booklet in his extended remarks, Congressman Celler said: "Mr. Speaker, under leave to extend my remarks in the Record I include the following article prepared for me by the National Association of Broadcasters, a splendid national group of broadcasters."

### DR. LEONARD POWERS NAMED RESEARCH ASSISTANT TO FREC

At an all-day meeting in Washington of the Executive Committee of the Federal Radio Education Committee on Friday, April 14, Dr. John W. Studebaker, United States Commissioner of Education, as Chairman of the FREC, announced the appointment of Dr. Leonard Power as his Assistant in-Charge-of-Research. Dr. Power will undertake to prosecute the studies for the Committee which have been assigned to the Office of Education, Department of the Interior. These studies are: A survey of successful cooperative efforts on the part of broadcasters



and educators, another on teacher training, and a third on the development of an experiment and idea exchange. In addition, Dr. Power is expected to serve as coordinator of all research studies which are being undertaken by the Federal Radio Education Committee.

Preliminary plans for publishing the committee studies were discussed in some detail by the Executive Committee. It is expected that the first publication will be ready in November of this year.

In addition to the appointment of Dr. Power, the Executive Committee also approved Dr. Studebaer's recommendation that his Assistant, Dr. C. F. Klinefelter, continue to serve as Vice Chairman of the FREC, in charge of finances and other general duties, and the designation of Mr. William D. Boutwell, as assistant in charge of the Educational Radio Scripts Exchange and Services.

Neville Miller attended the meeting.

## NAB-RMA NETWORK PROGRAMS

Following are additional network programs arranged for "Open House Week" in the NAB-RMA campaign to promote the American System of Broadcasting. The first list appeared in last week's REPORTS.

### *Additional NAB-RMA programs scheduled by CBS.*

April 19—3:00 to 3:30 P. M.—Sterling Fisher, CBS director of education and radio talks, is moderator of a round-table discussion on "Radio's Contribution to International Good Will," held at Women's National Radio Committee Annual Radio Award luncheon. Participants are H. V. Kaltenborn, CBS news analyst and foreign affairs expert; Alfred J. McCosker, MBS chairman of the board, and Frank Mason, NBC vice-president.

April 23—3:00 to 5:00 P. M.—Deems Taylor, CBS musical consultant, talks on "Music and Radio" during New York Philharmonic-Symphony program intermission.

April 24—2:30 to 3:00 P. M.—Dr. Alice V. Keliher, chairman of the Human Relations Commission of the Progressive Education Association, is guest speaker on American School of the Air. She sums up aims of "Frontiers of Democracy," Monday series of the School of the Air, before an audience of several thousand educators in the auditorium in St. Louis from where the broadcast comes.

April 24—10:30 to 11:00 P. M.—The Columbia Workshop presents Norman Corwin's new verse play, "Seems Radio Is Here to Stay." Corwin describes it as a "lusty ta-ra-ra for the business of broadcasting."

May 16—4:00 to 4:15 P. M.—Dr. Iago Galdston, director of information for the New York Academy of Medicine, talks on "Radio and Health Information" in the Highways to Health broadcast.

May 27—7:00 to 7:30 P. M.—Announcers, commentators and executives of CBS, tell how they do their work in the "Americans at Work" episode.

### *Additional NAB-RMA programs scheduled by NBC.*

April 21—11:05 to 11:30 P. M.—NBC-Blue—*Back of the Dials*, an original dramatic sketch by Thomas Langan, dedicated to the radio dealers of America and demonstrating, through a novel use of orchestral music and ancient and modern receiving sets the tremendous improvements in quality of reception available to home listeners today as compared to the highest standards of ten or fifteen years ago.

April 22—3 P. M.—*This is Radio*, an hour's dramatization of the history of radio from its beginning to the present day, will be repeated—this time on the Blue.

Time Not Set—*What Radio Means To Me*—Broadcast out of Chicago from such places as a hospital, a lake, a lighthouse, etc.

The Federal Council of Churches' programs throughout the week will stress the fact that their service is made possible under the American System of broadcasting. These programs are:

April 17—"Faith and Freedom," Dr. Harold Paul Sloan, RED 12:30-12:45 P. M.

April 18—"Where to Look for Help," Dr. Jesse M. Bader, RED 12:30-12:45 P. M.

April 19—"Homespun," Dr. William Hiram Foulkes, RED 12:30-12:45 P. M.

April 20—"Art of Living," Dr. Norman Vincent Peale, RED 12:30-12:45 P. M.

April 21—"Inner Drama of Life," Dr. Lloyd Ellis Foster, RED 12:30-12:45 P. M.

April 22—Religion in the News, Dr. Walter W. Van Kirk, RED 6:45-7:00 P. M.

April 23—Radio Pulpit, Dr. Ralph W. Sockman, RED 10:00-10:30 A. M.

April 23—National Vespers, Dr. Harry Emerson Fosdick, BLUE 4:00-4:30 P. M.

The U. S. Office of Education has promised announcement on *Wings for the Martins*, its weekly dramatization of educational problems in the family, on April 19, BLUE 9:30-10:00 P. M.

Dr. Rollo G. Reynolds will incorporate in Thursday Social Science program of *Ideas That Came True* on April 20, BLUE 2:00-2:30 P. M.

Cesar Saerchinger will include in his broadcast of *Story Behind the Headlines* April 21, RED 10:45-11:00 P. M.

Belmont Farley, of the National Education Association, will mention on the *Our American Schools* program April 19, RED 6:00-6:15 P. M.

*Youth Meets Government*, the weekly high school program on public affairs, will include on April 22, RED 5:15-6:00 P. M.

The Message of Israel, Rabbi Leo Franklin, will point out that its program is possible only under the American System of broadcasting on April 22, BLUE 7:00-7:30 P. M.

Florence Hale, National Education Association executive, will mention the benefits of American radio on her Radio Column April 22, RED 10:30-10:45 A. M.

*American Education Forum*, conducted by Professor Alvin C. Eurich of Stanford, will point out that American radio makes possible the service of education which his program offers on April 22, BLUE 12:00-12:25 P. M.

*The World Is Yours*, U. S. Office of Education and Smithsonian Institution broadcast will cooperate on April 16 and April 23, RED 4:30-5:00 P. M.

Other programs which are expected to join in the general theme "Our program is an example of what you get under the American system of broadcasting" are:

*Science Everywhere*, American Association for the Advancement of Science, April 18, BLUE 2:00-2:30 P. M.

*Science on the March*, AAAS program with Dr. Forest Tay Moulton on April 17, BLUE 7:45-8:00 P. M.

*Great Plays*, NBC series on April 16 and April 23, BLUE 1:00-2:00 P. M.

*Lives of Great Men*, with Dr. Edward Howard Griggs of Brooklyn Institute of Arts and Sciences, April 22, 7:30-7:45 P. M. RED.

*NBC Music Appreciation Hour*, April 21, BLUE 2:00-3:00 P. M.

Phi Beta Kappa Program, "Getting Ready for Tomorrow," April 21, RED 6:00-6:15 P. M.

*Americas Town Meeting*, April 20, BLUE 9:30-10:30 P. M.

*Science in the News*, with Dr. Arthur H. Compton, Monday, April 17, RED 6:00-6:15 P. M.

*University of Chicago Round Table*, Sunday, April 16 and April 23, RED 12:30-1:00 P. M.

*Your Health*, American Medical Association program, Wednesday, April 19, BLUE 2:00-2:30 P. M.

*Music Makers*, with Dr. Joseph E. Maddy, Tuesday, April 18, RED 12:45-1:15 P. M.

Music and American Youth, Sundays, April 16 and 23, 10:30-11:00 A. M., RED.

Chicago is preparing special announcement to be made on the Farm and Home Hour, Carnation, and other sustaining and participation programs.

*The ABC of Radio*, a series of three dramatizations pointing up the wonders of broadcasting and adapted from original scripts written and aired by WTMJ, NBC affiliate in Milwaukee, have been distributed to all Red and Blue stations for local presentation some time during "Open House Week." Spot announcements regarding the celebration also have been distributed to all stations.

*Radio City Parade* and *Radio City Fanfare*, scripts written in New York by the NBC Press Division and distributed to all Red and Blue Network stations this week, include institutional material about "Open House Week" as well as announcements about the special programs.



NBC ELECTRICAL TRANSCRIPTION SERVICE has sent out to its clients a half-hour script, *Radio's American Way*. With the script was a bulletin explaining the purpose of the script and urging its use during the week of April 17. Electrical Transcription also is planning to send out every week a page of announcements on the American System of broadcasting to its Thesaurus subscribers. There will be approximately one announcement per program series each week, and there are nineteen series in the service.

## FCC TELEVISION REPORT

The Television Committee of the FCC, which has just returned from a field trip, found that there are two groups of thought in the industry: one that television is ready for public participation and the other that that point has not yet been reached. In connection with its recent trip, the Television Committee on Tuesday made public the following statement:

The Television Committee of the Federal Communications Commission, consisting of Commissioners T. A. M. Craven, Chairman, Thad H. Brown and Norman S. Case, have returned to their offices from Philadelphia and New York, where the Committee conferred during the past week with certain leaders of the radio industry in the East concerning the future of television, and where the Committee inspected various factories and laboratories engaged in the development of this new art of radio.

Significant of the importance which the Commission attaches to the recent developments in television is the fact that Commissioners George Henry Payne and Paul A. Walker joined the Committee during the week and participated with them in the various inspections and conferences.

The Commission has hitherto kept abreast of the development of television but until recently has not found it necessary to take any action tending to affect the details of the technical development of the art. However, by reason of the action of the Radio Manufacturers Association in proposing that the Commission approve certain technical standards pertaining to the operation of radio television transmitters which may be licensed by the Commission in the future, it has been necessary for the Commission to secure additional information in order to be fully assured that the interest of the public is safeguarded. The Television Committee was appointed by the Commission to make such an investigation and report.

The Committee has deemed its duty to be, in accordance with the continuing policy of the Commission, to encourage American inventive genius and private enterprise to further its remarkable efforts toward the accomplishment of the necessary improvements in the technical quality of television, and at the same time to consider the interest of the public. The Committee hopes that private enterprise and inventive genius may be able to develop a practical system of television which will permit the early inauguration of this service to the public, but which, at the same time, will permit considerable future improvements in quality without too rapid an obsolescence of receivers which may be purchased by the public.

As a result of the trip to Philadelphia and New York, the Television Committee has secured a better knowledge and understanding of the many complex problems involved in television and the Committee considers that its policy of cooperative discussion of mutual problems with the various individuals and organizations concerned in the industry has been beneficial.

The Committee is of the opinion that undoubtedly the technical development of television has progressed remarkably during the past year, and that all concerned in its development are now at a fork in the road with respect to the next phase of providing television as a practical service to the public. The Committee ascertained that there are two divergent schools of thought as to which method should be followed at this particular stage of development in initiating television as a service to the public. One group asserts the view that from a technical standpoint as represented by the standards proposed by the Radio Manufacturers Association, television is now ready for public participation through the purchase of receivers. Another group maintains the view that the proposed standards are not sufficiently flexible to permit certain future technical improvements without unduly jeopardizing the initial investment of the public in receivers.

The Committee intends to proceed forthwith to secure additional pertinent information concerning all of the aspects of this question from other television leaders in other sections of the

country. It may be necessary, in the judgment of the Committee, to hold public hearings before submitting its final report to the Commission.

The Committee visited and conferred with the Farnsworth Television Company and the Philadelphia Storage Battery Company in Philadelphia. In New York the Committee conferred with representatives and inspected the developments of the National Television Corporation, and conferred with representatives of the International Television Radio Corporation as well as with Major Armstrong, an inventor. In addition, in New York the Committee conferred with representatives of the General Electric Company, witnessed demonstrations and conferred with officials of the Radio Corporation of America, the Bell Telephone Laboratories, the Columbia Broadcasting System and the DuMont Laboratories.

## NEW FCC REGULATIONS

The FCC has issued the new regulations governing relay, international, television, facsimile, high frequency, non-commercial educational and developmental broadcast stations. The new rules, which are effective immediately, make several minor changes in the various classes of stations. The rules governing international broadcast stations are not included as the final policy in regard to these stations has not been determined by the Commission.

Of principal general interest are the modifications in the rules governing facsimile broadcast and high frequency stations. Under the Havana allocation three low frequencies, previously used for facsimile broadcasting, are dropped. This deficiency is remedied through the addition of several frequencies from 25,000 to 116,000 kilocycles. The frequencies now available appear adequate to take care of the present demand and full technical development of this service.

While the high frequency stations are continued on an experimental basis, with the present restrictions as to commercial operation, several additional frequencies are made available both for amplitude and frequency modulation. Frequency modulation is recognized on an equal basis with amplitude modulation and occupies approximately the same total frequency band.

Under the new regulations licensees of relay stations are required to specify the regular broadcast station with which the relay station operates. All relay stations under the new rule must be definitely associated with a specific standard broadcast station or network system. The relay broadcast stations operating on frequencies from 30,000 to 41,000 kilocycles have been removed from the experimental classification and new frequencies have been provided from 130,000 to 138,000 to be operated either with frequency or with amplitude modulation. This is the first time that frequency modulation has been specifically recognized for relay stations for which service it appears to offer special results both as to lightness of transmitting equipment and reduction of reception noise.

The name of the "experimental" broadcast stations has been changed to "developmental" broadcast stations. The purpose of the change is to avoid confusion between this particular class of station and many other stations operating on the experimental basis which are often referred to as "experimental" stations.



No changes of significance have been made in the rules governing television stations. However, the regulations pertaining to the operation of non-commercial educational broadcast stations have been specifically defined under the new rules.

### OPERATOR OF UNLICENSED STATION IN ST. PAUL PLEADS GUILTY

In the first prosecution of its kind in the Federal Courts in Minnesota, Thomas Carpender, St. Paul, Minnesota, pleaded guilty to an indictment charging the operation of an unlicensed radio station in violation of Sections 301 and 318 of the Communications Act of 1934, as amended. The court deferred imposition of a sentence and placed the defendant on probation for a period of two years.

Inspectors of the FCC have evidence indicating that there are other unlicensed radio stations operating in the St. Paul area and further prosecutions are expected to follow.

### FCC BROADCAST MEASUREMENTS

During the month of March, the FCC measured 714 broadcast stations, leaving 46 not measured.

Included in this number 635 stations had a maximum deviation of within 0-10 cycles; 69 stations a deviation of 11-25 cycles; 8 stations a deviation of 26-50 cycles; and 2 stations of over 50 cycles.

### HAVANA TREATY

Unofficial information has reached Washington that the President of Mexico has signed an executive decree putting into force the North American regional radio agreement, with certain exceptions by administrative agreement, when the signatory countries accept such proposal. It is reported that the Mexican administration hopes that within a month the Senate of Mexico will ratify the Havana Treaty.

## FEDERAL COMMUNICATIONS COMMISSION

### DECISIONS OF COMMISSION

The Federal Communications Commission this week granted the application of KPAC, Port Arthur, Texas, to change its frequency from 1260 to 1220 kilocycles and its power from 500 watts daytime only to 500 watts unlimited time, using a directional antenna at night.

In its decision, the Commission stated that the applicant is in all ways qualified to make the changes and that the granting of the application will not result in objectionable interference to any existing broadcast station.

It is further stated by the Commission that a public need exists in Port Arthur for the additional service proposed.

Commissioner Thompson did not participate in this decision.

The application of WTOL, Toledo, Ohio, to increase its hours of operation from daytime only to unlimited time with 100 watts on 1200 kilocycles has been granted by the Commission.

The order announcing this decision which was handed down this week is based on the Proposed Findings of Fact entered on March 30.

Commissioner Thompson did not participate in this decision.

### PROPOSED FINDINGS OF FACT

The Federal Communications Commission this week announced its Proposed Findings of Fact proposing to deny the application of WAWZ, Zarephath, New Jersey, to erect a new international broadcast station at Zarephath to operate on 6,080, 11,830 and 17,780 kilocycles, with 5000 watts power, unlimited time.

In its Proposed Findings of Fact the Commission stated that the applicant has not formulated a definite program of research and experimentation which indicates reasonable promise of substantial contribution to the development of international broadcast service. The Commission stated also that the granting of the application and the operation of the station as proposed would result in objectionable interference and reduce the operating hours of existing licensed international stations situated in the United States. Due to the type of equipment proposed and to the frequency selected, according to the Commission's Proposed Findings of Fact, any division of station time on these frequencies "will necessarily result in a definite curtailment of the international service now rendered by Stations W3XAL and W2XE." The Commission stated also that the applicant has not established a need for the frequency requested "sufficient to warrant the granting of this application."

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of April 24. They are subject to change.

#### Monday, April 24

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, 1290 kc., 100 watts, daytime.

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—C. P., 1290 kc., 100 watts, daytime. (C. P. to install new antenna and move transmitter and studio locally.)

WQDM—E. J. Regan & Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Modification of license, **1390 kc.**, 1 KW, daytime to LS at WHK at Cleveland, Ohio. Present assignment: **1390 kc.**, 1 KW, daytime.

KRBA—Red Lands Broadcasting Assn. (Ben T. Wilson, President), Lufkin, Texas.—C. P., **1310 kc.**, 250 watts, daytime. Present assignment: **1310 kc.**, 100 watts, daytime.

#### Tuesday, April 25

WKAQ—Radio Corporation of Porto Rico, San Juan, P. R.—Renewal of license, **1240 kc.**, 1 KW, unlimited time.

WNEL—Juan Piza, San Juan, P. R.—Renewal of license, **1290 kc.**, 1 KW, 2½ KW LS, unlimited time.

NEW—Enrique Abarca Sanfeliz, San Juan, P. R.—C. P., **580 kc.**, 1 KW, 5 KW LS, unlimited time.

NEW—United Theatres, Inc., San Juan, P. R.—C. P., **580 kc.**, 1 KW, unlimited time.

#### Wednesday, April 26

KSAM—Sam Houston Broadcasting Assn. (H. G. Webster, President), Huntsville, Texas.—C. P., **1500 kc.**, 250 watts, daytime. Present assignment: **1500 kc.**, 100 watts, daytime.

#### Thursday, April 27

##### Oral Argument Before the Commission

Examiner's Report No. I-758:

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—C. P., **620 kc.**, 1 KW, 5 KW LS, unlimited time (DA-night). Present assignment: **1450 kc.**, 1 KW, unlimited time.

#### Friday, April 28

NEW—Coastal Broadcasting Co., Brunswick, Ga.—C. P., **1500 kc.**, 100 watts, 250 watts LS, unlimited time.

WOC—Tri-City Broadcasting Co., Davenport, Iowa.—C. P., **1390 kc.**, 1 KW, unlimited time (DA-night). Present assignment: **1370 kc.**, 100 watts, 250 LS, unlimited time.

#### FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

##### May 2

WCOU—Twin City Broadcasting Co., Inc., Lewiston, Maine.—C. P., **1210 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1210 kc.**, 100 watts, unlimited time.

##### Further Hearing

NEW—Suffolk Broadcasting Corp., Suffolk, Va.—C. P., **1420 kc.**, 100 watts, 250 watts LS, unlimited time.

##### June 19

WJBW—Charles C. Carlson, New Orleans, La.—Renewal of license, **1200 kc.**, 100 watts, shares WBNO.

WJBW—Charles C. Carlson, New Orleans, La.—Modification of license, **1200 kc.**, 100 watts, unlimited time. Present assignment: **1200 kc.**, 100 watts, shares WBNO.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

#### APPLICATIONS GRANTED

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted C. P. to install a DA system for nighttime operation to be used on special experimental authorization on **1040 kc.** with power of 50 KW operating simultaneously with station KRLD.

KVWC—The Northwestern Broadcasting Co., Vernon, Texas.—Granted C. P. to make changes in composite equipment and increase day power from 100 to 250 watts.

WOSU—Ohio State University, Columbus, Ohio.—Granted modification of license to increase night power from 750 watts to 1 KW.

#### DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

NEW—Neptune Broadcasting Corp., Atlantic City, N. J.—Application for C. P. to erect a new station to operate on frequency **1420 kc.**, 100 watts night, 250 watts day, unlimited time. Exact transmitter and studio sites to be determined with Commission's approval.

WCOV—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—Application for modification of license to increase time of operation from daytime to unlimited, using 100 watts. (Commissioner Thompson not participating.) Application was designated for hearing to determine if interference might result to existing station, WJBY, Gadsden, Ala.

NEW—Catawba Valley Broadcasting Corp., Hickory, N. C.—Application for C. P. for new station to operate on frequency **1370 kc.**, 100 watts nighttime, 250 watts day, unlimited. Exact transmitter site and type of antenna to be determined with Commission's approval.

WMFR—Radio Station WMFR, High Point, N. C.—Application for C. P. to make changes in equipment and increase day power from 100 to 250 watts. (Application designated for hearing to determine if interference might result to four existing stations, and pending applications involve increase in service.)

KNEL—G. L. Burns, Brady, Tex.—Modification of license to increase power and time of operation from 250 watts daytime to 100 watts night, 250 watts day, unlimited time. (Application designated for hearing to determine if interference might result, and pending applications involve increase in service.)

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—C. P. to move transmitter site locally approximately 3½ miles, install new equipment and vertical radiator, and increase day power from 1 KW to 5 KW. (Application designated for hearing to determine if increased interference might result, and because of pending applications.)

NEW—Samuel M. Emison, Vincennes, Ind.—C. P. to erect a new station to operate on frequency **1420 kc.**, with 100 watts, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

#### MISCELLANEOUS

KFBI—The Farmers & Bankers Broadcasting Corp., Abilene, Kans.—Granted special temporary authority to operate from 8:30 to 9 p. m., CST, on April 13, in order to broadcast the Jeffersonian Banquet from Wichita, using 1 KW only.

W2XVT—Allen B. DuMont Labs., Inc., Passaic, N. J.—Granted special temporary authority to operate experimental television broadcast station W2XVT from 9 a. m. to 2 p. m., EST, on April 15, in order to conduct exhibition.

W10XFZ—Don Lee Broadcasting System, Los Angeles, Calif.—Granted extension of special temporary authority to operate relay broadcast (exp.) station W10XFZ with 10 watts instead of 100 watts transmitting equipment, for the period April 17 to May 16, pending action on an application for C. P. to change the equipment and licensed power of station.

NEW—United Theatres, Inc., San Juan, P. R.—Granted petition to consolidate the hearing in re Docket Nos. 4610 and 5298, involving applications for C. P.'s for new stations in San Juan.

WREC—Hoyt B. Wooten, d/b as WREC Broadcasting Service, Memphis, Tenn.—Granted petition to accept amendment to application, requesting substitution of petitioner for WREC, Inc., as applicant (File No. B3-ML-382).

WHLS—Port Huron Broadcasting Co., Port Huron, Mich.—Granted petition to intervene in the hearing on the application of Thumb Broadcasting Co., Brown City, Mich., for C. P. to erect a new station to operate on **880 kc.**, 1 KW, daytime.

WJBW—Charles C. Carlson, New Orleans, La.—Granted motion for continuance of hearing now scheduled for April 18, for



- a period of 60 days, in re applications for renewal of license and modification of license to change hours of operation to unlimited.
- WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Granted motion to dismiss without prejudice application for modification of license to change hours of operation from daytime to limited, sunset at Eau Claire, Wis.
- Iowa Broadcasting Co., Des Moines, Iowa.—Denied motion of respondent to amend notice of hearing by another issue, in re application of The Gazette Co. for a new station in Cedar Rapids. Counsel for petitioner noted exception to the ruling.
- KGNO—Dodge City Broadcasting Co., Inc., Dodge City, Kans.—Granted motion to amend application to request 250 watts night, 1 KW day, with change in transmitting equipment, and cancelled hearing date of May 15.
- NEW—Suffolk Broadcasting Corp., Suffolk, Va.—Granted motion to authorize and receive deposition in re application for C. P. to operate on 1420 kc., 100-250 watts LS, unlimited time.
- NEW—The Gazette Co., Cedar Rapids, Iowa.—Granted motion for leave to amend application to specify antenna system and studio and transmitter location, and cancelled hearing date—April 28th.
- WWNC—Asheville Citizen-Times Co., Inc., Asheville, N. C.—Granted motion to extend time for all parties for filing Proposed Findings due April 14, to April 24th, in re application of Publix Bamford Theatres, Inc., for a new station in Asheville.
- NEW—Martin K. Calaway and Harry S. Hooper, Marysville, Calif.—Granted motion to dismiss without prejudice application for new station to operate on 1420 kc., 100 watts, 250 watts LS, unlimited.
- Stenger Broadcasting Corp., Wilkes-Barre, Pa.—Granted petition to intervene and consolidation of hearings on renewal and on assignment of license of WBAX to petitioner (File B2-AL-240), and continued hearing indefinitely.
- NEW—Sherman V. Coultas, Milton Edge and Hobart Stephenson, Jacksonville, Ill.—Denied petition for leave to amend application by substitution of name of Edgar J. Korsmeyer for Sherman V. Coultas, deceased, in re application for new station.
- KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Denied motion to vacate and set aside Order to take depositions on behalf of station KOAC.
- WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted special temporary authority for nondirective operation of new WFBR plant, using power of 1 KW, by direct measurements in single radiator of antenna covered by C. P., during daytime (LS 6:45 p. m., EST), for the period April 15 to April 24, in order to collect field data over terrain.
- KFGQ—Boone Biblical College, Boone, Iowa.—Granted extension of special temporary authority to operate from 4 to 5 p. m., CST, on May 10, 17, 24 and 31, in order to broadcast children's services.
- WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted special temporary authority to operate auxiliary transmitter of station WENR, at Downers Grove, for a period not to exceed 30 days, until new antenna can be put up at WBBM's location.
- W1XAR—World Wide Broadcasting Co., Boston, Mass.—Granted modification of C. P. authorizing change in transmitter location from Norwood, Mass., to Boston.
- KOME—Harry Schwartz, Tulsa, Okla.—Granted special temporary authority for period of 10 days to operate from 8:30 to 10:30 p. m., CST, in order to broadcast the Texas League baseball games, using 100 watts only.
- WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 4 to 4:30 p. m., on May 2, 9 and 16; from 4 to 4:45 p. m., CST, on May 23; and from 9:15 to 10 p. m., CST, on May 16, in order to broadcast special educational programs (provided KGGF remains silent).
- KGGF—Powell and Platz, Coffeyville, Kans.—To operate from 7:15 to 9:15 p. m., CST, on May 25 and 30, and from 8:15 p. m. to 9:15 p. m., CST, on May 31, in order that WNAD may remain silent during University examinations (provided WNAD remains silent).
- WREC—WREC, Inc., Memphis, Tenn.—Retired to the closed files the application for C. P. to install new transmitter for auxiliary purposes only, as no application for assignment of C. P. has been filed.
- NEW—Publix Bamford Theatres, Inc., Asheville, N. C.—Granted in part with leave to amend application to specify exact site and further hearing to be held as to the availability and suitability of site.
- WMEX—The Northern Corp., Boston, Mass.—Denied without prejudice to a renewal of the motion, if after further hearing applicant fails to file proposed findings as required by the Commission's rules. (The Northern Corp. are respondents in re application of Central Broadcasting Corp. for a new station at Worcester, Mass.)
- NEW—Central Broadcasting Corp., Worcester, Mass.—Granted motion with leave to amend application in the particulars set forth in the petition for rehearing and that upon such amendment *further* hearing be held upon those particulars.
- NEW—Central Broadcasting Corp., Worcester, Mass.—Dismissed petition for continuance of action on motion to strike "Applicant's proposed findings of fact and conclusions."
- WATR—The WATR Company, Inc., Waterbury, Conn.—Granted license to cover C. P. authorizing change in transmitter and studio sites locally; changes in equipment; installation of directional antenna system for day and night operation; and change in frequency from 1190 kc. to 1290 kc., and 100 watts unlimited to 250 watts unlimited, employing DA for both day and nighttime operation.
- WSJS—Piedmont Publishing Co., Winston Salem, N. C.—Granted license to cover C. P. authorizing change in transmitter site locally, installation of new equipment and vertical radiator.
- KBOL—Woodmen of the World Life Ins. Society, Omaha, Neb., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station, frequencies 1622, 2058, 2150 and 2790 kc., 20 watts.
- W4XA—The National Life and Accident Ins. Co., Inc., Nashville, Tenn.—Granted license to cover C. P. for high frequency broadcast station, frequencies 26150 kc., 1 KW. The license is granted on an experimental basis conditionally.
- KAOF—KFNF, Inc., Shenandoah, Ia., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station; frequencies 1622, 2058, 2150 and 2790 kc., 50 watts.
- NEW—Memphis Commercial Appeal Co. (Memphis, Tenn.), Portable-Mobile.—Granted C. P. for new relay broadcast station; frequencies 1606, 2020, 2102 and 2758 kc., 40 watts.
- NEW—The Louisville Times Co., Louisville, Ky., Portable-Mobile.—Granted C. P. for new relay broadcast station; frequencies 1646, 2090, 2190 and 2830 kc., 50 watts.
- NEW—City of New York, Municipal Broadcasting System, New York City, Portable-Mobile.—Granted C. P. for new relay broadcast station; frequencies 1622, 2058, 2150 and 2790 kc., 3 watts.
- NEW—City of New York, Municipal Broadcasting System, New York City, Portable-Mobile.—Granted C. P. for new relay broadcast station; frequencies 1622, 2058, 2150 and 2790 kc., 3 watts.
- NEW—The Associated Broadcasters, Inc., San Francisco, Cal., Portable-Mobile.—Granted C. P. for new experimental relay broadcast station; frequencies 38900, 39100, 39300 and 39500 kc., experimental conditionally, 2 watts.
- W6XAC—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Portable-Mobile.—Granted license to cover C. P. for new experimental relay broadcast station; frequencies 31100, 4600, 37600 and 40600 kc., 2 watts; the license is granted on an experimental basis only, conditionally.
- KAST—Astoria Broadcasting Co., Astoria, Ore.—Granted license to cover C. P. authorizing installation of new equipment and vertical radiator, approval of transmitter site, change in frequency from 1370 to 1200 kc., and increase in power and time of operation from 100 watts daytime only, to 100 watts night, 250 watts day, unlimited.
- WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—Granted special temporary authority to operate until midnight EST, on April 19, in order to celebrate the opening of Station WBTH.
- NEW—WLBG, Inc., Richmond, Va., Portable-Mobile.—Granted C. P. for new relay broadcast station, frequencies 1606, 2022 and 2758 kc., 50 watts.
- W8XTY—The Evening News Assn., Detroit, Mich.—Granted license to cover C. P. for new facsimile station; frequencies 31600, 35600, 38600 and 41000 kc., 150 watts.
- WAOE—Martin R. O'Brien, Aurora, Ill.—Granted license to cover C. P. for new relay broadcast station; frequencies 1606, 2022, 2102 and 2758 kc., 50 watts.
- WMFR—Radio Station WMFR, Inc., High Point, N. C.—Granted C. P. to make changes in transmitting equipment.

W4XD—WPTF Radio Co., Raleigh, N. C.—Granted C. P. to make changes in equipment and reduce power in experimental relay broadcast station from 15 to 2 watts. Also granted license to cover same.

KMMJ—KMMJ, Inc., Grand Island, Neb.—Granted license to cover C. P. authorizing move of station from Clay Center to Grand Island, with transmitter location 1-1/3 East of Phillips, Neb., and installation of vertical radiator.

WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Granted license to cover C. P. authorizing move of transmitter site locally, changes in vertical radiator and installation of new equipment.

WJBW—Charles C. Carlson, New Orleans, La.—Granted modification of C. P. for approval of transmitter and studio sites and installation of new equipment and vertical radiator, upon the express condition it shall not be construed as a finding by the Commission upon the application for renewal of license now in the hearing docket, nor upon any of the issues involved therein, nor that the Commission has found that the operation of this station is or will be in the public interest beyond the express terms hereof.

WAGM—Aroostock Broadcasting Corp., Presque Isle, Maine.—Granted special temporary authority to operate from 10 to 11 a. m., EST, on April 19, in order to broadcast a special American Legion program.

WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate from 1:30 to 3 p. m., and from 4 p. m. to local sunset (April 6:45 p. m., May, 7:15 p. m., EST), on April 29, May 6, 12, 16 and 20, in order to broadcast baseball games as described in letter of April 11; to operate from 9 to 11:30 a. m., EST, on May 20, in order to broadcast Moving-Up Day Exercises; to operate from 2 p. m. to local sunset on May 7, in order to broadcast Annual Charter Day Observance of the University.

KFRO—Voice of Longview, Longview, Tex.—Denied special temporary authority to operate from local sunset (May, 7:15 p. m., CST), to 11:05 in order to broadcast church services all Sundays in May; Legion Programs, Community Jamboree, and other programs, using 100 watts.

WPRP—Julio M. Conesa, Ponce, P. R.—Denied special temporary authority to rebroadcast sustaining cultural, educational, and news programs to be received from experimental stations W1XAR and W1XAL for a period not to exceed 30 days.

#### APPLICATIONS FILED AT FCC

##### 600 Kilocycles

WREC—Hoyt B. Wooten, tr/as WREC Broadcasting Service, Memphis, Tenn.—Construction permit to install auxiliary transmitter at present location using 1 KW day and night power, directional antenna as used at present.

##### 810 Kilocycles

WNYC—City of New York, Municipal Broadcasting System, New York, N. Y.—License to cover construction permit B1-P-2185, for new antenna and new 1 KW transmitter, for emergency use only.

##### 850 Kilocycles

WWL—Loyola University, New Orleans, La.—Modification of construction permit B3-P-228, as modified, for equipment changes, antenna changes, move of transmitter, increase in power, requesting extension of completion date from 4-26-39 to 5-26-39.

##### 1200 Kilocycles

NEW—Nebraska Broadcasting Co., Hastings, Nebr.—Construction permit for a new broadcast station on 1200 kc., 100 watts night, 250 watts day, unlimited time.

##### 1210 Kilocycles

WBAX—John H. Stenger, Jr., Wilkes-Barre, Penna.—Involuntary assignment of license from John H. Stenger, Jr., to Stenger Broadcasting Corporation.

WJMC—Walter H. McGenty, Rice Lake, Wisc.—License to cover C. P. B4-P-1231, for a new station.

##### 1370 Kilocycles

NEW—Union Broadcasting Co., Scranton, Penna.—Construction permit to erect a new broadcast station on 1370 kc., 100

watts night, 250 watts day time, unlimited hours of operation.

##### 1380 Kilocycles

WSMK—WSMK, Inc., Dayton, Ohio.—Modification of construction permit B2-P-1575, as modified, for new equipment, directional antenna night, increase in power, change in hours of operation, and move of transmitter, further requesting extension of completion date from 5-1-39 to 7-1-39.

##### 1420 Kilocycles

WILM—Delaware Broadcasting Co., Wilmington, Dela.—License to cover construction permit B1-P-2104, for new antenna and move of transmitter, and change in time.

KEUB—Eastern Utah Broadcasting Co., Price, Utah.—Authority to transfer control of corporation from Sam G. Weiss, to A. W. McKinnon, and Jack Richards, 5,542 shares common stock.

#### MISCELLANEOUS

W1XAR—World Wide Broadcasting Corp., Boston, Mass.—Modification of construction permit B1-PIB-15, to change transmitter site from 1218 State Highway Norwood to 70 Brookline Ave., Boston, Mass.

WCNY—Board of Education, City of New York, New York, N. Y.—License to cover construction permit B1-PED-7, for new Non-Commercial Educational Broadcast station.

W1XKB—Westinghouse Electric & Mfg. Co., E. Springfield, Mass.—Construction permit to install new transmitter, change operating frequencies to 42380 kc., increase power output to 1 KW.

W8XUM—WBNS, Inc., Columbus, Ohio.—License to cover construction permit B2-PFB-10, for a new facsimile station.

NEW—Radio Station WMFR, Inc., High Point, N. C.—Construction permit for new relay broadcast station on 1622, 2058, 2150, 2790 kc., 50 watts power, A-3 emission.

W1XAR—World Wide Broadcasting Corp., Boston, Mass.—License to cover construction permit, B1-PIB-15, as modified, for a new International Broadcast station.

WAHE—WTAR Radio Corp., Norfolk, Va.—License to cover construction permit B2-PRY-136, for new Low Frequency Relay Station.

## FEDERAL TRADE COMMISSION ACTION

#### COMPLAINTS

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

**Aldine Dental Stationers**—Paul S. Hervey, trading as Aldine Dental Stationers, Des Moines, Iowa, is charged in a complaint with advertising as "embossed," stationery printed by ordinary type process and treated by chemicals and baking to produce a raised letter effect simulating genuine embossing. (3758)

**Associated Denver Tailors**—See Woodley-Elliott & Company.

**Automatic Radio Manufacturing Co., Inc.**—Two complaints alleging unauthorized use or suggestion of well known trade names have been issued against companies dealing in radios and electric shavers.

Automatic Radio Manufacturing Company, Inc., Boston, Galvin Manufacturing Corporation, Chicago, and Ferguson Radio and Television Company, Inc., New York, all manufacturers, are alleged to have cooperated with The Pep Boys-Manny, Moe and Jack, Inc., Philadelphia, chain store operators, in the sale of radio sets advertised and branded "Remington," a well and favorably



known trade name whose legal owners had not given the respondents permission to so use it.

Trading as Premium Sales Service, Charles E. Herchenroeder, Chicago, in the sale of electric dry shavers, is alleged to have composed his advertising matter so that the word "General" was placed above the words "Electric Dry Shaver" in a manner misleading buyers into believing they were purchasing General Electric Company products.

Herchenroeder was also charged with misleading buyers into believing they were purchasing a \$15 Packard Lectro Shaver by use in his advertisements of a picture of an electric dry shaver and the word "Packard" in bold type. The complaint points out that the respondent's shavers were of inferior quality and had only a fraction of the value of a genuine Packard Lectro Shaver.

The complaint against Herchenroeder also alleges use of a lottery plan in selling novelty articles to ultimate consumers by use of a push card system under which a participator selecting a feminine name corresponding with a name concealed under a master seal received a premium wholly by chance. (3762-3763)

**Barrett Company**—See Chilean Nitrate Sales Corporation.

**M. E. Carter & Company**—See Fruit & Produce Exchange.

**Chilean Nitrate Sales Corporation** and The Barrett Company, both of New York, are charged with restraint of trade in violation of the Federal Trade Commission Act and price discrimination in violation of the Robinson-Patman Act in a complaint.

These companies together are alleged to monopolize the supply and distribution of raw or basic nitrate of soda sold in the United States. Chilean Nitrate imports its product from Chile while The Barrett Company's product is manufactured at Hopewell, Va., by a corporation of which it is a subsidiary or affiliate.

They sell basic nitrate of soda in bags for distribution to farmers as a raw, unmixed soil fertilizer and in bulk to manufacturers as an ingredient for use in compounding mixed fertilizers.

The complaint charges them with entering into agreements, the effect of which is to monopolize the sale and distribution of their products by establishing, fixing and maintaining the prices at and the conditions under which both bulk and bagged nitrate of soda shall be sold to distributors and fertilizer manufacturers and resold to dealers and consumers.

Their practices are alleged to have the further effects of restraining and suppressing competition and of depriving purchasers of advantages in price, service and other considerations which they would normally possess. (3764)

**Ever-Keen Dry Shaver Company**—Use of lottery schemes and misrepresentation in advertising are charged in a complaint against J. H. Tigerman, trading as Ever-Keen Dry Shaver Company and as Royce Dry Shaver Company. The respondent is engaged in the assembling, sale and distribution of electric razors, with his principal office and place of business at 43 East Ohio St., Chicago.

The complaint alleges that salesmen and representatives are supplied with push cards and printed instructions. One of these reads, in part, "You distribute sales cards to friends, neighbors and others. They in turn present their cards to their friends who 'take selections' paying the small sums of 1¢ to 15¢ for an opportunity to own an Ever-Keen Dry Shaver. The person selecting the name corresponding with the one appearing under the seal on the card receives an Ever-Keen Dry Shaver. Each one of your solicitors collects a total of \$10 from his sales card which he turns over to you. You give him 2 Ever-Keen Dry Shavers, 1 for himself and 1 for the person who selected the name corresponding with the one appearing under the seal. Two Ever-Keen Dry Shavers cost you as little as \$5.50—so you can make as much as \$4.50 on every sales card."

The complaint also alleges that claims are made in advertising in magazines and periodicals by the respondent that his dry shavers are equal in value and performance to \$15 dry shavers, whereas they are of inferior grade and workmanship. (3757)

**Ferguson Radio & Television Co.**—See Automatic Radio Mfg. Co., Inc.

**Fruit and Produce Exchange**—Illegal payment and acceptance of brokerage fees in violation of the brokerage section of the

Robinson-Patman Act is alleged in a complaint issued against two Memphis, Tenn., dealers in foodstuffs and allied products and a group of companies selling their products to the two dealers.

The Memphis dealers are Jake Felt, a jobber, trading as The Fruit and Produce Exchange, and M. E. Carter & Co., a wholesaler. Felt is alleged to own 84 per cent of the Carter Company's outstanding stock and to manage its activities.

The complaint describes the seller respondents as being typical of a large class of producers who sell to Felt and to competitors of Felt and M. E. Carter & Co. They are too numerous to be brought into the Commission's proceeding without inconvenience and delay.

In connection with their sales to Felt the respondent selling companies and other sellers are alleged to pay him so-called brokerage fees or commissions amounting to an agreed percentage of the quoted sales prices. The complaint further alleges that Jake Felt, trading as The Fruit and Produce Exchange, resells the commodities so purchased to wholesale dealers and likewise resells through M. E. Carter & Co., to retail dealers. It is alleged that in connection with the purchases made by Jake Felt from the seller respondents no services are rendered to such sellers on such transactions. (3765)

**Galvin Manufacturing Co.**—See Automatic Radio Mfg. Co., Inc.

**Nutrine Candy Company**—A complaint has been issued charging Nutrine Candy Company, 419 West Erie St., Chicago, with violation of the Robinson-Patman Act through granting illegal price discriminations and of the Federal Trade Commission Act through conducting a lottery in the sale of candy to ultimate consumers.

It is alleged that the respondent company discriminated in prices charged its retail dealer customers purchasing similar units of candy of like grade and quality by allowing some of the dealers different prices than those granted others.

The complaint contains a table of prices charged by the respondent over a given period showing discriminations on certain items in favor of chain store organizations as against small independent retail dealers, such discriminations ranging from 12½ to 98 per cent above the minimum prices charged for these items. (3756)

**Premium Sales Service**—See Automatic Radio Mfg. Co., Inc.

**Roye Dry Shaver Company**—See Ever-Keen Dry Shaver Company.

**Rulo Company**—A complaint has been issued against Norman D. Loughlin, L. E. Rupe, Bernal H. Dyas, Ruth C. Hemstreet, Volney T. James and Page H. Lamoreaux, individually and trading as Rulo Company and Rulo Corporation, all of Los Angeles. The respondents are engaged in selling and distributing "Rulo Automatic Injector" and "Rulo Energy Fluid."

In truth and in fact, the complaint alleges, use of the device and fluid will not effect economies through lessening gasoline and oil consumption of the motor, and does not save any amount in the cost of gasoline and oil consumed by any car driven any distance for any length of time. The fluid, the complaint alleges, is a lubricating oil to which a small quantity of colloidal graphite is added, and this addition does not enhance the value of lubricating oil for use in automobile engines. (3761)

**Woodley-Elliott & Company**—Charging misrepresentation in the sale of men's clothing a complaint has been issued against Woodley-Elliott & Co., a corporation, also trading as Associated Denver Tailors and as Associated Tailors, 1745 Champa St., Denver, Colo.

In advertisements the respondent is alleged to have made representations to the effect that all or most of its stock of woollens or fabrics used in making its clothing was purchased as surplus stock of the manufacturers of "Hickey-Freeman," "Society Brand" and "Fashion Park" clothes, and constituted practically all the surplus woollens or fabrics in the hands of these makers at the time of purchase. (3759)

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Coronado Manufacturing Company**—Misrepresentations in the sale of cosmetics is prohibited in an order issued against Harold L. Rothschild, trading as Coronado Manufacturing Company, with headquarters in St. Paul, Minn.

Rothschild, it was found, sells his products through distributors employed by means of advertisements placed in classified columns of newspapers in different cities by supervisors who receive commissions for the amount of business placed with the distributors. The distributors place display cases of Rothschild's products in drug stores and other establishments. Proprietors of these stores receive a commission on sales.

Under the order, the respondent is directed to cease and desist misrepresenting possible earnings by prospective agents or actual earnings by his distributors during specific periods. He is also ordered to discontinue representing that he will furnish distributors additional goods on credit on a profit-sharing basis; that exclusive sales territory is assigned to agents, and that he has a long established business or demand for his products, when these are not the facts. (2829)

**National Advertisers Company**—Prohibiting the use of lottery devices in the sale of merchandise to the ultimate consumer an order to cease and desist has been issued against J. P. Sheehan, trading as National Advertisers Company, 230 East Ohio St., Chicago. The order forbids supplying to agents, distributors or others punchboards, push or pull cards or other lottery devices to aid in the sale of merchandise, or selling articles by use of such devices. Sheehan sells watches, radios, pipe sets, pen and pencil sets and electrical household articles. (3705)

**Rightway Institute**—Joseph Rosenfeld, operating under the trade name Rightway Institute, with office at 815 South Hill St., Los Angeles, has been ordered to cease and desist from misrepresentations in the sale and distribution of courses of instruction in a system of exercising designated Rightway Method.

The findings allege that the respondent represents that his business is that of an institute or scientific research body conducted by graduate medical doctors and specially trained experts in physical culture, although he has no place of business other than desk space from which his business is transacted, and conducts such business without the aid of employees or assistants.

The respondent is ordered to cease and desist from representing that his system of exercising is a scientific way to relieve indigestion or stomach and intestinal gas, or that it will cure these ailments or can be used with safety by all persons suffering from them. (3158)

**Soap Lake Products Corporation**, Seattle, Wash., distributors of packaged mineral salts, ingredients of which are taken from Soap Lake in the State of Washington, is ordered to cease and desist from misrepresentation of the efficacy of the products in curing numerous ailments and diseases.

Through newspapers, magazines and radio broadcast, the respondent has advertised "Mother Nature Soap Lake Salts," "Mother Nature Soap Lake Seltzer" and "Mother Nature Soap Lake Spirit" as possessing broad healing qualities. Among advertisements of the respondent quoted in the findings of the Commission are: "ALMOST UNBELIEVABLE—BUT TRUE! The fame of Soap Lake has become nation-wide. More than 30,000 visitors last summer! They came with aches and pains—rheumatism, neuritis, arthritis \* \* \* with skin irritations—eczema, itch, psoriasis, athlete's foot, poison oak, poison ivy, gangrene and lingering infections; with stomach, gall, intestine, kidney, bladder and other functional disorders—and left happy." \* \* \* "No longer need you journey far and expensively to prove the virtue of Soap Lake minerals. They are now easily and inexpensively available to you through your druggist \* \* \* from Nature's own laboratory."

In truth and in fact, the findings state, use of the respondent's products alone, either externally or internally, will not prevent or cure, and are not beneficial in the treatment of, any of the diseases or ailments named or any other disease, affliction or ailment which

may be present in the human body, as represented in the respondent's broadcast and advertising literature. Under certain conditions use of the respondent's products, the findings state, are distinctly harmful. (2823)

## STIPULATIONS

The Commission has entered into the following stipulations:

**Candler System Company**—An Asheville, N. C., distributor of a correspondence course for radio operators, entering into a stipulation, agrees to cease using the name "Association Western Union Employees" in his advertising literature when such literature is neither published nor sponsored by such an association.

Walter H. Candler, distributor of this course, who is in business under the name Candler System Company, publishes "Telegraph World" and circulates it widely, according to the stipulation. It contains advertisements and sales promotion for Candler's instruction system. In the upper right corner of the front cover appeared the caption: "Association Western Union Employees."

In his stipulation, Candler also agrees to cease overstating and misrepresenting the demands and opportunities for employment in the radio communication field, and to discontinue representing that Candler training provides world-wide travel, adventure and good pay, and that an employment service is available to Candler graduates without cost.

Candler agrees to stop using any so-called "money-back" guarantee conditioned on a student's failure to pass a code test, which has a tendency of deceiving students or otherwise involves misrepresentation, bad faith or deceptive concealment of pertinent facts. (2432)

**Cardean Knitwear Company**—M. W. Carp and J. L. Diener, trading as Cardean Knitwear Company, 311 West Baltimore St., Baltimore, dealing in sweaters and other knitted wear, will desist from selling and distributing products to which are affixed or which are accompanied by tags bearing what purports to be a retail selling price, but which price is exaggerated, fictitious, or much in excess of the price at which the products are sold in the ordinary course of trade. (2445)

**Dermetics, Inc.**—Under a stipulation entered, Dermetics, Inc., having headquarters in Seattle, Wash., will cease and desist from misleading representations in the sale of cosmetic preparations designated Dermetics.

The respondent will discontinue representing that one of its preparations will awaken vasomotor or sensory nerves, or that such nerves are inactive in most people; that use of the products will make one young or assure natural functions of the nerves, cells, pores or blood stream; that competing cleansing creams cause pores to become clogged or impair the function of the skin; that the respondent's powder is moisture proof and prevents caking or streaking, or that use of any products sold by the respondent will cause the hair to grow thicker, darker, more abundant or assure lustrous, luxuriant hair or hair with a natural sheen. (02363)

**Empire Mattress Company**—J. M. and M. A. Kanter, trading as Empire Mattress Company, 809-11 East 23rd St., Kansas City, Mo., have entered into a stipulation to discontinue misleading representations in the sale of mattresses.

The respondents will cease representing, or placing on their mattresses labels or tags indicating, that their products retail or were manufactured to retail at a price in excess of the price at which they are regularly and customarily sold by retailers, and will discontinue selling or supplying customers for sale to others, products to which are affixed any false, fictitious or misleading price in excess of the price at which the mattresses are usually sold at retail. (2434)

**Food Chemistry Educational Institute**—See New Century Foods, Inc.



**Hawk and Buck Company**, 801 West Vickery St., Fort Worth, Tex., selling work clothes designated Hawk Brand Dubl-Proof Khakis, agrees to cease representing that its products are shrink-proof, will not shrink, or, through the unqualified use of the words "preshrunk" or "shrunk" or other words of similar import, in advertising or on labels, that its wearing apparel is shrinkproof, non-shrinkable, or has been shrunk or preshrunk to the extent that no remaining shrinkage is left in the goods. The respondent will also discontinue use of the term "Dubl-Proof" in connection with a representation that its clothing will not shrink, when in fact the wearing apparel does contain a residual shrinkage. (02361)

**Henning-Larson Glue Company**, 11 South Desplains St., Chicago, selling a casin glue, has entered into a stipulation to desist from the use on labels, stationery or printed matter or otherwise of the word "Waterproof" as descriptive of its glue, when in fact the product is not waterproof or impervious to water or its effects. (2437)

**Lund's Grape Juice Company**—C. Harrison Lund, trading as Lund's Grape Juice Company, and Lund's Health Institute, 332 East 6th St., Erie, Pa., has entered into a stipulation to cease advertising or representing that his products are an adequate treatment for, or will have any curative effects on various diseases such as stomach, liver, kidney or intestinal troubles, and will desist from use of the words "Health Institute" or any words implying that his business is an institution equipped for the restoration of health, and from representing that the so-called "Consulting Dietist" correspondence course offered by him is of such efficiency that all persons who take it will become qualified to be properly designated "Consulting Dietist". (2438)

**May, Stern & Co.**, 914 Penn Ave., Pittsburgh, engaged in the sale of household goods, including rugs, has entered into a stipulation to cease and desist from certain misleading representations.

In the sale and distribution of rugs, the respondent will discontinue use of the words "Persian" or "Chinese", either alone or in connection with any other words as descriptive of its products, so as to import or imply that the rugs are of oriental origin or manufacture, when such is not a fact, and of the words "triple-loomed" as purportedly descriptive of its products in advertising matter or otherwise, when in fact such words are meaningless and not warranted. (2440)

**Mystic Stamp Company**—Lawrence K. Shaver, trading as Mystic Stamp Company, World Wide Stamp Company and National Credit Bureau, Camden, N. Y., has entered into a stipulation in which he agrees to cease representing that any recipient of approval sets of stamps not ordered or requested by the recipient, is under contract to pay for or return the merchandise, and to refrain from quoting a figure purporting to be the actual value of a stamp, set of stamps or other merchandise which is in excess of the price for which the articles can be obtained in the usual course of business, and to desist from the use of the trade name "National Credit Bureau," purporting to be an independent collection bureau, for the purpose of collecting payments on his contracts. (2435)

**National Credit Bureau**—See Mystic Stamp Company.

**New Century Foods, Inc.**—A Burbank, Calif., group distributing health foods, health appliances and cooking devices, has entered into a stipulation to discontinue use of the word "Institute" in a trade name or in a manner suggesting that a private business is either an organization for promotion of learning, philosophy, art or science or an association of food chemists.

They will also cease advertising that their organization is "for educating the laymen in the science of building perfect bodies" or that its purpose is "purely educational."

Respondents are Martin W. Pretorius, trading as Food Chemistry Educational Institute, and New Century Foods, Inc., a corporation of which Pretorius is chief stockholder and general manager.

Other representations to be discontinued under the stipulation are that the respondents manufacture the products they sell or that they are prepared under direction of Nutritional Chemists, New Century Foods, Inc., or of Nutritional Chemists, Food Chemistry Educational Institute, or of New Century Foods, Inc., when these are not the facts.

The respondents agreed to cease representing that "alkalinization," advertised as one of the beneficial results of using their food, will serve to correct bodily ills generally or that the respondents' products or courses constitute competent remedies for some 40 diseases and conditions. (2439)

**Progress Manufacturing Company**—Arthur Martin and Joe Fitzjarrald, trading as Progress Manufacturing Company, Arthur, Ill., have entered into a stipulation to desist from unfair methods of competition in the sale of metal burial vaults.

The respondents will discontinue representing in advertisements or purported guarantees that their vaults are made of rust-resisting material and are waterproof or impervious to water or air, and will so remain and endure under any and all burial conditions.

The stipulation points out that the vaults, under certain conditions of interment, will rust and eventually admit air and water, and thus are not properly represented as being "rust-resisting," "waterproof" or as insuring "complete air-seal protection," as was advertised by the respondents. (2436)

**E. F. Timme & Son**—Plush and pile fabrics imitating furs in appearance, will no longer be represented as coming from Labrador or the Klondike or Polar regions, under a stipulation entered into by a New York group operating mills in Pennsylvania and Rhode Island.

The respondents are Albert A. Levy, William E. Rothen, and John Hastedt, executors of the estate of Otto Timme, deceased, who operate as E. F. Timme & Son, and Victoria Plush Mills, New York, operating mills in Swarthmore and Lenni, Pa., and Woonsocket Falls Mill, New York, having a plant in Woonsocket, R. I. All three concerns occupy the same or adjoining offices at 1 Park Avenue, New York.

In their stipulation, the respondents agree to cease using or placing in the hands of others for their use, labels, brands or other trade indicia bearing the words "Labrador Fur" or "Klondike Fur," or representations of similar import as descriptive of products not procured from Labrador or the Klondike region or products which are not composed of fur. (2433)

**Transcontinental Sales Company**—See U. S. Merchandise & Fireworks Co.

**U. S. Merchandise & Fireworks Company**—Irwin Siegel, doing business as The U. S. Merchandise and Fireworks Company, Cleveland, and T. J. Leviton, trading as Transcontinental Sales Company, Chicago, have entered into stipulations to cease and desist from supplying punch boards, push and pull cards and other lottery devices for distribution to retail dealers and others to be used in the disposal of merchandise to ultimate consumers. (2442-2443)

**Woonsocket Falls Mill**—See E. F. Timme & Son.

**World Wide Stamp Company**—See Mystic Stamp Company.

**Victoria Plush Mills**—See E. F. Timme & Son.





## The Week In Washington

The threat of the Federal Government getting into the broadcasting business was revived this week when Senator Chavez (D-N.M.) reintroduced his Pan-American radio station bill. It is a revised version of the one he and former Senator McAdoo introduced jointly during the last session of Congress.

The principal changes provide that the letters "PAZ" (Spanish for "peace") be included in the call letters and that the station be built near Washington, D. C., instead of San Diego, California. The NAB will oppose the Chavez bill as it has opposed all similar bills. Even though they are "designed to promote friendly relations among the nations of the Western Hemisphere," the NAB feels that enactment of any one would constitute a long step toward Government ownership of the industry.

Reports that the International Copyright Convention would come before the Senate next week were heard in capital circles this week. The NAB pointed out to all members in a special letter last week why this Treaty should be rejected.

A favorable report on the Johnson bill to ban beer and liquor advertising on the air, ordered last week by the Senate Interstate Commerce Committee, is being drafted and probably will be presented to the Senate within a few days. It is understood that a minority report also is being written. The NAB pointed out in last week's REPORTS that enactment of this bill would cost the broadcasting industry upwards of \$1,250,000 a year in revenue.

In this connection, W. S. Alexander, Federal Alcoholic Administrator, told the National Alcoholic Beverage Control Association this week that "there is nothing at the moment that is making so much foul weather for the liquor industry as the continued intrusion in the homes of the country of alluring radio appeals to pep up with this brew and go to town with that". Alexander has endorsed the Johnson bill.

Vermont has enacted a new copyright license law providing that licenses covering performing rights shall be filed with the Secretary of State and placing a 5 per cent gross receipts tax on copyright pools.

The FCC will reopen the record in the Monopoly Investigation on May 11 for Commission cross-examination of David Sarnoff, President of RCA, and George Engels, Vice President of NBC.



NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NA tional 2080

Neville Miller, *President*

Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel*; Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*

### FREE OFFERS

Remember the recent Webster's Dictionary free offer? It was a "word game" script, with numerous plugs for Websters.

Well, following the NAB's advice, a New England station manager tackled the publisher for an account.

*He was told that 200 stations were using the script free!*

The NAB sincerely hopes that none of its members are on this sucker list.

Certainly the industry is losing a lot of good money when it lets prospective advertisers find out that they can chisel time on 200 stations by just hiring a clever script writer.

Use of scripts sent out by the Washable Textiles Bureau and Harcourt, Brace and Company would constitute violation of the NAB Code of Ethics. The NAB has suggested to both that they undertake a regular radio advertising campaign.

The Associated Long Island Newspapers Rooming Bureau, Inc., has suggested that stations carry *free* what amounts to advertising for rooming houses in the neighborhood of the World's Fair. Acceptance of this proposal would constitute violation of the NAB Code.

The American Civil Liberties Union is sending out a weekly "news script" which includes comment and editorial matter about news involving civil liberties. Unless the station attempts to present the other side of the picture, it might be accused of bias.

The same holds true of a transcription offered by the American League for Peace and Democracy, dealing with President Roosevelt's foreign policy. Of course this is a subject of great public interest just now, and might well be given time, provided it is fairly presented.

## Legal

### VERMONT ENACTS COPYRIGHT MONOPOLY LAW

The legislature of Vermont has enacted and the Governor has approved a new law pertaining to copyright

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monopolies. The statute provides that a copy of each license agreement covering performing rights for use in the state shall be filed with the secretary of state and shall be open to inspection by any person. The statute further provides for a privilege tax of five per cent of gross receipts derived by the copyright owner from the sale or licensing of performing rights.

### ADVERTISING OF IMPORTED PRODUCTS

A bill, H. R. 5985, has been introduced in Congress by Mr. Flannery, of Pennsylvania, which provides that all advertisements of imported articles must clearly show the country of origin. It provides that when the advertisement is by radio broadcasting a statement showing the foreign country of origin shall be made both at the beginning and at the close of the broadcast. Failure to make such announcement would constitute an unfair and deceptive practice within the meaning of Section 5 of the Federal Trade Commission Act. The Act would apply to all imported articles or to any articles assembled in the United States where the major portion of the materials used, either by volume, weight or value, have been imported from a foreign country.

### NEW LEGISLATION

#### CONGRESS

H. R. 5985 (Mr. Flannery, Penna.) ADVERTISING—To require announcement of place of origin of all imported articles or articles assembled in the United States from imported products, ingredients, parts or materials. Referred to Interstate and Foreign Commerce Committee.

#### STATE LEGISLATION

##### FLORIDA:

H. 611 (Hotels and Innkeepers) PERSONAL SOLICITING—Prohibiting walking or standing in public streets or highways to distribute advertising to occupants of motor vehicles or to make solicitations for same. Referred to Calendar Committee.

H. 625 (Com. on Hotels and Innkeepers) HOTELS—FALSE STATEMENTS—Providing for the punishment of any person making false statement concerning any hotel, apartment hotel or boarding house. Referred to Calendar Committee.

##### MICHIGAN:

S. 460 (Baldwin) PURE FOOD AND DRUGS—To prohibit the adulteration, misbranding and false advertising of foods, drugs, devices and cosmetics. Referred to State Affairs Committee.

##### TEXAS:

H. 986 (Petsch) POLITICAL LIBEL—To define as libel any false statement written, printed or published with intent to injure the reputation of any public official. Referred to Criminal Jurisprudence Committee.

### CHAVEZ BILL

Here is the text of the Chavez bill to put the federal government into the broadcasting business:

#### A BILL

To authorize the construction and operation of a radio-broadcasting station designed to promote friendly relations among the nations of the Western Hemisphere.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the



Secretary of the Navy is authorized and directed to construct, maintain, and operate an adequately equipped radio-broadcasting station, which shall have such power as may be necessary to transmit programs upon high frequencies to all the nations of the Western Hemisphere. Such station shall be known as the "United States Pan American Radio Station" and shall be located in the vicinity of Washington, District of Columbia, at a location to be selected by the Secretary of the Navy. The frequencies and call letter of such station shall be assigned to it by the Federal Communications Commission. The call letters of such station shall include "P-A-Z," arranged in that order for the purpose of signifying "peace" in the Spanish and Portuguese languages, and shall contain such other letters or figures as the Commission may prescribe with a view to the observance of the treaty obligations of the United States.

Sec. 2. The programs broadcast by such station shall be selected by the Secretary of State and shall be of such a nature as to promote friendly relations among the United States and the other nations of the Western Hemisphere. Such programs shall be particularly designed to strengthen the cultural, political, and commercial ties among the United States and such other nations of the Western Hemisphere.

Sec. 3. There is hereby created an advisory council to be known as the "Pan American Radio Station Advisory Council" (hereinafter referred to as the "council") and to be composed of the Secretary of State, the Secretary of the Interior, the Secretary of Commerce, and the Chairman of the Federal Communications Commission, or such representatives of those officials as they may designate and two other officers of the United States to be selected by the President. The Council shall, subject to the exclusive power of the Secretary of State to select the programs broadcast by the Pan American Radio Station, determine all questions of general policy with respect to the operation of such station. The members of the Council shall not receive any additional compensation for the performance of their duties as members of the council.

Sec. 4. The Secretary of State may, under such terms and conditions as he may prescribe and with the approval of the Council, permit any privately owned commercial company to use the facilities of such station for the broadcast, without profit to any such company, of programs approved by said Secretary.

Sec. 5. There are hereby authorized to be appropriated (1) the sum of \$3,000,000, for the purpose of acquiring the lands, constructing the buildings, purchasing the equipment, and doing all other acts necessary to construct and place in operation the radio station provided for by this Act; (2) for each fiscal year, beginning with the fiscal year ending June 30, 1940, the sum of \$100,000, or so much thereof as may be necessary, for the purpose of maintaining and operating such station; and (3) for each fiscal year, beginning with the fiscal year ending June 30, 1940, such sums as may be necessary to enable the Secretary of State to provide programs to be broadcast from such station.

### CLIFFORD CHAFEY ELECTED

Clifford Chafey, WEEU, Reading, Pa., was elected district director at a District 3 meeting in Philadelphia on April 24, to succeed Clair R. McCollough, WGAL, Lancaster.

Neville Miller led a discussion of copyright that occupied most of the afternoon session. Paul Peter, NAB Research Director, Edwin M. Spence, Secretary-Treasurer, and Joseph L. Miller, Labor Relations Director, discussed other NAB problems.

At an evening meeting, Mr. McCollough was elected president of the Pennsylvania Broadcasters Association.

Those at the district meeting included:

Roy Thompson, WFBG, Altoona; J. C. Tully, WJAC, Johnstown; A. W. Dannenbaum, Jr., and Patrick Stanton, WDAS, Philadelphia; Isaac D. Levy, Leon Levy and Alan Scott, WCAU, Philadelphia; Samuel Rosenbaum and Roger Clipp, WFIL, Philadelphia; Norman Reed and William Appelby, WPG, Atlantic City, N. J.; A. K. Redmond and R. S. Duncan, WHP, Harrisburg; Benedict Gimbel, Jr., and Edward A. Davies, WIP, Philadelphia; George Joy and W. V. Person, WRAK, Williamsport; W. P.

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Ogelsby, Jr., and Milton Laughlin, WHAT, Philadelphia; Clair R. McCollough, District Director; J. E. Mathiot, Walter O. Miller and J. Richard Bauman, WGAL, Lancaster; Joseph M. Nassau and John Morgan Davis, WIBG, Glenside; B. Bryan Musselman, WCBA, Allentown; C. G. Moss, WKBO, Harrisburg; H. J. Brennan, H. K. Brennan, John J. Laux, KQV, Pittsburgh; Leslie Joy, KYW, Philadelphia, representing S. D. Gregory, KDKA, Pittsburgh; Leonard Kapner, WCAE, Pittsburgh; Clifford Chafey, WEEU, Reading; George W. Beck, Basse A. Beck, Melvin Lahr, WKOK, Sunbury; George D. Coleman, R. E. McDowell, WGBI, Scranton; Douglas Hibbs and Harry N. Cocker, WTEL, Philadelphia.

### NAZI DECREE

The German Nazi government has decreed it a crime to repeat information broadcast from any foreign station if that information is unfavorable to the government or the Nazi party.

### CONNERY DEMANDS PROBE

Representative Connery (D-Mass.) renewed his demand in the House this week for an investigation of both the FCC and the broadcasting industry. He made a 20-minute speech, dealing for the most part with network contracts.

### PAT ALAN

W. W. Behrman, manager of WBOW, Terre Haute, Ind., asked anyone knowing the whereabouts of Pat Alan or Robert L. Fahenstock to wire him collect.

### RADIO REPORTERS GET GALLERY IN HOUSE OF REPRESENTATIVES

News reporters for broadcasting stations and news agencies serving broadcasting stations now have a special gallery in the House of Representatives, and are expected to get a special gallery soon in the Senate.

This arrangement is a compromise between broadcasting newsmen and newspaper reporters. The former sought admission to the regular press gallery, but the newspapermen objected on the ground that their gallery was overcrowded.

The NAB backed Fulton Lewis, Jr., MBS reporter, who led the fight for admission.

## FCC TELEVISION COMMITTEE

A number of Television companies with which the Television Committee of the Federal Communications Commission did not confer when it went on a trip a short time ago, will come to Washington next week to confer with the Committee.

On May 2, the Majestic Radio and Television Corporation of Chicago will confer with the Committee, and on the same day representatives of the Zenith Radio Corporation of Chicago will also hold a conference.

On May 3, the Wald Radio and Television Laboratories of New York will confer with the Committee, and on the same date Crosley Corporation representatives of Cincinnati will hold a conference.

On May 9, the Don Lee Broadcasting Corporation of Los Angeles will confer with the Committee.

Following these conferences and the trip which was made recently, the Television Committee feels that it will have discussed the Television situation with all of the corporations now working on this subject.

## MORE MONOPOLY HEARINGS

Further hearings will be held at the Federal Communications Commission beginning May 11 in connection with the monopoly investigation. David Sarnoff, president of the Radio Corporation of America, and George Engles, vice-president of the National Broadcasting Company, are being recalled to the stand by the Commission for cross-examination.

The Commission has referred to its Legal Division the motion of Louis G. Caldwell, counsel for Mutual, that the Commission ban renewal of network contracts beyond December 31, 1940.

There is a possibility that later some additional engineering testimony will be heard in connection with the monopoly investigation case.

## BLACK RIVER VALLEY SUIT

The petition of the Black River Valley Broadcasting, Inc., for a review of a decision of the District of Columbia Court of Appeals dismissing its suit for injunction against the FCC was denied this week by the United States Supreme Court. The Broadcasting Company which was granted a permit to construct a station at Watertown, N. Y., assailed action of the Commission in ordering a new hearing in the case.

## BILL ON "PEOPLE'S PLATFORM"

Edgar L. Bill, Director of WMBD, Peoria, Illinois, appeared on "The People's Platform" broadcast over the Columbia Broadcasting System last Sunday evening, 7 to 7:30 p. m. On the panel discussion with Mr. Bill were Lyman Grayson, Chairman of the CBS Adult Education Board; Dr. John W. Studebaker, Commissioner of

the United States Office of Education; Senator Burton K. Wheeler, Montana; and Gertrude H. Bowling of the Visiting Nurses Association. The discussion by Senator Wheeler and Mr. Bill pertained principally to educational programs and freedom of radio from censorship.

## FEDERAL COMMUNICATIONS COMMISSION

### DECISION OF COMMISSION

The Federal Communications Commission this week issued a decision granting Station KTOK, **Oklahoma City, Oklahoma**, permission to change its equipment and to operate unlimited hours on **1370 kilocycles**, 250 watts day, 100 watts night. At present, the station operates on the same frequency, unlimited hours, 100 watts power.

In its Findings of Fact in connection with the decision, the Commission found that the interests of other existing stations would not be adversely affected as a result of this decision. The Commission also found that the applicant is in all ways qualified to complete the changes and to operate the station as proposed.

Commissioner Thompson did not participate in this decision.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases beginning the week of May 1. They are subject to change.

**Monday, May 1**

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Renewal of license, **670 kc.**, 50 KW, unlimited time.

**Tuesday, May 2**

Further Hearing

NEW—Suffolk Broadcasting Corp., Suffolk, Va.—C. P., **1420 kc.**, 100 watts, 250 watts LS, unlimited time.

**Friday, May 5**

NEW—Thumb Broadcasting Co., Brown City, Mich.—C. P., **880 kc.**, 1 KW, daytime.

### FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings and oral arguments. They are subject to change.

**May 11**

Oral Argument Before the Commission

Examiner's Report No. I-763:

NEW—Sentinel Broadcasting Corp., Salina, N. Y.—C. P., **620 kc.**, 1 KW, unlimited time (DA night).



NEW—Civic Broadcasting Corp., Syracuse, N. Y.—C. P., 1500 kc., 100 watts, unlimited time.

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—C. P., 620 kc., 1 KW, unlimited time (DA night). Present assignment: 620 kc., 250 watts, daytime.

Examiner's Report No. I-727:

WJBL—Charles R. Cook (Transferor), Decatur Newspapers, Inc. (Transferee), Decatur, Ill.—Transfer of control of corporation; 1200 kc., 100 watts, shares WJBC.

#### June 1

NEW—C. T. Sherer Co., Inc., Worcester, Mass.—C. P., 1200 kc., 100 watts, 250 watts LS, unlimited time.

NEW—WJMS, Inc., Ashland, Wis.—C. P., 1370 kc., 100 watts, unlimited time.

NEW—North Shore Broadcasting Co., Salem, Mass.—C. P., 1200 kc., 100 watts, unlimited time.

#### June 2

WCOU—Twin City Broadcasting Co., Inc., Lewiston, Maine.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited time. Present assignment: 1210 kc., 100 watts, unlimited time.

#### June 5

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—C. P., 950 kc., 1 KW, unlimited time. Present assignment: 1120 kc., 100 watts, daytime.

#### June 7

WICA—WICA, Inc., Ashtabula, Ohio.—C. P., 940 kc., 1 KW, daytime. Present assignment: 940 kc., 250 watts, daytime.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KXYZ, Houston, Tex.; WBBC and auxiliary, Brooklyn, N. Y.; WEVD and auxiliary, New York City; WFEA, Manchester, N. H.; WBNS and auxiliary, Columbus, Ohio; KFJM, Grand Forks, N. Dak.; KGER, Long Beach, Calif.; KOH, Reno, Nev.; KOMA, Oklahoma City, Okla.; WFBC, Greenville, S. C.; WMBD, Peoria, Ill.; WSPD, Toledo, Ohio; KCRC, Enid, Okla.; KGA, Spokane, Wash.; KGIR, Butte, Mont.; KGNO, Dodge City, Kans.; KRNT, Des Moines, Iowa; KTBS (auxiliary), Shreveport, La.; KTUL, Tulsa, Okla.; WADC, Village of Tallmadge, Ohio; WALA, Mobile, Ala.; WCBA, Allentown, Pa.; WCOA, Pensacola, Fla.; WCSC, Charleston, S. C.; WDRC, Hartford, Conn.; WGAR and auxiliary, Cleveland, Ohio; WHEC, Rochester, N. Y.; WHDL, Olean, N. Y.; WLAC, Nashville, Tenn.; WMBG, Richmond, Va.; WMBG (auxiliary); WQBC, Vicksburg, Miss.; WSAN, Allentown, Pa.; WSFA, Montgomery, Ala.; WVFW, Brooklyn, N. Y.; WGES, Chicago; WHP, Harrisburg, Pa.

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

KID, Idaho Falls, Idaho; WAAB and auxiliary, Boston, Mass.; WBCM, Bay City, Mich.; WHIP, Hammond, Ind.; WQDM, St. Albans, Vt.; WTAQ, Green Bay, Wis.; KGBU, Ketchikan, Alaska; WHOM, Jersey City, N. J.

WBNX—WBNX Broadcasting Co., Inc., New York City.—Granted renewal of license on a temporary basis only, subject to whatever action may be taken by the Commission upon the application of WBNX for renewal of license pending before it.

W2XDV—Columbia Broadcasting System, Inc., New York City.—Granted renewal of high frequency broadcast (exp.) station license for the period ending April 1, 1940, subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

W1XKA—Westinghouse E. and M. Co., near Boston, Mass.; W1XKB—E. Springfield, Mass.; W8XKA—Pittsburgh, Pa.—Granted renewal of high frequency broadcast (exp.) station license for the period ending April 1, 1940, subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

W8XO—The Crosley Corp., Mason, Ohio.—Granted renewal of experimental broadcast station license for the period May 1, 1939, to May 1, 1940.

WAXG—Florida Capitol Broadcasters, Inc., Portable-Mobile.—Present relay broadcast station license further extended upon a temporary basis only for the period ending June 1, 1939, pending determination upon application for renewal of license.

The following licenses for high frequency broadcast (exp.) stations were extended upon a temporary basis only for the period ending June 1, 1939, pending determination upon applications for renewal of licenses:

W9XUY, Omaha, Nebr.; W9XHW, Minneapolis; W8XNU, Cincinnati, Ohio; W9XA, Kansas City, Mo.; W8XQJ, Detroit; W9XLA, Denver; W2XQO, Flushing, N. Y.; W4XCA, Memphis, Tenn.; W9XUP, St. Paul; W2XDG, Bound Brook, N. J.; W2XGH, New York City; W9XH, South Bend, Ind.; W4XBW, Chattanooga, Tenn.; W5XAU, Oklahoma City, Okla.; W1XER, Sargents Purchase, N. H.

### DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

NEW—Clarence H. Fray and Robert O. Greever, Logan, W. Va.—Application for C. P. for new station to operate on 1200 kc., with 100 watts, daytime only.

W9XAK—Kansas State College of Agriculture and Applied Science, Manhattan, Kans.—Application for C. P. requesting change in existing television equipment, reducing power from 125 to 100 watts and change in frequency assignment from 2000-2100 kc. to 42000-56000 kc. (The application was designated for hearing because applicant failed to submit a satisfactory program of research and experimentation as contemplated by the Commission's rules and regulations.)

KRE—Central California Broadcasters, Inc., Berkeley, Calif.—Application for modification of license to increase power from 100 watts night, 250 watts day, to 250 watts both day and night. (To be heard before the Commission.) Application designated for hearing because the request violated Rule 121.

KWOS—Tribune Printing Company, Jefferson City, Mo.—Application for modification of license to increase night power from 100 to 250 watts. (To be heard before the Commission.) Application designated for hearing because request violates Rule 121.

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—Application for renewal of license; 60-day temporary license granted pending hearing. Application designated for hearing in view of provisions of Sec. 310(a) (5) of the Act, regarding alien connections of officers or directors.

KHBC—Honolulu Broadcasting Co., Ltd., Hilo, T. H.—Application for renewal of license; 60-day temporary license granted pending hearing. Application designated for hearing in view of provisions of Sec. 310(a) (5) of the Act, regarding alien connections of officers or directors.

KUMA—Albert H. Schermann, Yuma, Ariz.—The issues raised in the Order of Revocation of license for station KUMA entered by the Commission February 20, 1939, effective April 1, 1939, to be heard before Commissioner Case on May 22.

### MISCELLANEOUS

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to commence operation at 6 a. m., Daylight Saving Time instead of 6 a. m., CST, for the period April 28 to September 24, in order to maintain same sign-on time after time changes of April 28 go into effect.

WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted special temporary authority to test the effectiveness of the directional antenna during daylight hours of operation with an operating power of 1 KW, for a period not to exceed 30 days, in order that field intensity measurements may be made for furnishing proof of performance.



- WADN—The Asheville Daily News (Harold S. Thomas, Owner), Asheville, N. C.—Granted special temporary authority to operate a 100-watt portable transmitter in Asheville and vicinity during the period from 1 hour after sunrise to 1 hour before sunset, for a period not to exceed 30 days, in order to make transmitter site tests.
- KSFM—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate relay broadcast station KSFM aboard Boeing seaplane YANKEE CLIPPER on frequencies 4797.5, 6425, 8655, 12862.5 and 17310 kc., in addition to the normal licensed frequencies for the period April 28 to May 27, for transmission of special program features from newly developed Boeing seaplane during first public service flight to Europe.
- KHBG—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Granted special temporary authority to operate from local sunset (May 7:15 p. m., CST), to 9:30 p. m., CST, on May 7, 14, 21 and 28, in order to broadcast Sunday Evening Church services.
- WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Granted extension of special temporary authority to rebroadcast sustaining programs to be received from international broadcast station W2XE over station WKAQ, on a noncommercial experimental basis only, for the period April 21 to May 20.
- KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Denied extension of special temporary authority to operate unlimited time on 1180 kc., using 10 KW, employing directional antenna system after sunset at Portland, Ore. (April, 7 p. m., and May 7:30 p. m., PST), for the period April 23 to May 22.
- KEX—Oregonian Publishing Co., Portland, Ore.—Denied authority to operate unlimited time on 1180 kc., using 5 KW, for the period April 23, and ending no later than May 22.
- KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 1:30 to 7:15 p. m., and from 8:45 to 10:30 p. m., on April 25; from 9 a. m. to 11:30 a. m., and from 1:30 to 10:30 p. m., April 26; from 9 to 11:30 a. m. and from 1:30 to 10:30 p. m., April 27; from 9 to 11:30 p. m., from 1:30 to 7:15 p. m., and from 8:45 to 10:30 p. m., April 28; from 8 to 11:30 a. m., and from 1:30 to 3 p. m., MST, April 29, in order to broadcast State Music Week Contest and Vocal Festival.
- WSAL—Franm M. Stearns, Salisbury, Md.—Denied special temporary authority to operate with power of 100 watts, from 7:15 to end of game on May 4, 5, 7, 8, 10, 11, 13, 14, 17, 19, 22, 24, 25, 27, 28, 30, or in event it is necessary to cancel any of these dates to extend such postponed dates as may be fixed, in order to broadcast baseball games.
- NEW—Wendell Mayes, Joe N. Weatherby & Wm. J. Lawson, d/b as Brown County Broadcasting Co., Brownwood, Tex.—Granted motion for order to take depositions in re application for C. P. to operate on 990 kc., 1 KW, daytime.
- Samuel M. Emison, Vincennes, Ind.—Denied motions of Intervenor for orders to take depositions in re application of the Vincennes Newspapers, Inc., for a new station in Vincennes, Ind., to operate on 1420 kc., 100 watts unlimited. Exception to the ruling noted by counsel for petitioner.
- NEW—John R. Pepper, Greenville, Miss.—Granted petition to take depositions and motion for waiver of 25-day filing requirement in re application for C. P. to operate on 1310 kc., 100 watts, 250 watts LS, unlimited.
- WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—Granted petition for order to take depositions in Lawrence, Kans., in re application for C. P. to move transmitter and studio and install DA for day and night use.
- WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.—Granted petition for order to take depositions in Kansas City, Mo., in re application for C. P. to move transmitter and studio and install DA for day and night use.
- KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Granted petition to amend C. P. for change in equipment in re application for local move of transmitter and studio and install new antenna.
- KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Denied petition to dismiss without prejudice, application for C. P. to change frequency from 1450 to 620 kc., and increase power from 1 KW, unlimited time to 1 KW, 5 KW LS, unlimited time, using DA at night.
- WCOU—Twin City Broadcasting Co., Inc., Lewiston, Maine.—Granted petition to continue hearing for period of 30 days from May 2, on application for C. P. to change power from 100 watts, unlimited, to 100 watts night, 250 watts day, unlimited.
- KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Granted petition to accept late appearance in re application for C. P. to install new antenna and move transmitter and studio locally. Also granted petition to continue hearing now scheduled for April 24, for a period of 60 days, date to be fixed by Docket Section.
- KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Granted petition to continue hearing now scheduled for April 24, for a period of 60 days, date to be fixed by Docket Section, on application for renewal of license.
- NEW—Pawtucket Broadcasting Co., Pawtucket, R. I.—Granted petition to accept respondent's appearance filed late, in re application of WQDM, St. Albans, Vt., for modification of license to increase hours of operation from daytime only to local sunset at WHK on 1390 kc., 1 KW.
- NEW—M. L. Medley, Cookeville, Tenn.—Granted petition to take depositions in re application for C. P. for a new station to operate on 1370 kc., 100 watts, 250 watts LS, unlimited time.
- WICA—WICA, Inc., Ashtabula, Ohio.—Granted petition to continue hearing on application for C. P. to increase power from 250 watts to 1 KW, for a period of 30 days from May 8, date to be fixed by Docket Section.
- WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Granted special temporary authority to operate from 5 to 6 a. m., CST, for the period April 30 to September 1, in order to conform with the adoption of Daylight Saving Time in Chicago.
- WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Granted special temporary authority to rebroadcast sustaining programs to be received from international broadcast station W3XAU over station WKAQ, on a non-commercial experimental basis only, for a period not to exceed 30 days.
- WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 2 to 3 p. m., EST, on May 6, 13, 20, 27 and June 3, in order to broadcast newscasts, musical programs and other features of public interest; from 8:30 to 10 a. m., and 2 to 3 p. m., EST, on May 7, 14, 21, 28 and June 4, in order to broadcast religious services, newscasts and musical programs; unlimited time on May 30, in order to broadcast Memorial Day programs (provided WSVS remains silent).
- CKLW—Essex Broadcasting Inc., Detroit, Mich.—Granted special temporary authority to transmit program consisting of religious service known as Novena in honor of the Little Flower to radio station CKLW from Shrine of Little Flower, Royal Oak, Mich., for a period not to exceed 10 days from May 1.
- KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Rescinded action taken April 20 in denying extension of special temporary authority to operate unlimited time on 1180 kc., employing DA system after sunset at Portland, Ore., and granted same for a period of 30 days.
- KEX—Oregonian Publishing Co., Portland, Ore.—Rescinded action taken April 20 in denying extension of special temporary authority to operate unlimited time on 1180 kc., using 5 KW, for a period of 30 days.
- WRKL—P. W. Spencer, Rock Hill, So. Carolina.—The Commission closed the records and deleted the call signal WRKL, in re the application for C. P. for a new station to operate on 1500 kc., 100 watts, daytime, which was granted by the Commission under date of December 5, 1938, subject to specifying the exact transmitter location and antenna system, because applicant has requested relinquishment of the authority.
- WQDM—Regan & Bostwick, St. Albans, Vt.—Granted special temporary authority to operate from 5 to 6 a. m., EST, for the period April 30 to September 24, in order to conform with the adoption of Daylight Saving Time in St. Albans.
- WBEO—The Lake Superior Broadcasting Co., Marquette, Mich.—Granted special temporary authority to operate on Daylight Saving Time for the period April 30 to June 1, 1939, instead of Central Standard Time as specified in license.
- National Broadcasting Co., Inc., New York City.—Granted special temporary authority to broadcast on National Broadcasting Co. network of stations program material received from Relay Broadcast Station WOEG operated by General Electric Co., aboard new streamline train of Union Pacific enroute Los Angeles to New York World's Fair, for the period April 26 to May 10; NBC to pick up programs from moving train via special temporary receiving stations and feed program over wireline connections to most convenient stations affiliated with network.



- W1XPW—WDRC, Inc., Hartford, Conn.—Granted extension of special temporary authority to test the high frequency broadcast equipment of station W1XPW authorized by modification of C. P., on frequency of **43.4 megacycles**, with power of 1 KW, for the period April 24 to May 23, pending definite arrangements to be made in the ultra high frequency bands.
- WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Granted extension of special temporary authority to operate with 5 KW at night, for the period May 5 to June 3, in order to overcome interference from Cuban station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency **780 kc.** or reduces power so that additional interference is not involved.
- WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Granted extension of special temporary authority to operate from 9 to 10 a. m., EST, Monday, Tuesday, Wednesday, Thursday, Friday and Sunday mornings, for the period May 6 to May 31, in order to broadcast certain educational programs.
- WJBY—Gadsden Broadcasting Co., Inc., Gadsden, Ala.—Granted special temporary authority to rebroadcast Naval Observatory time signals from NAA at Washington, D. C., over station WJBY, for the period 3 a. m., June 1, to 3 a. m., December 1, EST.
- KTKC—Tulare-Kings Counties Radio, Chas. A. Whitmore, Pres., Visalia, Calif.—Granted special temporary authority to operate from 9 to 9:15 p. m., PST, in order to broadcast transcribed music, and from 9:15 to 9:45 p. m., PST, on May 6, in order to broadcast The Banks of America program.
- WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—Granted special temporary authority to conduct site survey tests in the vicinity of Detroit on frequency **1280 kc.**, power of 100 watts, during daytime, for a period beginning 1 hour after local sunrise and ending 1 hour prior to local sunset, not to exceed 30 days.
- KEHE—Hearst Radio, Inc., Los Angeles, Calif.—Granted special temporary authority to rebroadcast program material received from relay broadcast station WOEG, operated by General Electric Co., from 8:15 to 9:15 a. m., PST, on April 24, in order to broadcast opening of new Union Pacific Railroad Station in Los Angeles.
- KGCA—Charles Walter Greenley, Decorah, Iowa—Granted extension of special temporary authority to remain silent for the period April 22 to May 21, 1939, pending KWLC's compliance with Rule 131.
- KOME—Harry Schwartz, Tulsa, Okla.—Denied extension of special temporary authority to operate from 8:30 to 10:30 p. m., CST, for the period beginning April 26, in order to broadcast the Texas League baseball games, using 100 watts only.
- KGCA—Charles Walter Greenley, Decorah, Iowa.—Denied special temporary authority to operate under license granted March 6, for a period not to exceed 30 days, pending KWLC's compliance with Rule 131.
- WLAW—Hildreth & Rogers Co., Lawrence, Mass.—Granted C. P. to make changes in equipment.
- WREC—Hoyt B. Wooten, tr/as WREC Broadcasting Service, Memphis, Tenn.—Granted C. P. to install auxiliary transmitter at main transmitting location, with 1 KW power employing DA system for day and nighttime operation for auxiliary purposes only.
- WILM—Delaware Broadcasting Co., Inc., Wilmington, Del.—Granted license to cover C. P. authorizing local move of transmitter site, installation of vertical radiator, and change in time of operation from S-WAZL to simultaneous D-WAZL and continued S-WAZL nighttime.
- WRDI—Northwestern Publishing Co., Danville, Ill., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station to relay programs where wire facilities are not available to be broadcast over applicant's broadcast station WDAN; frequencies **1622, 2058, 2150 and 2790 kc.**; 100 watts.
- WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Granted modification of C. P. to install new equipment and extend commencement date to 4 days after grant, and completion date to 120 days thereafter.
- KVAN—Vancouver Radio Corp., Vancouver, Wash.—Granted modification of C. P. approving transmitter and studio sites, changes in equipment and installation of vertical radiator.
- W1XLU—The Travelers Broadcasting Service Corp., Hartford, Conn., Portable-Mobile.—Granted modification of relay broadcast station license to reduce authorized power without new construction from 5 watts to 0.2 watts.
- W1XT—The Travelers Broadcasting Service Corp., Hartford, Conn., Portable-Mobile.—Granted modification of relay broadcast station license to reduce authorized power without new construction from 100 watts to 25 watts.
- WLTH—Voice of Brooklyn, Inc., New York City.—Granted license to cover C. P. authorizing changes in antenna to replace top section which was destroyed by storm.
- KSL—Radio Service Corp., of Utah, Salt Lake City, Utah.—Granted special temporary authority to rebroadcast program material received from relay broadcast station WOEG operated by General Electric Co. aboard new streamline train of Union Pacific from 4 p. m. to 5 p. m., MST, on April 25.
- W2XOY—General Electric Co., Albany, N. Y.—Granted extension of special temporary authority to operate a high frequency experimental broadcast station on the frequency **42.8 megacycles** now assigned Edwin H. Armstrong in order that Armstrong and General Electric may make simultaneous frequency modulation tests using same channel, for the period April 22 to May 21.
- W3XO—Jansky & Bailey, Washington, D. C.—Granted extension of special temporary authority to operate high frequency broadcast station on frequency of **43.2 megacycles** with the regular power of 1 KW, pending final arrangements in connection with the reallocation of the high frequency services, with respect to Commission's Order No. 19, for the period April 30 to May 29.
- W2XMN—Edwin H. Armstrong, Near Alpine, N. J.—Granted extension of special temporary authority to operate high frequency broadcast station on frequency **42.3 megacycles**, power output 40 KW, for the period May 15 to June 13, pending definite arrangements to be made in the ultra high frequency bands.
- W2XDA—General Electric Company, Schenectady, N. Y.—Granted special temporary authority to test the high frequency broadcast equipment of Station W2XDA on the frequency **41000, 41250, and 41500 kc.**, power output 50 watts, for a period of 30 days, for the express purpose of conducting frequency modulation experiments.
- WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted special temporary authority for daytime operation of new WFBR plant using directive antenna and daytime power as authorized by C. P. modified February 23, 1939, 5 KW, in order to collect field data essential to proof of performance report, for a period of 30 days.
- KGNF—Great Plains Broadcast Co., North Platte, Neb.—Granted special temporary authority to rebroadcast program material received from Relay Broadcast Station WOEG operated by General Electric Co. located aboard the new streamline train of Union Pacific en route Los Angeles to New York World's Fair April 27 between 7 and 8 a. m.
- WOW—Woodmen of the World Life Insurance Society, Omaha, Neb.—Granted special temporary authority to rebroadcast program material received from Relay Broadcast Station WOEG operated by General Electric Co. located aboard the new streamline train of Union Pacific en route Los Angeles to New York World's Fair from 12:30 to 1 p. m., and from 5:30 to 5:45 p. m., CST, on April 27.
- WTOL—The Community Broadcasting Co., Toledo, Ohio.—Granted special temporary authority to rebroadcast program material received from Relay Broadcast Station WOEG operated by General Electric Co. located aboard the new streamline train of Union Pacific en route Los Angeles to New York World's Fair from 6:45 p. m., to approximately 7:30 p. m., EST, on May 1.
- KMMJ—KMMJ, Inc., Grand Island, Neb.—Granted special temporary authority to rebroadcast program material received from Relay Broadcast Station WOEG operated by General Electric Co. aboard new streamline train of Union Pacific from 12 noon to 2 p. m., CST, on April 27.
- KTEM—Bell Broadcasting Co., Temple, Tex.—Granted special temporary authority to operate from 8:45 to 11:30 p. m., CST, on May 15, in order to broadcast a Chamber of Commerce banquet, using 100 watts only.
- WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate from 2:30 to 4:30 p. m., EST, on April 30, in order to broadcast celebration of Sesquicentennial, U. S. Constitution.



WSVS—Seneca Vocational High School, Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 to 10 a. m., and from 2 to 3 p. m., EDST, instead of EST, for the period beginning April 30 (instead of from April 23 as authorized in grant of December 19) and ending in no event later than June 23, (provided WBNY remains silent).

KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 1:30 to 2 p. m., MST, on May 1, 8, 15, 22 and 29, in order to broadcast livestock auction and merchants program from Fort Morgan, Colo.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, Puerto Rico.—Granted special temporary authority to operate from 10 p. m., to 1 a. m., AST, on April 29, in order to broadcast May festivals at the Casino de Mayaguez; to operate from 10 p. m. to 1 a. m., on May 6, 13, 20 and 27, in order to broadcast May festivals; to operate from 9 to 11 a. m., and from 2 to 6 p. m., on May 7, 14, 21 and 28, in order to broadcast baseball games and athletic meetings at the municipal stadium; to operate from 9 to 11 a. m., and from 2 to 6 p. m., on May 30, in order to broadcast services pertaining to Memorial Day.

At the Oral Argument held on April 27 (all Commissioners present), the Commission unanimously dismissed the following application with prejudice, counsel for the applicant having filed a petition for dismissal without prejudice which was denied in the Motions Docket on April 21:

KTBS—Ex. Rep., 1-758—Tri-State Broadcasting System, Inc., Shreveport, La.—C. P. amended so as to request: move transmitter to Benton Road, Bossier, La.; install new equipment and directional antenna system for nighttime operation; change frequency from 1450 to 620 kc.; increase day power from 1 to 5 KW.

#### APPLICATIONS FILED AT FCC

##### 600 Kilocycles

WREC—Hoyt B. Wooten, d/b as WREC Broadcasting Service, Memphis, Tenn.—Modification of license to increase power from 1 KW night, 5 KW day to 5 KW day and night. Amended: To change name from WREC, Incorporated, to Hoyt B. Wooten, d/b as WREC Broadcasting Service.

##### 680 Kilocycles

WPRO—Cherry & Webb Broadcasting Co., E. Providence, R. I.—Construction permit to install new transmitter, make changes in directional antenna and use directional antenna nighttime only, increase power from 500 watts; 1 KW day, to 1 KW night, 5 KW day, change transmitter site from 680 Barrington Parkway, E. Providence, R. I., to Wampanoag Trail, E. Providence, R. I.

NEW—Lakeland Broadcasting Co., Willmar, Minn.—Construction permit for a new station to be operated on 680 kc., 250 watts power, limited time.

##### 880 Kilocycles

WSUI—State University of Iowa, Iowa City, Iowa.—Construction permit to install new transmitter and antenna and change transmitter site from Capitol and Washington Sts., Iowa City, Iowa, to Iowa City, Iowa.

##### 890 Kilocycles

KFNF—KFNF, Inc., Shenandoah, Iowa.—Modification of construction permit B4-P-1449, for increase in power, new equipment, directional antenna, night change in transmitter site, further requesting move of transmitter from Intersection Highway No. 3, and Ferguson Ave. Extension, near Shenandoah, Iowa, to near Manawa Lake, Iowa, and studio from 407 Sycamore St., Shenandoah, Iowa, to site to be determined Council Bluffs, Iowa. Extend commencement and completion dates and make changes in directional antenna.

KARK—Arkansas Radio and Equipment Co., Little Rock, Ark.—Modification of construction permit B3-P-2318, to increase power, install directional antenna for night use, requesting further changes in equipment.

##### 1060 Kilocycles

KWJJ—KWJJ Broadcast Co., Inc., Portland, Ore.—Modification of license to increase power from 500 watts to 1 KW. Amended: Re hours of operation.

##### 1200 Kilocycles

WDSM—WDSM, Inc., Superior, Wisc.—Modification of construction permit B4-P-770, as modified, for a new station, requesting changes in type of transmitter, move of transmitter from 38th St. and Tower Ave., Superior, Wisc., to 200 Main St., Superior, Wisc., and extend commencement and completion date from 10-9-38 and 6-9-39 for 10 and 90 days. Amended: Antenna changes.

WRBL—The Columbus Broadcasting Co., Inc., Columbus, Ga.—Modification of license to increase power from 100 watts night, 250 watts day, to 250 watts day and night. Amended: To correct night power.

##### 1290 Kilocycles

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Construction permit to install new antenna, move transmitter from City Hall, Second and Walnut Sts., to Railroad and Walnut, Blytheville, Ark., and studio from 205 W. Main St., Blytheville, Ark., to same site as transmitter. Amended: Antenna changes and changes in transmitter.

##### 1310 Kilocycles

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—License to cover construction permit B3-P-2189, for new transmitter and antenna, increase in power and change in transmitter site.

##### 1350 Kilocycles

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Construction permit to change frequency from 1350 to 630 kc., changes in antenna, directional antenna for night use, and transmitter changes, requests facilities of KFRU and WGBF.

##### 1370 Kilocycles

KMAC—W. W. McAllister and Howard W. Davis, d/b as Walmac Co., San Antonio, Tex.—Construction permit to make changes in equipment, antenna, change frequency from 1370 to 630 kc., increase power from 100 watts night, 250 watts day, to 1 KW, and change hours of operation from S-KONO to unlimited. Amended: Site to be determined, San Antonio, Texas.

NEW—Yetta G. Samford, C. S. Shealy, Thomas D. Samford, Jr., J. H. Orr, d/b as Opelika-Auburn Broadcasting Company, Opelika, Ala.—Construction permit for a new station on 1370 kc., 100 watts, 250 watts power, unlimited time.

##### 1390 Kilocycles

NEW—Broadcasting Corporation of America, Riverside, Calif.—Construction permit for a new station on 1370 kc., 250 watts, unlimited time. Amended: To request 1390 kc., 1 KW power, equipment changes and antenna changes, give transmitter site as Redwood Drive and River, Riverside, Calif. Request facilities of KOY when KOY goes to a new frequency.

##### 1420 Kilocycles

NEW—The Gazette Company, Cedar Rapids, Iowa.—Construction permit for a new station to be operated on 1420 kc., 100 watts, unlimited time. Amended: To specify a vertical antenna, and transmitter site at rear of Nos. 506-510 3rd Ave., SE. (Lot 9, Block 41), Cedar Rapids, Iowa, and studio at 506-510 3rd Ave., SE., Cedar Rapids, Iowa.

WLAP—American Broadcasting Corporation of Kentucky, Lexington, Ky.—Special experimental authorization to rebroadcast facsimile transmissions of radio station WLW, from 1:05 to 2:15 a. m., CST, using 250 watts power.

WEED—William Avera Wynne, Rocky Mount, N. C.—License to cover construction permit B3-P-2301, for a new transmitter.

##### 1500 Kilocycles

KDAL—Red River Broadcasting Company, Inc., Duluth, Minn.—Construction permit to make changes in transmitting equipment and increase power from 100 watts to 100 watts; 250 watts day.

#### MISCELLANEOUS

NEW—Florida West Coast Broadcasting Co., Inc., Clearwater, & Tampa, Fla.—Construction permit for a new low fre-



quency relay station on 1622, 2058, 2150 and 2790 kc., 40 watts, A-3 emission.

NEW—George Harm, Fresno, Calif.—Construction permit for a new relay broadcast (Low Frequency) station on 1622, 2058, 2150 and 2790 kc., A-3 emission, unlimited time, 24 watts. Vicinity of Fresno, Calif.

NEW—Herbert L. Wilson, New York, N. Y.—Construction permit for a new experimental broadcast station on 12862.5, 17310, 23100 kc., 250 watts, unlimited time, A-3 emission. Located at 260 E. 161st Street, New York, N. Y.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

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

**Darling & Co., Inc.**, dealer in hides, fertilizers and allied products, with headquarters in Chicago and places of business in many Eastern and Midwestern States, is the respondent in a complaint charging the corporation with acts and practices tending to hinder competition and create a monopoly.

The complaint charges that with the intent to restrain and control the supply and prices of material and for the purpose of injuring and eliminating competition, the respondent has (1) paid and is paying in localities in which it meets competition in the purchase of raw materials, prices higher than justified by trade conditions and so high as to be prohibitive to its competitors; (2) quoted, in localities in which it meets competition, prices so high as to be prohibitive to its competitors, without intending to pay such prices, but by the quoting thereof making it difficult, if not impossible, for its competitors to buy at prices lower than the prices quoted; (3) enticed, by the payment of higher wages and by other means, drivers covering routes of sources of supply of raw materials of its competitors, to leave the employ of its competitors, and to enter into the employ of the respondent for the purpose of obtaining for the respondent the supply of raw materials previously obtained by the drivers for such competitors; (4) held out certain of its subsidiary corporations as being independent from the respondent, and refrained from notifying the trade and the public that these subsidiaries are controlled and affiliated with the respondent; (5) agreed with certain of its large competitors upon divisions of territory for the purchase of raw materials; (6) for the purpose of forcing certain of its competitors to sell their businesses to respondent or to go out of business altogether, paid prices for raw materials not justified by trade conditions and so high as to be prohibitive to competitors, and (7) in connection with purchases of raw materials by certain of its competitors, disparaged the financial standing, ability and integrity of such competitors. (3766)

**Kirk Medicine Company**—Lou Sterling and Walter Fehr Gardner, trading as Kirk Medicine Company, Hollywood, distributors of medicinal preparations designated "Kirk's Tablets", "Kirk's Pancreatin Compound Tablets", and "Kirk's Tablets Pancreatin Compound," are charged in a complaint with misrepresentations of the effectiveness of their compounds in the treatment of ailments of the digestive system.

Among statements broadcast by radio and disseminated by respondents are "The alkaline content of Kirk's Tablets aid nature in neutralizing and eliminating the acid accumulated in the digestive system." . . . "Do you have that headachy, listless, worn out feeling, back aches, upset stomach and no appetite—\* \* \* acid indigestion. The accumulation of bacteria in the digestive system is the answer in a great many cases, as is attested in the thousands of letters we have received from users of Kirk's Tablets, who have found almost instant relief from their use."

The complaint charges that the tablets contain no alkalinizing substance, would not be a cure or remedy for the ailments named, and that representations that thousands of users have attested to the beneficial results secured from the use of the tablets is untrue. It is alleged that the representations of the respondent are gross exaggerations which are misleading and untrue and constitute false advertisements. (3770)

**E. A. Morgan & Company**—A complaint has been issued against E. A. Morgan & Co., 412 Building Industries Building, Cincinnati, and against E. A. Morgan, individually and as the company's president, charging unfair representations in the sale of a powdered preparation represented as being capable of improving the wearing qualities of hosiery and lingerie.

In the sale of their preparation, designated "Run-Safe," "Run-Free," and "Runless," the respondents are alleged to have represented, directly or by inference, that it will prevent runs, snags and breaks and rotting and fading in silk hosiery and lingerie; that it sets or holds the color of such garments; that it renders silk hosiery and lingerie "Rain-Spot Proof," and that it will save users approximately 50 per cent of hosiery and lingerie cost.

The complaint alleges that these representations are false and misleading in violation of the Federal Trade Commission Act. (3771)

**Pascal Company, Inc.**—Misleading representations in the sale of "Breatheasy," advertised as a treatment for bronchitis and other diseases, are alleged in a complaint issued against Pascal Company, Inc., Seattle, Wash.

Advertising literature circulated by the respondent company is alleged to have contained representations to the effect that "Breatheasy" and the "Breatheasy Treatment" constitute a cure or remedy and a competent and efficient treatment for chronic bronchitis, heart disease, cardiac distress, gastric ulcers, serum rashes, hives and other skin diseases, and inflammation of the nose, throat, tonsils, larynx and lungs, and neuralgia and neuritis.

These representations greatly exceed those which might truthfully be made for the preparation and the treatment, according to the complaint. "Breatheasy" and the treatment are alleged not to be a cure or remedy or effective or competent treatment for the diseases mentioned.

The complaint also alleges that the respondent disseminated false advertisements by failing to reveal therein that use of its preparation under the conditions prescribed or under customary conditions may in some cases be injurious to health. The complaint alleges that because of the presence of epinephrine or synthetic adrenalin, use of the preparation would be definitely harmful to persons suffering from high blood pressure, toxic goiter, diabetes or heart disease. (3768)

**S & K Sales, Inc.**—See Wells Sales Company.

**Wells Sales Company**—Use of lottery methods in the distribution and sale of merchandise to ultimate consumers, is charged against Jean Lawrence, trading as Wells Sales Company, 4930 Monticello Ave., Chicago, and S & K Sales, Inc., 104 North Broadway, St. Louis, in complaints.

Wells Sales Company sells and distributes radios, waffle irons, tableware and other merchandise, and also, the complaint charges, furnishes dealers with push cards by means of which customers purchase goods at varying prices.

S & K Sales, Inc., also is alleged to furnish push cards to be used by retail dealers in the sale of tapestries, neckties, fountain pens and other merchandise sold and distributed by the respondent. (3767-3769)

### CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Acme Dividend System**—See Century Business Service.

**American Merchandise Company, Inc.**—An order has been issued prohibiting misleading concealment of the foreign origin of certain products sold by American Merchandise Co., Inc., and Harry Greenberg and Leo Josefsberg, all of 27 West 23rd St., New York.

The respondents were found to have removed the marks showing foreign origin from glove hands imported from Japan and from thumb tacks imported from Germany. To the glove hands the respondents added cuffs made in the United States. The thumb tacks were removed from the packages containing marks showing foreign origin and replaced in new packages containing no such marks, according to findings. (2960)

**Canadian Chamois & Leather Company**—Misleading uses of the word "chamois" to advertise leather interlinings for coats and similar garments will be discontinued by the Canadian Chamois & Leather Corp., 220 West 19th St., New York, under an order to cease and desist.

In the sale of interlinings the respondent will cease representing, through use of the word "Chamois" in its corporate name or in other ways, that it is a manufacturer of leather products made from chamois, unless the products are in fact made from the skin of the Alpine antelope or chamois, or the oil-dressed inner part of a sheepskin.

The respondent was directed to cease using the words "Chamois," "Cham-O-Line" or other words or phrases simulating the word "Chamois," as descriptive of leather products not made from the skin of the Alpine antelope or chamois, or the oil-dressed inner part of a sheepskin. (3691)

**Century Business Service**—Earl M. Loban, trading as Century Business Service, Acme Dividend System and Century Publishing Company, Inc., Waterloo, Iowa, has been ordered to cease and desist from the use of lottery schemes or gift enterprises to be used by dealers in promoting sales of their merchandise to ultimate consumers.

The respondent is forbidden to sell or distribute sales promotion cards or other devices so designed that their use by retail dealers constitutes operation of a game of chance, gift enterprise or lottery scheme, or to supply to dealers sales promotion cards or sales booster plans or schemes or to furnish display posters or circulars or other literature informing the public as to the manner in which the lottery devices may be distributed or used. (3731)

**Century Publishing Company, Inc.**—See Century Business Service.

**Joseph Palazzolo**, trading as J. Palazzolo, 436 East 14th St., New York, has been ordered to cease representing that a preparation advertised as "Otello Water" and "L'Acqua Otello" is other than a dye; that its use will restore natural color and vitality to hair, cure dandruff, cause new growth of hair, or prevent falling of hair. (3062)

## STIPULATIONS

The Commission has entered into the following stipulations:

**Brandes & Lipschitz, Inc.**—See Cooperative Indian Rivers Growers, Inc.

**Branford Press**, 4 Branford Place, Newark, N. J., engaged in selling stationery, wedding invitations, engagement announcements, and the like, has entered into a stipulation to cease certain misleading representations.

The respondent agreed to discontinue use in its advertising or printed matter or in any other way of the word "engraved" or any other words of similar meaning as descriptive of its products to imply or convey the belief to purchasers that the products are the result of impressions made from inked engraved plates, generally known to the purchasing public as "engraving" or "embossing," when this is not a fact. (2444)

**Cooperative Indian River Growers, Inc.**, Fort Pierce, Fla., and Brandes and Lipschitz, Inc., 3494 Jerome Ave., Bronx, New York City, have entered into stipulations to discontinue misleading representations in the sale and distribution of citrus fruits.

The Florida corporation, engaged in the packing, sale and distribution of their products, and the New York corporation, operating retail fruit stands in New York City and also importing into New York citrus fruits produced in Florida, agreed to desist from use of the term "Indian River" or other similar representations on brands or labels as descriptive of citrus fruits not produced or grown in the Indian River region of Florida. (2448-2449)

**Cuban Cosmetic Company**—Trading as Cuban Cosmetic Company, Alexander C. Brent, Jr., Chicago, in the sale of "Four-in-One Cuban Combination Hair Treatment," will desist from use of representations in advertising matter implying that his product, when locally applied to the scalp, will cause hair to grow or stop or correct falling hair or dandruff, or will stop eczema, tetter, ringworm, or any other fungus infection, when there is no proper basis for these representations. (2447)

**Francaise Parfumerie et Cie**—Trading as Francaise Parfumerie et Cie, Benjamin J. Rosenthal, Baltimore, agrees to discontinue use of the words "Francaise Parfumerie et Cie" as a trade name under which to sell his preparations, or the words "Francaise" or "French," implying that the preparations he sells are of French origin, when this is not true. The respondent also stipulates that he will cease using in advertising matter the words "Imported Perfumes" as descriptive of perfumes not imported as finished products into the United States; the phrase "reproductions of fine imported perfumes" as descriptive of perfumes that were not such reproductions, and the words "Paris" or "London," implying that he has places of business in those cities, when such are not the facts. (2441)

**Fresh'nd Aire Company**—Misleading representations in the sale of electrically driven fans and air treating apparatus will be discontinued by Robert W. Devore, trading as Fresh'nd Aire Company, 2626 Washington Blvd., Chicago, under a stipulation.

Advertising matter referred to the "Fresh'nd Aire" fan as "The Simple Way to Air Conditioning," and represented that it "Cools—Revitalizes—Circulates."

The respondent agreed to cease use of the term "air conditioning" or words of similar import as descriptive of his product known as the "Fresh'nd Aire" fan.

In the stipulation it is recited that operation of the respondent's fan assemblies will not produce certain results so as to be properly represented as producing "air conditioning," as that term is generally understood. They will not humidify or dehumidify room air, mechanically cool or heat such air to specified temperatures, mechanically deliver and circulate fresh air, or remove or filter dirt from the air. (2450)

**Field's Diamond Company**—Misleading representations in the sale of jewelry will be discontinued by Myer D. Field, trading as Field's Diamond Company, 510 South Hill St., Los Angeles, under a stipulation entered.

Field agreed to stop using the word "Diamond" alone or with other words to describe imitation diamonds, unless the term is modified by the word "imitation" or a true synonym of imitation printed conspicuously in connection with the word "Diamond." He further agreed to stop using the word "Diamond" as part of his trade name until such time as he actually deals in genuine diamonds.

Field stipulated that he will cease representing, by use of foreign names or otherwise, that any product sold by him originated in or was imported from a foreign country, when this is not a fact. (02371)

**Fred E. Foos Candy Company, Inc.**—Use of lottery methods in the sale of candy assortments to the ultimate consumer will be discontinued by Fred E. Foos Candy Company, Inc., 1505 West Baltimore St., Baltimore, under a stipulation.

The respondent company agrees to cease selling and distributing directly to retail dealers or to jobbers or wholesale dealers for resale to the retail trade, candy assortments so packed and assembled that sales to the consuming public may be made by means of a lottery. (2451)



**General Foods Corporation**, 250 Park Ave., New York, has entered into a stipulation to discontinue misleading representations in the sale of a table salt.

Under the stipulation, Diamond Crystal Salt will no longer be represented as the only salt that brings out flavors in food, and the respondent will cease advertising that all other salts have a bitter taste or that the use of its product eliminates the danger of over-salting, or insures best results.

The respondent agrees to stop representing that Diamond Crystal Salt will in all cases prevent clogging or caking in saltcellars, and that it assures the production of better butter or the production of butter with less work, or, that when used to preserve meat it insures that every particle will be permeated and preserved firm with good color and no spoilage. (023070)

**Gordshell Chemical Co.**, 5 Hopkins Place, Baltimore, selling a medicinal preparation designated Dr. Gordshell's Salve, has entered into a stipulation to discontinue misleading representations in the advertisement and sale of its product.

The respondent will cease representing that its salve is a competent or complete remedy for burns, cuts, skin irritations, piles, ivy or oak poisoning, insect bites, chilblains, acne or eruptions of the skin, or that the salve is of any substantial value in the treatment of the bite of a black widow spider, athlete's foot, pimples, blackheads, carbuncles, soft corns, ringworm or abscess; that it will remove splinters or of itself heal the skin or prevent scars following carbuncles, burns or any other condition. (02365)

**Grund Art & Novelty Co., Inc.**, 421 East Walnut St., Des Moines, Iowa, have entered into a stipulation to discontinue misleading representations in the sale of novelties and push cards in commerce.

Under the stipulation, the respondent will cease representing that any article is given "Free" or without cost, when receipt thereof is contingent upon any consideration, terms or payments or the rendering of services not clearly disclosed in direct connection with the making of the offer.

Use of the term "Genuine Pig Grained" as descriptive of products not composed of pig skin will be discontinued, and the respondent will cease quoting a fictitious price as the alleged value of an article when it is in excess of the customary price. (2454)

**Health & Strength Club**—A San Francisco dealer in food concentrates has entered into a stipulation to discontinue misleading representations in the sale of his products.

The respondent, Walter C. LaBerge, trading as Health and Strength Club, 277 Seventh Ave., San Francisco, agrees to cease representing or implying that mineral salts and vitamins are usually lacking in a majority of diets, or that his "Body Building Food" will supply the deficiency; that his "Laxative Food" is competent as a treatment for constipation; that his "Glandular Food" increases vigor, and that "Formula 116" is a competent treatment for eczema and contains "Vitamin F." (02364)

**Jackman & Company, Inc.**—Electrocution of mosquitoes and other insects is the advertised function of "The Death Ray Lantern," manufactured by Jackman & Co., Inc., 420 Twelfth St., Brooklyn, which has entered into a stipulation to discontinue misleading representations in the sale of this product.

Among the claims made for the device were: "The Death Ray Lantern is fitted with a shade . . . attracting mosquitoes, gnats and many other insects which fly to it and are electrocuted. It has been definitely tested and proven in this country and abroad."

The respondent company agreed to cease making direct or implied representations that the light furnished by the lantern will attract mosquitoes and other flying insects in sufficient numbers to make the device valuable in controlling them, and that such insects, attracted by the light, will all be electrocuted upon contact with the electrically charged wires surrounding the lantern. (2452)

**Perkins Glue Company**, Lansdale, Pa., has entered into a stipulation to discontinue use in its advertising matter or otherwise of the word "Waterproof" as descriptive of its casein glue, or use of this word in any way to imply that its products are impervious to water or its effects, when such is not a fact. (2453)

**Potter Drug and Chemical Corporation**, Malden, Mass., under a supplemental stipulation entered will discontinue false and misleading advertising of "Cuticura Soap" and "Cuticura Ointment."

The company agreed to stop representing that the soap and ointment, when used separately or in conjunction, will help promote lustrous hair growth quickly; and aid in normalizing oily skin, correcting dry skin, refining skin texture, and in imparting new firmness to the skin. The respondent also will cease representing that use of these products will remove or aid in clearing blemishes, unless this representation is limited to blemishes from external causes. (0892)

**Star Correspondence Club**—Operating a matrimonial bureau called Star Correspondence Club at Palestine, Tex., Lois L. Reeder, under a stipulation entered into will discontinue advertisements of the financial standing, character and social position of her clients that are not based on the known facts in each case.

She agreed also to cease representing that her enterprise is not a general advertising concern or a matrimonial agency; that it is different from other agencies of its class and that she is not in the business for money only but to help single, lonesome people.

In her stipulation, the respondent admitted that membership in the Star Correspondence Club could not always be relied upon to achieve the results claimed; that her enterprise is an advertising and a matrimonial agency not essentially different from other such agencies, and that she engages in the work for a profit.

Under the stipulation, the respondent also agreed to cease advertising that her enterprise is of service generally to persons who are lonesome or want wives, husbands or sweethearts. (02366)





## Legal

### LIQUOR ADS

The favorable report on the Johnson bill (S. 517) ordered by the Senate Interstate Commerce Committee (NAB Reports April 21, p. 3432) was rendered April 20, and the bill now is on the Senate calendar. If enacted into law, it will ban all beer and liquor advertising from the air. Senator Chan Gurney (D.-S. D.), former operator of WNAX and a member of the Interstate Commerce Committee, filed a minority report which strenuously attacks the Johnson bill as an unwarranted discrimination against radio and as a precedent into the field of censorship.

The vote in the Committee is understood to have been 6 to 5. The majority report deals to a substantial extent with statements made by Mr. W. S. Alexander, Federal Alcohol Administrator, and by Chairman McNinch of the Communications Commission. Senator Gurney in his minority report pointed out that the proponents of the Johnson bill "rest their case for discrimination against radio on the sole ground that little children sometimes hear announcements advertising beer." He says that "it is now urged that radio should be deprived of revenues from the advertising of legal beer merely because a group of professional reformers seem to think—unsupported by specific evidence—that the American parent could not prevent a child from swapping the milk bottle for the beer bottle simply because a radio announcer insists that it's good beer."

Senator Gurney then takes up the question of censorship and states that "Congress has recognized that the listener is the only censor." He strenuously urges that the Capper bill (S. 575), which prohibits all interstate advertising of alcoholic beverages should be considered by the Committee on Interstate Commerce before any action is taken on the Johnson bill. The Capper bill would prohibit any form of advertising which moves in interstate commerce and would apply to magazines, newspapers, direct mail campaigns.

Should the Johnson bill be enacted into law, it would

constitute a precedent in censorship which other minority groups might seek to follow to the extent of impressing upon broadcasting arbitrary program standards for radio listeners.

### NEW LEGISLATION

#### CONGRESS

S. 2251 (Mr. Chavez, N. Mex.) GOVERNMENT BROADCASTING STATION—Directs Secretary of Navy to construct, maintain and operate high frequency station to broadcast programs to all nations in Western Hemisphere; to appropriate \$3,000,000 for construction purposes and \$100,000 for operative expense during year ending June 30, 1940. To Committee on Foreign Relations.

#### STATE LEGISLATION

##### FLORIDA:

H. 81 (Martin, et al) Same as S. 18. EMPLOYMENT AGENCIES—Regulating private employment agencies. Referred to Labor Committee.

H. 735 (Tomasello) AUTOMOBILE LICENSE—Providing for issuance of one license plate to amateur radio operators for each amateur station, for one automobile. Referred to Motor Vehicles and Carriers Committee.

H. 741 (Harrell, et al) RACING NEWS—TRANSMISSION—Regulating the transmission of racing news by radio, telephone, telegraph or other means. Referred to Judiciary A Committee.

H. 806 (West) SEAT TAX—Providing for a seat tax in buildings used for public assembly where admission is charged; also providing certain exceptions. Referred to Finance and Taxation Committee.

H. 815 (Warren) JUVENILE ENTERTAINERS—Amending Chapter 5950 of the General Laws of 1927 excepting talented juvenile performers or entertainers between sixteen and twenty from provisions of Chapter 5950 of the aforementioned act. Referred to Judiciary B Committee.

S. 18 (Whitaker) Same as H. 81. EMPLOYMENT AGENCIES—Regulating private employment agencies. Referred to Labor and Industry Committee.

##### NEW YORK:

S. 2118 (Mahoney) OPTOMETRY—Provides for revocation of a license of an optometrist who knowingly continues in association with or in employ of any person violating provisions relating to practice of optometry; also prohibits any reference by printed, radio or other means of advertising, price for, discount on, or terms of payment for eyeglasses, spectacles and lenses. Referred to Judiciary Committee.

##### PENNSYLVANIA:

H. 1358 (Tronzo) FOOD, DRUG, COSMETIC REGULATION—Regulating the manufacture, sale, transportation, possession, advertisement and labeling of foods, drugs and cosmetics; creating Department of Food, Drug and Cosmetic Control; designating head of such department and prescribing his powers, duties and compensation; imposing penalties. Referred to State Government Committee.

S. 731 (Wolfenden) SUNDAY MOVIES—Repealing the Sunday Motion Pictures Law of July 2, 1935. Referred to Law and Order Committee.

(Continued on page 3458)



THE NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

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Neville Miller, *President*

Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel*; Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*

## STATE LEGISLATION

(Continued from page 3457)

### RHODE ISLAND:

H. 798 (Messrs. Dove & Manning) PRACTICE OF DENTISTRY—Amending Sections 3, 4, 7, 8, 11, 17 and repealing Section 18 of Chapter 169 of the general laws, entitled "Of the regulation of the practice of dentistry," as amended. Referred to Judiciary Committee. Passed as amended 4-6-39.

## FREE OFFERS

The NAB has advised the Hat Style News Bureau, New York, that use of its "Hat Style Forum Bulletin No. 1" would constitute violation of the NAB Code of Ethics by giving free time for commercial purposes.

Similar notice was sent to the Sacramento Golden Empire Centennial, Inc., Sacramento, California, which sent out spot announcements to advertise the celebration. Evidently the Centennial people thought that the gilded "press pass" which they sent out along with the spot announcements constituted adequate compensation for the advertisements.

## OFFICE OF EDUCATION QUESTIONNAIRE

Dr. John W. Studebaker, United States Commissioner of Education and Chairman of the Federal Radio Education Committee has sent a questionnaire to all radio stations in an effort to determine the mechanics set up by stations for cooperation with educational and non-profit groups in their broadcasting activity. This is a first approach to one of the Federal Radio Education Committee's projects to be financed from the \$83,000 fund being raised from the broadcasting industry.

NAB solicits your cooperation in completing the questionnaire the Office of Education is sending out. We also solicit your cooperation in the matter of subscribing to the FREC fund if you have not already done so.

## TENTH INSTITUTE FOR EDUCATION BY RADIO

The Institute for Education by Radio held its tenth annual meeting at Ohio State University, Columbus, Ohio, May 1, 2, and 3. More than 300 attended the opening session and the total registration was high. Representatives of the radio industry and the many organizations interested in the educational potentialities of radio were in attendance.

The Institute for Education by Radio was established in 1930 at Ohio State University. Its purpose is to provide an annual meeting for joint discussion by broadcasters and educators of the problems of educational broadcasting.

The subjects of various meetings disclose the broad interest of the educators in the various aspects of radio in education. The meeting list was as follows:

### MONDAY, MAY 1

#### First General Session—Morning

William McPherson, Acting President, Ohio State University

"Word of Welcome"

Demonstration—University of Chicago Round Table broadcasts

Discussion from the floor

#### Work-Study Groups—Afternoon

Agricultural Broadcasts

School Broadcasts

Radio Courses in Colleges and Universities

Research in Radio Education

The Educational Uses of Facsimile, Ultra-High Frequency Stations and Recording

Broadcasts for General Education

Broadcasting by Community Service Organizations

#### Sections on Special Problems—Evening

National Association of Educational Broadcasters (Closed Meeting)

National Association of Broadcasters

National Association of Teachers of Speech (Closed Meeting)

Utilization of School Broadcasts

Adult Education by Radio

Music Programs

### TUESDAY, MAY 2

#### Second General Session—Morning

Demonstration of Utilization of a Classroom Broadcast Evaluation of the Demonstration

#### Work-Study Groups—Afternoon

Continuation of the Monday afternoon subjects

#### Dinner

John W. Bricker, Governor of Ohio

"Radio and Your Government" (broadcast over NBC Red Network)

#### Round-Table Discussions—Evening

Dramatic Programs

Forum Programs

Handling Controversial Issues



## Public Relations Broadcasts

The Radio Workshop

Training School Directors of Radio

The Princeton Study—Federal Radio Education Committee Project

The Wisconsin Study—Federal Radio Education Committee Project

Evaluation of School Broadcasts—Federal Radio Education Committee Project

## WEDNESDAY, MAY 3

### Third General Session—Morning

Effect of Radio on Listener Attitudes

Professional Training in Great Britain

How School Broadcasting Units Study Their Listeners

General Discussion

### Fourth General Session—Afternoon

Announcement, Demonstration and Discussion of Awards for Third American Exhibition of Recordings of Educational Radio Programs.

The Monday evening session of the National Association of Broadcasters was presided over by Edward M. Kirby, Director of Public Relations of the NAB, in the absence of Neville Miller. This session was run as a panel discussion with Larry Roller of WHK and WCLE, Cleveland; Jack Harris, WSM, Nashville; Curtis Mitchell, Editor of Radio Guide; and Paul Peter, Director of Research, NAB. This meeting was well attended and considerable interest was manifested in the subject of the Reorganized NAB and Program Standards now under discussion in the broadcasting industry looking to the adoption of a new NAB code. Principal interest and discussion centered around children's programs and cooperation between broadcasters and educators.

Individual reports on Work-Study Groups will be available in mimeograph form on May 15th. The price of each report will be 15¢ postpaid or 75¢ for a complete set. These may be obtained by addressing I. Keith Tyler, Secretary, Institute of Education by Radio, Ohio State University. Titles of the seven reports involved are as follows:

Agricultural Broadcasts

School Broadcasts

Radio Courses in Colleges and Universities

Research in Radio Education

Educational Uses of Facsimile, Ultra-High

Frequency Stations and Recording

Broadcasts for General Education

Broadcasting by Community Service Organizations

### DISTRICT 7 MEETS

J. H. Ryan, Vice President of WSPD, Toledo, Ohio, was unanimously elected Director of District 7 to suc-

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ceed Mark Ethridge, at a meeting held May 4 in Cincinnati. Before the nomination, Mr. Ethridge said that he would be unable to accept reelection. A resolution thanking him for his outstanding service to the District and to NAB was adopted.

President Neville Miller, Ed Kirby and Joseph Miller, of Headquarters Staff, attended the meeting.

The principle problems before the industry today were discussed.

### DISTRICT MEETINGS

A meeting of the Fifteenth District of NAB has been called for Wednesday, May 17, at the Palace Hotel, San Francisco. Ralph Brunton, Director, will preside.

Harry Wilder, Director of District Two, has called a meeting on May 19, in Schenectady, New York.

### WEBSTER TO POLAND

The FCC has designated Commander E. M. Webster, assistant Chief Engineer of the Commission, as its representative at the meeting of the Subcommittee of the Third World Conference of Radiotelegraph Experts for Aeronautics. The Conference will be held at Cracow, Poland, May 19 to May 22, 1939.

The Cracow Conference will lay the groundwork for an allocation of frequencies for inter-continental air routes. Any future assignments of frequencies to commercial aviation companies operating under the jurisdiction of the United States, and licensed by the Federal Communications Commission must necessarily be based upon a comprehensive plan covering the allocation of frequencies to the aviation services generally.

### UNLICENSED OPERATOR CONVICTED

The FCC announced this week that Andrew Gibbs Cochran, 17 years old, of Chicago, Illinois, has been convicted as a delinquent under the Juvenile Delinquency Act for operating an unlicensed radio station in violation of Sections 301 and 318 of the Communications Act of 1934, as amended. The conviction followed disregard of previous warnings by the Commission.

Probation authorities advised Judge Charles E. Wood-

ward, United States Federal Court, that the defendant had filed application for admission into the Civilian Conservation Corps. The Court placed the defendant on probation pending his admission as a member thereof.

### FCC REBROADCAST COMMITTEE

The FCC has designated Commissioners Case, Craven and Payne as a committee to preside at a hearing to determine whether the rules of the Commission should be modified to permit the rebroadcasting of programs of international broadcast stations by regular broadcast stations which are operated on a non-commercial, non-profit making basis. The Committee will set a date for the hearing in the near future.

The action of the Commission in calling a legislative hearing on this question is based on an earlier petition of Mayor LaGuardia to have the rules amended to permit such stations as WNYC, municipally owned radio-broadcast station in New York, to rebroadcast the programs of international broadcast stations in the United States. Commissioner Payne was made chairman of the committee.

### McNINCH AWAY

Chairman Frank R. McNinch left Washington the latter part of last week on the advice of his physician for two or three weeks rest.

It is planned while Mr. McNinch is away to have the other Commissioners rotate as Acting Chairman. Commissioner Thad H. Brown will be Acting Chairman through May 5 and for the following week Commissioner Norman S. Case will be Acting Chairman. If Mr. McNinch is away longer, other members of the Commission will be designated.

## FEDERAL COMMUNICATIONS COMMISSION

### DECISIONS OF COMMISSION

The Federal Communications Commission has granted the application of Station WAAB, **Boston**, to increase its power from 500 watts night, 1000 watts day, unlimited time, to 1000 watts unlimited time, on **1410 kilocycles**.

The Commission stated that the station may operate as proposed without materially decreasing the service area of any existing station and the present program which is considered "meritorious" can be heard under the proposed increase by additional persons as well as providing a signal strength of 40 per cent greater within the present service area.

Chairman McNinch was absent and Commissioner Thompson did not participate in this decision.

The application of Peter J. Caldarone for authority to construct a new broadcast station at **Providence, Rhode Island**, to operate on **1270 kilocycles**, 250 watts, day-time only, was denied by the Commission.

The Commission found that there had not been shown sufficient public need for the additional service proposed and that "sound engineering principles do not warrant the proposed use of a regional frequency for local service."

Chairman McNinch was absent when this decision was made.

The Commission has granted the application for license renewal of WBBZ, **Ponca City, Oklahoma**, and the voluntary assignment of the license of that station to Adelaide Lillian Carrell, Executrix of the Estate of Charles Lewis Carrell. The station operates on **1200 kilocycles**, 250 watts day, 100 watts night, unlimited hours.

The Commission's action was taken on the Proposed Findings of Fact, in which the Commission found that the prevailing need for local broadcast service in the Ponca City area is being adequately supplied by the station. With respect to transfer of the license, the Commission found that the applicant is in all ways qualified to operate the station and the granting of the application is in the public interest.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of May 8. They are subject to change.

### Tuesday, May 9

KERN—McClatchy Broadcasting Co., Bakersfield, Calif.—C. P., **1380 kc.**, 1 KW, unlimited time. Present assignment: **1370 kc.**, 100 watts, unlimited time.

KMJ—McClatchy Broadcasting Co., Fresno, Calif.—C. P., **580 kc.**, 1 KW, 5 KW LS, unlimited time. Present assignment: **580 kc.**, 1 KW, unlimited time (S.A. for transmission of facsimile signals 12 midnight to 6 a. m., using 1 KW, exp.).

### Wednesday, May 10

KOH—The Bee, Inc., Reno, Nev.—C. P., **630 kc.**, 1 KW, unlimited time (DA night). Present assignment: **1380 kc.**, 500 watts, unlimited time.

NEW—M. C. Reese, Phoenix, Ariz.—C. P., **1200 kc.**, 100 watts, 250 watts LS, unlimited time.

### Hearing Reopened

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Modification of license, **550 kc.**, 1 KW, unlimited time. Present assignment: **1390 kc.**, 1 KW, unlimited time.

### Thursday, May 11

#### Oral Argument Before the Commission

Examiner's Report No. I-763:

NEW—Sentinel Broadcasting Corp., Salina, N. Y.—C. P., **630 kc.**, 1 KW, unlimited time (DA night).



NEW—Civic Broadcasting Corp., Syracuse, N. Y.—C. P., 1500 kc., 100 watts, unlimited time.

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—C. P., 620 kc., 1 KW, unlimited time (DA night). Present assignment: 620 kc., 250 watts, daytime.

Examiner's Report No. I-727:

WJBL—Charles R. Cook (Transferor), Decatur Newspapers, Inc. (Transferee), Decatur, Ill.—Transfer of control of corporation; 1200 kc., 100 watts, shares WJBC.

Friday, May 12

KROY—Royal Miller, Sacramento, Calif.—Modification of license, 1210 kc., 100 watts, unlimited time. Present assignment: 1210 kc., 100 watts, daytime.

### FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

May 17

NEW—Nathan Frank, New Bern, N. C.—C. P., 1500 kc., 100 watts, unlimited time.

May 29

NEW—Wendell Mayes, Joe N. Weatherby and Wm. J. Lawson, d/b as Brown County Broadcasting Co., Brownwood, Tex.—C. P., 990 kc., 1 KW, daytime.

W9XTA—K. E. Schonert, d/b as Schonert Radio Service, Harrisburg, Ill.—Renewal of license, 26500 kc., 500 watts, Emission A-3, unlimited time, according to Rule 983.

June 12

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Modification of C. P., 1370 kc., 100 watts, unlimited time. Present assignment: 1370 kc., 100 watts, daytime.

June 16

KRKO—Lee E. Mudgett, Everett, Wash.—C. P., 1370 kc., 100 watts, 250 watts LS, unlimited time. Present assignment: 1370 kc., 50 watts, shares KEEN.

KRKO—Lee E. Mudgett, Everett, Wash.—Renewal of license, 1370 kc., 50 watts, shares KEEN.

KRKO—Lee E. Mudgett, Everett, Wash.—Voluntary assignment of license to The Everett Broadcasting Co., Inc. (Assignee); 1370 kc., 50 watts, shares KEEN.

NEW—Cascade Broadcasting Co., Inc., Everett, Wash.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time.

July 31

WHA—University of Wisconsin, Madison, Wis.—C. P., 670 kc., 50 KW, unlimited time (requests facilities of WMAQ). Present assignment: 940 kc., 5 KW, daytime.

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Renewal of license, 670 kc., 50 KW, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted renewal of license for the period ending November 1, 1939.

KVGB—Ernest Edward Ruehlen, Great Bend, Kans.—Granted voluntary assignment of license for KVGB from Ernest Edward Ruehlen to Helen Townsley. Station operates on 1370 kc., 100 watts, unlimited time.

WBBC—Peter Testan, Executor, Brooklyn, N. Y.—Granted authority to transfer control of Brooklyn Broadcasting Cor-

poration (WBBC), from Peter Testan, Executor under the will of Peter Testan, deceased, to the beneficiaries under the will, who are Peter Testan and Millie Testan.

WBBC—Peter J. Testan, deceased, (Peter Testan, Executor), Brooklyn, N. Y.—Granted transfer of control of Brooklyn Broadcasting Corp., from Peter J. Testan, deceased to Peter Testan, Executor.

WENY—Elmira Star-Gazette, Inc., Elmira, N. Y.—Granted modification of C. P. to increase power and time of operation from 250 watts daytime, to 100 watts night, 250 watts day, unlimited time, and extend commencement date to 60 days after grant, and completion date to 180 days thereafter.

### DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

NEW—The Mayflower Broadcasting Corp., Boston, Mass.—C. P. for new station to operate on frequency 1410 kc., with power of 500 watts night, 1 KW day, unlimited time. Exact transmitter and studio site and type of antenna to be determined with Commission's approval. (Applicant requests facilities of WAAB.)

NEW—Roy E. Martin, Opelika, Ala.—C. P. for new station to operate on frequency 1310 kc., with power of 100 watts night, 250 watts day, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval.

WNEW—Wodaam Corporation, New York City.—Modification of license to increase night power from 1 to 5 KW. (To be heard before the Commission.) Application designated for hearing because request violates Rule 120; also pending applications involve increase in service and interference.

### MISCELLANEOUS

WAVE—WAVE, Inc., Louisville, Ky.—Denied petition for reconsideration, rehearing or oral argument, and amendment to application for rehearing, in re the application of Kentucky Broadcasting Corp. for a new station in Louisville to operate on 1210 kc., with 100 watts night, 250 watts day, unlimited time, which was granted by the Commission on February 6, 1939.

WGRC—Northside Broadcasting Corp., New Albany, Ind.—Denied Petition for Reconsideration or Rehearing filed by Intervener, WGRC, in re application of Kentucky Broadcasting Corporation for a new station in Louisville, Ky.

KSD—Pulitzer Publishing Co., St. Louis, Mo.—Denied petition for relief requesting that KSD be authorized to operate unlimited hours on 630 kc. instead of station KXOK, St. Louis, and that station KXOK be authorized to operate on the present assignment of KSD, which now operates on 550 kc., sharing with KFUE. (The Commission on March 6, 1939, designated for hearing applications of KFRU, Columbia, Mo., KXOK, St. Louis, Mo., and WGBF, Evansville, Ind., for an interchange of frequencies which would, if granted, permit KFRU to use a local channel, 1370 kc., full time, KXOK to use a regional channel, 630 kc., full time, and WGBF to use a regional channel, 1250 kc., full time.)

WLEU—WLEU Broadcasting Corp., Erie, Pa.—Granted special temporary authority to rebroadcast program material received from Relay Broadcast Station WOEG operated by General Electric Company located aboard new streamline train of Union Pacific enroute Los Angeles to New York World's Fair, from 2:30 to 3 p. m., EST, on May 2.

WIBX—WIBX, Inc., Utica, N. Y.—Granted special temporary authority to rebroadcast program material received from Relay Broadcast Station WOEG operated by General Electric Company located aboard new streamline train of Union Pacific enroute Los Angeles to New York World's Fair, from 2:45 to 3:15 p. m., EDST, on May 3.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 6:30 to 9:30 p. m., CST, on May 9, 16, 23 and 30, in order to broadcast Copper Country Jamboree and Barn Dance.

W1XOK—The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to test the relay broadcast equipment of station W1XOK, authorized by C. P. granted January 24, on the frequency 132260 kc., in lieu of authorized frequencies, power 250 watts, for a period not to exceed



- 30 days, pending definite arrangements to be made in the ultra high frequency bands.
- W8XIQ-W8XIR—WGAR Broadcasting Co., Cleveland, Ohio.—Granted extension of special temporary authority to operate relay broadcast stations experimentally on frequency 31220 kc., pending definite arrangements to be made to eliminate interference with Cleveland's police radio service, for the period May 10 to June 8.
- The Champaign News-Gazette, Inc., Champaign, Ill.—Granted special temporary authority to operate relay broadcast (exp.) station W9XSM on the frequencies 1606, 2022, 2102 and 2758 kc., with 10 watts, in lieu of the normally licensed frequencies, on April 28 and 29.
- KGU—Marion A. Mulrony & Advertiser Publishing Co., Ltd., Honolulu, Hawaii.—Denied special temporary authority to operate from midnight, LST, to conclusion of Hitler's reply address on April 28.
- WCOV—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—Denied special temporary authority to operate between the hours of 5 and 6 a. m., CST, on April 28, in order to broadcast Hitler's speech.
- WESG—Cornell University, Ithaca, N. Y.—Denied special temporary authority to commence operation at 5:45 a. m., EST, on April 28, in order to broadcast Hitler's speech.
- WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—The Commission upon its own motion, continued the hearing now scheduled for May 1, on the application for renewal of license of WMAQ to July 31, 1939, to be heard in the same proceeding with the application of WHA which requests the facilities of WMAQ.
- State of Oregon.—Granted petition to intervene in the hearing on the application of KOY, Salt River Valley Broadcasting Co., Phoenix, Ariz., to change frequency from 1390 kc. to 550 kc., 1 KW, unlimited time.
- WBNX—WBNX Broadcasting Co., Inc., New York City.—Granted motion for order to take depositions in re application for renewal of license for WBNX.
- KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Granted petition for continuance of hearing now scheduled for May 12, for a period of 30 days, Docket Section to set new date. Application is for modification of C. P. to increase time from daytime to unlimited, on 1370 kc., 100 watts.
- WHLB—Head of the Lakes Broadcasting Co., Virginia, Minn.—Granted motion for order to take depositions in re application of WJMS, Inc., for a new station at Ashland, Wis., to operate on 1370 kc., 100 watts, unlimited time.
- KFI—Earle C. Anthony, Inc., Los Angeles, Calif.—Granted petition to intervene in the hearing on the application of KERN for C. P. to change from 1370 kc., 100 watts, unlimited, to 1380 kc., 1 KW, unlimited.
- NEW—The Monocacy Broadcasting Co., Rockville, Md.—Granted motion to dismiss without prejudice application for C. P. to operate on 1140 kc., 250 watts, daytime.
- KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Granted petition of intervener for order to take depositions in re application of WREN to move transmitter and studio and install DA for day and night use, on 1220 kc., 1 KW night, 5 KW LS, sharing KFKU.
- WREN—WREN Broadcasting Co., Inc., Lawrence, Kans.—Denied request for subpoenas of witnesses in re application listed above.
- WSPR—Conn. Valley Broadcasting Co., Springfield, Mass.—Granted motion to dismiss without prejudice application for modification of license to change power from 500 watts limited time to 250 watts night, 500 watts day, unlimited.
- NEW—Harry Jackson, Harrisburg, Pa.—Granted petition for continuance of hearing now scheduled for May 5 until May 31, in re application for C. P. for new general experimental station.
- Pulitzer Publishing Co., St. Louis, Mo.—Granted petition to intervene in the hearing on the application of KXOX to change frequency and increase power; KFRU to change frequency and power, and WGBF to change frequency and power.
- WJHP—The Metropolis Company, Jacksonville, Fla.—Denied motion requesting applicant to furnish detailed information, requesting breakdown of profit and loss statements, in connection with Exhibits 18 and 19 to petitioner in re application of WMBR to change frequency and power.
- W3XL-W3XAL—National Broadcasting Co., New York City.—Granted extension of special temporary authority to transmit programs consisting of Spanish News to be rebroadcast by Cuban stations CMX and COCX for the period May 3 to June 1.
- KROY—Royal Miller, Sacramento, Cal.—Granted special temporary authority to rebroadcast Naval Observatory time signals over station KROY from NAA/NSS at Washington, D. C., for the period May 1 to May 31.
- KBJS—Peck & Rice Airways, Bethel, Alaska.—Granted extension of special temporary authority to operate aero. station KBJS, using frequencies 2922, 5652.5, 6590\*, 10 watts (\*not to be used between hours of 6 p. m. and 6 a. m., PST), for a period of 2 months beginning May 10 and ending July 10, 1939.
- WSMK—WSMK, Inc., Dayton, Ohio.—Granted modification of C. P. extending completion date from May 1 to July 1, 1939.
- W1XAR—World Wide Broadcasting Corp., Boston, Mass.—Granted license to cover C. P. as modified for new international broadcast station upon an experimental basis only conditionally; frequencies 11730 and 15130 kc., 20 KW, unlimited time, according to Rule 983.
- WNYC—City of New York Municipal Broadcasting System, New York City.—Granted license to cover C. P. authorizing installation of new equipment and vertical radiator at present transmitter site for emergency purposes only.
- W8XWJ—The Evening News Assn., Detroit, Mich.—Granted special temporary authority to rebroadcast program material received from Relay Broadcast Station WEOG operated by General Electric Company located aboard new streamline train of Union Pacific enroute to New York from Los Angeles, for 15 minutes at 11 a. m. and 2 p. m., on May 1.
- WTAW—Agricultural and Mechanical College of Texas, College Station, Texas.—Granted special temporary authority to operate simultaneously with WJBO from 4 to 6:45 p. m., CST, on May 1, 10, 15 and 16, in order to broadcast intercollegiate baseball games.
- KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted special temporary authority to conduct transmission tests on a frequency of 1622 kc., with power not to exceed 25 watts, in the vicinity of St. Paul, in order to test transmission from the site specified in application for relocation of KSTP transmitter, for a period not to exceed two weeks following date of authorization.
- WSUI—State University of Iowa, Iowa City, Ia.—Granted C. P. to move transmitter site locally, install new equipment and vertical radiator. Towers to be marked in accordance with engineering specifications.
- WGAR—WGAR Broadcasting Co., Cleveland, Ohio.—Granted special temporary authority to rebroadcast program material received from relay station WEOG operated by General Electric Company located aboard the new streamline train of Union Pacific enroute Los Angeles to New York World's Fair, from 1:45 to 2:15 p. m., EST, on May 2.
- KGA—Louis Wasmer, Spokane, Wash.—Granted special temporary authority, for a period of 20 days, to operate a 100-watt transmitter on KGA's frequency 1470 kc., in the vicinity of Spokane, from 1 to 6 a. m., PST, in order to conduct site survey; tests not permitted during Commission's monitoring schedule.
- WFBI—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Granted special temporary authority to rebroadcast program material received from Relay Broadcast Station WEOG operated by General Electric Company located aboard the Union Pacific train enroute Los Angeles to New York World's Fair, from 12 noon to 2 p. m., EST, on May 3.
- WKRC—Columbia Broadcasting System, Inc., Cincinnati, Ohio.—Granted special temporary authority to rebroadcast program material received from Relay Broadcast Station WEOG operated by General Electric Company located aboard Union Pacific train, on May 11.
- KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—Granted special temporary authority to rebroadcast program material to be received from Army Airplane No. 36-431, call letters VR2 and No. 37-16, call letters SF7, in connection with blackout exercises on May 18.
- WEEI—Columbia Broadcasting System, Inc., Boston, Mass.—Granted special temporary authority to rebroadcast program material received from Relay Broadcast Station WEOG operated by General Electric Company located aboard Union Pacific train, from 5:15 p. m. to 5:45 p. m., EST, on May 4, 1939.



WAGM—Aroostook Broadcasting Corp., Presque Isle, Me.—Granted special temporary authority to operate from 11 a. m. to 1 p. m. and 4 to 7 p. m., DST, daily, instead of EST, for the period May 7 to June 30.

WTAW—Agricultural and Mechanical College of Texas, College Station, Texas.—Granted special temporary authority to operate simultaneously with WJBO from 10 to 11 p. m., CST, on May 6, in order to broadcast Barn Dance of Agricultural Engineering Society.

KFRO—Voice of Longview, Longview, Tex.—Denied special temporary authority to operate from local sunset (May, 7:15 p. m., CST) to 11:05 p. m., on various dates during the month of May, in order to broadcast Rotary programs, baseball games, church services and other special programs, using 100 watts power.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Denied special temporary authority to operate simultaneously with KFRU with reduced power of 250 watts, from 8 to 9 p. m., CST, on May 3, 10, 17, 24 and 31, in order to broadcast popular network programs.

KFRU—KFRU, Inc., Columbia, Mo.—Denied special temporary authority to operate simultaneously with WGBF with reduced power of 250 watts, from 8 to 9 p. m., CST, on May 3, 10, 17, 24 and 31, in order to permit station WGBF to broadcast popular network programs.

### APPLICATIONS FILED AT FCC

#### 850 Kilocycles

WWL—Loyola University, New Orleans, La.—License to cover construction permit B3-P-228, as modified for increase in power, new equipment, installation of directional antenna, and move of transmitter.

WWL—Loyola University, New Orleans, La.—Modification of special experimental authorization to operate unlimited time, using 50 KW power, for period ending August 1, 1939.

#### 1140 Kilocycles

WAPI—Alabama Polytechnic Institute, University of Alabama, Alabama College (Board of Control of Radio Broadcasting Station WAPI), Birmingham, Ala.—Construction permit to install new transmitter, directional antenna for day and night use; change frequency from 1140 kc. to 1070 kc.; increase power from 5 KW to 50 KW, hours of operation from simultaneous day, share with KVOO night, to unlimited time; move transmitter from on Sandusky Mt., near Pratt City, Birmingham, Ala., to site to be determined. Amended to give transmitter site as 1 mile southwest of Mt. Pinson, Ala.

WSPR—Quincy A. Brackett, Lewis B. Breen, Edmund A. Laport, co-partners, d/b as Connecticut Valley Broadcasting Company, Springfield, Mass.—Modification of license to change frequency from 1140 kc. to 1240 kc., and change power and hours of operation from 500 watts, limited time, to 250 watts; 500 watts day, unlimited time.

#### 1200 Kilocycles

WCAX—Vermont Broadcasting Corp., Burlington, Vermont.—Modification of license to change name to Burlington Daily News, Inc.

KVOS—KVOS, Inc., Bellingham, Wash.—License to cover construction permit B5-P-2123, as modified, for equipment changes, new antenna and move of transmitter.

#### 1310 Kilocycles

WMBO—WMBO, Incorporated, Auburn, N. Y.—Modification of license to increase (night) power from 100 watts; 250 watts day, to 250 watts day and night.

#### 1390 Kilocycles

WHK—Radio Air Service Corporation, Cleveland, Ohio.—Modification of license to increase (day) power from 1 KW; 2½ KW day to 1 KW night, 5 KW day.

#### 1500 Kilocycles

KOTH—Garden Island Publishing Co., Ltd., Lihue, Hawaii.—Modification of construction permit B-P-1970 for a new

station requesting approval of antenna and studio and transmitter site at Lihue, Hawaii.

### MISCELLANEOUS

W2XDG—National Broadcasting Company, Inc., Bound Brook, N. J.—Modification of license to change frequency from 31600, 35600, 38600, 41000 kc. to 42100 kc., to comply with new rules adopted 4-17-39.

W2XHG—National Broadcasting Company, Inc., New York, N. Y.—Modification of license to change frequency from 31600, 35600, 38600, 41000 kc. to 42260 kc., to comply with new rules adopted 4-17-39.

WNYN—City of New York, Municipal Broadcasting System, Portable-Mobile (area of New York City).—License to cover construction permit B1-PRY-161 for a new portable-mobile relay broadcast station.

WNYO—City of New York, Municipal Broadcasting System, Portable-Mobile (area of New York City).—License to cover construction permit B1-PRY-162 for a new portable-mobile relay broadcast station.

W9XBS—National Broadcasting Company, Inc., Chicago, Ill.—Modification of license to change frequencies from 31600, 35600, 38600, 41000 kc. to 42180 kc., to comply with new rules adopted 4-17-39.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

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

**H. P. Clearwater**—Misleading representations in violation of the Federal Trade Commission Act are alleged in a complaint issued against H. P. Clearwater, 145 Water St., Hallowell, Maine, distributor of "Rheumatic Arthritis Treatment."

Clearwater is alleged to have represented that his product is an adequate treatment for and will cure arthritis, rheumatism, sciatica and lumbago, and in all cases relieve the pain. The complaint alleges that it is not such a treatment or cure, and that its effect is limited to that of a laxative and tonic and to relief from pain equivalent to that afforded by aspirin. (3777)

**Dress Returns Control Bureau, Inc.**—See Popular Priced Dress Mfg. Group, Inc.

**G-H-R Electric Dilator Company**—John B. Roche, trading as The G-H-R Electric Dilator Company and The Roche Electric Machine Company, 215 North Division Ave., Grand Rapids, Mich., distributors of devices for the treatment of prostate disorders, kidney weaknesses and other ailments, is charged with misrepresentation in a complaint.

In advertisements in newspapers and periodicals the respondent is charged with representing that "The new and improved G-H-R Electric Thermitis Dilator is the one true method for the treatment of bladder or kidney weakness, loss of vitality, prostate gland trouble," and "You can feel and look young at 80 by simply taking the proper treatment."

The complaint charges that the Dilator has no value in the treatment of prostatic disorders, and its use will not cure such disorders. The complaint also alleges that the Roche Electric Hygienic Machine is not effective in the treatment of any weakness of any vital organ, and that use of the Dilator will have no effect on conditions due to age, and will not make the user feel and look young at 80. (3772)

**Marhar Sales Company**—Alleging the use of lottery methods in the sale of blankets, bedspreads and other merchandise to churches, fraternal organizations and clubs, for resale to ultimate consumers, a complaint has been issued against Meyer R. Eisenbrock, trading as Marhar Sales Company, 1322 West Girard Ave., Philadelphia.

The respondent is alleged to have distributed the following "club plan": Each club has a fixed number of members ranging from 30 to 125. A club member pays a fixed amount each week, usually 25 cents, for a period not to exceed a given number of weeks, usually 22 weeks. At the end of the first week a drawing is held and the member whose name or number is drawn receives an article of merchandise for payment of one week's dues, and is then dropped from the club roll. Each succeeding week the same procedure is followed, so that one member receives an article by paying one week's dues, another for two weeks' dues, and so on to the end of the fixed period. Then all remaining members receive one article of merchandise, but they have paid the face value thereof. (3773)

**Nash Brothers Drug Company**—Alleging misrepresentations in the sale of a medicine advertised as a remedy for malaria and other diseases a complaint has been issued against a Jonesboro, Ark., drug firm.

Respondents in the case are William G. Nash, Sr., William G. Nash, Jr., and Florence Nash Cox, who were named both individually and as co-partners trading as Nash Brothers Drug Company and engaged in the sale of "Nash Chill and Liver Tonic," also designated "Nash's C & L Tonic."

In an advertisement quoted in the complaint readers were asked whether they were afflicted with any of a list of ailments including constipation, chills, occasional fever, fatigue, biliousness, indigestion, loss of weight, backaches and others. "If you have any of these symptoms no doubt you are suffering from the first—or maybe the more serious stages of malaria," it was advertised.

The complaint alleges that only two of the symptoms listed in the respondents' advertising, namely chills and occasional fevers, were symptoms of malaria and that the various other representations were misleading. (3775)

**Piccadilly Hosiery Company**—See Piccadilly Hosiery Mills.

**Piccadilly Hosiery Mills**—Trading as Piccadilly Hosiery Mills and Piccadilly Hosiery Company, Benjamin Gould, 1019 Arch St., Philadelphia, is charged in a complaint with violation of the Federal Trade Commission Act in the sale of hosiery.

Use of the word "Mills" in Gould's trade name and printed matter is alleged to serve as a representation that he manufactures the hosiery he sells, when in fact he owns or controls no factory for that purpose. (3774)

**Popular Priced Dress Manufacturers Group, Inc.**, and Dress Returns Control Bureau, Inc., and their respective officers, directors and members, are charged in a complaint issued by the Federal Trade Commission with entering into a combination and conspiracy among themselves to suppress competition and to create a monopoly in the respondents in the distribution and sale of women's dresses in the lower price ranges. (3778)

**Roche Electric Machine Company**—See G-H-R Electric Dilator Company

## STIPULATIONS

The Commission has entered into the following stipulations:

**William H. Bohn Company**—William H. Bohn, trading as William H. Bohn Company, Wilkes-Barre, Pa., has entered into a stipulation to discontinue misleading representations in the sale of a "Key Check Outfit," also an outfit for operating a clipping bureau, mail order plans, and "Rotex-Process Embossing Ink."

Bohn agrees to cease misrepresenting the earnings to be made from making key checks with the outfits he sells, and to discon-

tinue advertising that he can furnish one with the means for operating a profitable clipping bureau; that his Rotex-Process Embossing Ink will enable one to "engrave" his personal handwriting, or that the respondent's mail order plan offers 300 ways of making money and is offered to the purchaser at a special introductory price, when these are not the facts. (02372)

**Bonded Wineries, Inc.**, 2353 Euclid Ave., Cleveland, under a stipulation entered into will discontinue use of the words "Bonded Wineries" as the corporate or trade name under which it carries on its business.

The respondent company agreed to discontinue using the word "Bonded" or the word "Wineries" together or independently, or words or phrases of similar import as descriptive of its business, and to cease employing any representations the effect of which tends to convey the belief that it is a producer or fermenter of wines operating under Government supervision, when such is not a fact. (2455)

**Continental Envelope Corporation**—Engaged in the manufacture and sale of envelopes, Continental Envelope Corporation, 429 South Ashland Blvd., Chicago, has entered into a stipulation to discontinue misleading representations.

The respondent corporation agrees to desist from representing in its advertisements or otherwise that it produces over 1,000,000 envelopes a day or over 300,000,000 a year, or any other statements concerning its production which do not truthfully and accurately represent the actual output.

It will also cease representing in advertising matter or in any other way that purchasers of its products "save up to 30%," implying that the respondent's prices are up to 30 per cent less than prevailing prices or the prices charged or discounts allowed by competitors, when such is not a fact. (2459)

**Etna Chain Company**—Frank A. Duke, trading as Etna Chain Company, 116 Nassau St., New York, engaged in the assembly of rolled gold-plated neck chains, agrees to desist from misrepresentations in the sale of his product under a stipulation.

The respondent will discontinue marking or otherwise designating neck chains or other articles with the term "1/20-12 Kt.," either alone or in connection with the words "Gold Filled," or otherwise, when in fact the gold content of such mounting is other than 25/1000 gold or better; or use of the words "Gold Filled" as applied to any article having a coat of gold of less than 10 carat fineness and when the weight of such gold is less than 1/20 the weight of the entire article.

He will also cease designating himself as a "manufacturer of chains," when in fact he merely cuts up chains already manufactured by others and assembles them for the market, and will also discontinue representing or inferring that he operates a factory or plant in Providence, R. I., jewelry manufacturing center, when such are not the facts. (2457)

**More Egg Company**—Selling a poultry preparation called "More Egg Tonic," M. Sullivan, trading as More Egg Company, 333 North 15th St., Philadelphia, has entered into a stipulation to discontinue misleading representations. He will cease advertising that use of his product will enable one to "keep hens laying all winter" or double egg production, or that it "makes layers out of loafers." Sullivan agrees also to cease using the phrase "More Egg Tonic" as a trade name for his product. (02373)

**Neverknot Company**—Grover B. Higgins, trading as The Neverknot Company, 4525 Ravenswood Ave., Chicago, has entered into a stipulation to discontinue misleading representations in the sale of a cord set for electrical appliances designated "DeLuxe Neverknot Cord Set." Higgins agreed to stop advertising that one "just can't help" making money with his plan of selling the cord set, or that he guarantees one's success or a profit. (02374)

**Ohls Poultry Yards & Hatchery**—Misrepresentation in the sale of baby chicks will be discontinued by Harry E. Ohls and Charles Yeager, trading as Ohls Poultry Yards & Hatchery, Marion, Ohio, under a stipulation entered. The respondents operate hatcheries at Marion and Mt. Vernon, Ohio, and at Marshall, Mo.



Under their stipulation, they agree to cease employing the word "Giant" as descriptive of their White Leghorn baby chicks or the breed thereof, when in fact no breed of "Giant" White Leghorn chicks exist. They agree to cease using the word "Giant," either alone or in connection with other words implying that their chicks are of a special breed or strain of White Leghorn chicks, which, when raised by the ordinary purchaser, would be of giant or super-size. (2456)

**Miss Saylor's Chocolates, Inc.**, 2420 Encinal Ave., Alameda, Calif., manufacturer of candies which it sells chiefly to cigar and drug store dealers will cease supplying persons with punch boards or other lottery devices to enable them to dispose of or sell merchandise to the ultimate consumer by use thereof. (2462)

**Standard Distillers Products, Inc.**, 614 East Lombard St., Baltimore, will cease use on labels or brands of the word "Pikesville" to designate a whiskey not of the same quality as the "Pikesville" liquor made prior to prohibition by the former Winand Distilling Company, Pikesville, Md. The stipulation points out that the respondent obtained exclusive use of the trade mark "Pikesville" from its present owner, the Maryland-Pikesville Distillery, Inc. (which neither owns nor operates a distillery), but applied the name to an inexpensive inferior whiskey neither comparable in price and quality to the Pikesville whiskey formerly sold, nor distilled in Pikesville, Md. (2460)

**Sterchi Brothers Stores, Inc.**, Knoxville, Tenn., in the retail sale of furniture, agreed to discontinue advertising articles as loaned or delivered "free" if receipt thereof by a customer is dependent on any consideration, payment, or rendition of services required but not clearly disclosed in connection with the representations. Prices will not be represented as reduced, special or extra when in fact they are the customary prices. (2458)

**Wholesale Watch & Jewelry Company**—Caroline R. Macher, trading as Wholesale Watch and Jewelry Company, and her husband, Robert J. Macher, 15 Maiden Lane, New York, will cease using the word "wholesale" as part of the trade name of their industrial jobbing business and in referring to quoted prices or in any manner implying that theirs is a wholesale business in which goods are sold to the trade for resale as distinguished from sale to the ultimate consumer. They will also desist from the representation that their business is in its fifty-sixth year or that they are "Successors to the Wholesale House of J. Macher, Direct Jobber for a Half Century." (2461)

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Century Metalcraft Corporation**—Disparagement of competitors and misrepresentation of the durability and value of kitchen utensils distributed by it brought a cease and desist order against Century Metalcraft Corporation, 1105 Lawrence Ave., Chicago. The respondent is the distributor of "Silver Seal" kitchen utensils, the advertising and sale of which is conducted principally by agents, representatives and employees through personal solicitation and contacts.

In the course of manual demonstrations by the agents, the Commission finds, representations are made that the utensils contain little or no aluminum, that the method of cooking is new and revolutionary, that competing granite and aluminum cooking utensils are dangerous to the health of consumers of food cooked in them, and that certain doctors and hospitals have recommended and endorsed the respondent's utensils.

Findings of the Commission are that food cooked in granite or aluminum utensils is not dangerous or deleterious to the health of consumers, and that the use of aluminum or granite utensils in no wise affects the purity or quality of food cooked in them. (3601)

**Quality Bakers of America**, a trade association composed of approximately 70 member wholesale baking concerns located in various sections of the United States, has been served with an order prohibiting violation of the brokerage section of the Robinson-Patman Act.

Other respondents include Quality Bakers of America, Inc., service and purchasing agency, the stock of which is owned by the association members, with offices at the association headquarters, 120 West 42nd St., New York; six baking companies named as being representative of the association membership, and the association officers and executive committee members.

Findings are that:

The baking companies, composing the membership of the association, Quality Bakers of America, through stock ownership controlled the service company, Quality Bakers of America, Inc., and used it as their purchasing agent in buying bakers' supplies, equipment and machinery.

On these purchases the service company received and accepted from more than 200 manufacturers and other sellers brokerage fees in connection with which neither the service company nor the member companies making the purchases rendered any services to the sellers.

The brokerage fees were turned over by the service company to the member companies in the form either of money and credits or benefits and services such as services relating to purchasing, production engineering, accounting, sales promotion, advertising, planning, publications and management assistance. This was accomplished under an agreement that the members pay dues to the service company and that the brokerage fees allowed by the sellers and collected by the service company be applied one-half to the credit of dues for the member on whose business a brokerage fee originated and one-half for services to all association members. Statistics based on 1936 purchases show that the service company collected \$181,528 in brokerage fees that year of which \$90,760 was credited to the respective accounts of member companies. (3218)

**United States Rubber Company** and one of its subsidiaries, U. S. Tire Dealers Corporation, both of New York, have been ordered to discontinue price discriminations and payment of special commissions in violation of the Robinson-Patman Act in the sale of automobile tires and tubes.

Findings are that United States Rubber Company, together with its subsidiaries, is one of the country's four largest tire manufacturers, with three principal distributing outlets: (1) automobile manufacturers, (2) certain wholesalers, mail order houses and retail store chains selling this company's tires under their own private brands or trademarks, and (3) thousands of wholesale and retail tire dealers and service stations throughout the United States. (3685)

**U. S. Tire Dealers Corporation**—See United States Rubber Company.

## FTC CLOSES CASE

The Federal Trade Commission has closed its case against Temple Electric Corporation, 80 Cortlandt St., New York, and others, charged with unauthorized use of certain well known trade names in the sale of radio sets.

The unfair practices alleged in the complaint being covered in an order to cease and desist issued against Knight Electric Co., Inc., 16 Hudson St., New York, and others (Docket 2656) in May, 1937, in which the parties in the Temple Electric Corporation case were also respondents, the Commission closed the case against Temple Electric Corporation and others without prejudice to its right to resume prosecution should future acts so warrant.

# FCC Assignments For May

Duties of Commissioners, Secretary, and Chief Engineer of the FCC as allocated by Order No. 28, dated November 29, 1937, which provides "That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon:

**ASSIGNMENT FOR  
MONTH OF  
May**

"All applications for aeronautical, aircraft, geophysical, motion picture, airport, aeronautical point to point, municipal and state police, marine relay, marine fire, and emergency and special emergency radio facilities.

**Commissioner  
George Henry Payne**

"All applications for licenses following construction which comply with the construction permit; applications for extensions of time within which to commence and complete construction; applications for construction permit and modification of construction permit involving only a change in equipment; applications to install frequency control; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for special temporary authorization; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter site; and applications for relay broadcast stations.

**Commissioner  
Frederick I. Thompson**

"All radio matters of every character (except broadcast, operator licenses and amateur and ship stations) within the territory of Alaska.

**Commissioner  
Thad H. Brown**

"All uncontested proceedings involved in the issuance of certificates of convenience and necessity; and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act.

**Commissioner  
Paul A. Walker**

"All matters arising in connection with the administration of tariff circulars of the Commission adopted pursuant to Section 203 of the Act, including the waiver of notice for the filing of tariffs.

**Commissioner  
Norman S. Case**

"All matters arising under the Rules of Practice and Procedure of the Commission relating to withdrawals, dismissals, or defaults of applications or other proceedings, subject to the statutory right of appeal to the Commission; and to hear and determine all interlocutory motions, pleadings and related matters of procedure before the Commission.

**Commissioner  
T. A. M. Craven**

"That the Secretary of the Federal Communications Commission is hereby authorized to determine, order, certify, report or otherwise act, with the advice of the General Counsel and the Chief Engineer, upon:

- (a) all applications for operator licenses, and
- (b) all applications for amateur and ship stations.

**Secretary  
T. J. Slowie**

"That the Chief Engineer of the Federal Communications Commission is hereby authorized to determine upon all applications and requests, and to make appropriate order in letter form for the signature of the Secretary in the following matters:

- (a) operation without an approved frequency monitor;
- (b) operation without an approved modulation monitor;
- (c) operation without thermometer in automatic temperature control chamber;
- (d) operation without antenna ammeter, plate voltmeter or plate ammeter;
- (e) operation with substitute ammeter, plate voltmeter or plate ammeter;
- (f) operation with temporary antenna system;
- (g) operation with auxiliary transmitter as main transmitter;
- (h) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application;
- (i) where formal application is not required, application for new or modified equipment or antenna system;
- (j) where formal application is not required, change of specifications for painting and lighting of antenna towers;
- (k) operation to determine power by direct method during program test periods;
- (l) relocation of transmitter in the same building;
- (m) operation with reduced power or time under Rules 142 and 151;
- (n) approval of types of equipment;
- (o) where it appears that terms of construction permit have been complied with, authorization for equipment and program tests or extensions thereof;
- (p) denial of requests for equipment and program tests where specifications of construction permit have not been met;
- (q) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorization it appears that the terms of the construction permit have not been met;
- (r) extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission;
- (s) changes in equipment necessary to comply with technical requirements specified in authorizations, orders, rules or releases (except formal applications);
- (t) representations of compliance with technical requirements specified in authorizations, orders, rules or releases (except formal applications);
- (u) operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location."

**Chief Engineer  
Ewell K. Jett**



## Radio Is Free As Press Says President In Recorded Interview

Declaring that "radio is as free as the press" and praising it for the part it has played in the diffusion of knowledge and culture, President Roosevelt this week inaugurated a series of recordings in which he and members of his cabinet are interviewed, to be made by Lowell Mellett, executive director of the National Emergency Council.

The transcribed interviews will be offered radio stations throughout the country for broadcasting. In the opening statement of the presidential interview Mr. Mellett stated that it was the purpose of the NEC, through the cooperation of broadcasting stations, to represent reports by members of the cabinet regarding the work of their departments.

Below is published a transcript of the interview, which NEC furnished at the request of Headquarters:

### THE PRESIDENT OF THE UNITED STATES

LOWELL MELLETT, EXECUTIVE DIRECTOR, THE  
NATIONAL EMERGENCY COUNCIL

OPEN: MUSIC—"STARS AND STRIPES FOREVER"  
(15 Seconds—Fade For:)

ANNOUNCER: UNITED STATES GOVERNMENT REPORTS  
MUSIC: (MUSIC UP—15 SECONDS—GRADUAL FADE  
OUT:)

ANNOUNCER: (OPENING ANNOUNCEMENT) 1 MINUTE

MELLETT: Mr. President, it is the purpose of the National Emergency Council, through the generous cooperation of broadcasting stations in all the States, to present reports by the members of your cabinet regarding the work of their respective departments. The first of these reports will be made by Secretary Hull next week when he will discuss the work of the Department of State.

Since this program is being arranged at your direction, we are asking you to make the opening announcement. The United States Government Manual, published by my department—price \$1.75—no more to you than to any other citizen, Mr. President—carries this foreword over your signature: (I quote) "Only through a clear understanding by every citizen of the objectives organization and availability of the government agencies can they render truly effective service and assure progress toward economic security." That, I presume, sums up the reasons for these broadcasts, but you are asked now to elaborate the theory behind them and, if you can, to say all that again in shorter words.

(Continued on page 3468)

## Chavez Goes to Public for Support of Government-Owned Radio Station

In an address delivered over the National Broadcasting Company last night, Senator Dennis Chavez (D-New Mexico), author of a bill that would establish a short-wave station operated under government supervision, declared that present program services of American short-wave broadcasters in the international field are insufficient; that the stations themselves "are woefully ineffective" and that "we need a powerful government short-wave broadcasting station."

"There is no reason why this government cannot operate a radio station exclusively devoted to promoting cultural ties with the western hemisphere," he continued. "Through such a radio station we can acquaint our Latin neighbors with the sincerity of our Good Neighbor Policy."

The National Association of Broadcasters is opposing the entrance of the government into the radio field. At the present time Headquarters is tabulating the results of a survey of all short-wave operations, and will offer evidence in hearings on the bill that the program services now being offered by private short-wave broadcasters exceed in quality and quantity the program services emanating from foreign short-wave transmitters in the international field.

## Radio Liquor Advertising Outlawed In New Bill

Representative Doughton (D-N.C.), Chairman, House Committee on Ways and Means, has introduced H. R. 6219 by request, which is a bill to amend the Federal Alcohol Administration Act.

Contained in the bill is a Section (g) dealing with radio advertising, which provides as follows:

"It shall be unlawful for any person required to secure a basic permit under the provisions of this Act, or for any other person, or for any person for, or in behalf of such persons, to broadcast or cause to be broadcast, directly or indirectly, by means of radio, any advertisement of an alcoholic beverage, nor shall any such person or any person for, or in their behalf, pay for or sponsor, directly or indirectly, any radio program, or be mentioned in any radio advertisement if, either by use of a trade name or otherwise, reference is made to the fact that any such person is engaged in the manufacture, sale, or other distribution of any alcoholic beverage."



THE NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NA tional 2080

Neville Miller, *President*

Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel*; Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*

## RADIO IS FREE AS PRESS SAYS PRESIDENT IN RECORDED INTERVIEW

(Continued from page 3467)

THE PRESIDENT: I can say it in different words and, if not shorter, better words, the words of George Washington. In his farewell address to the people of the United States, he said: "Promote then as an object of primary importance, institutions for the general diffusion of knowledge. . . . In proportion as the structure of a government gives force to public opinion, it is essential that public opinion be enlightened."

The course thus charted by our first president has been followed consistently since his time. Institutions for the general diffusion of knowledge have been promoted in many ways. The Government, Federal, State and local, has built schools, supported them financially and aided them in their efforts to make America a nation of educated people. The other most important institution for the diffusion of knowledge during the greater part of this period has been the press. The Government's relation to the press has been different from its relation to the schools. Aside from some financial assistance, in the form of less-than-cost postal rates, the Government has supported the press chiefly by protecting its freedom. Whether or not we have the best schools in the world—and many of us think we have—it can hardly be disputed that we have the freest press. Government restrictions on the press amount to little more than laws to prevent the printing of obscene matter and articles calculated to incite rebellion. The press is as free as it cares to be or as its economic condition permits it to be.

But now, in our own time, there has come into being another great institution for the general diffusion of knowledge—the radio. Still in its infancy it already rivals in importance the schools and the press. The Government, as the people's agent, has had and has now a still different relation to radio from that toward the schools and the press. It has encouraged and aided its development on the one hand, and, on the other it has set up such controls of its operation as are necessary to prevent complete confusion on the air. In all other respects the radio is as free as the press.

Always the Government has endeavored to follow the suggestion of George Washington that the public be enlightened. Throughout the years it has made available to the press information that is essential to the people. But there has been and there is now a limit to the amount of such information that newspapers can print. Particularly is this true of newspapers published in cities of less than metropolitan size. Newspapers are business institutions, living on advertising revenue, and they are apt to be as large or as small as their advertising volume requires or permits. This is true and must be recognized, regardless of how seriously or how lightly an individual publisher may take his responsibility to keep the public fairly informed.

So, the Government, in our time, is turning to the radio as an additional means of meeting its obligation to the people. I have watched with interest and appreciation the manner in which the National Emergency Council during recent months has undertaken through the radio the diffusion of factual knowledge concerning Government operations. May I ask you, Mr. Director, to report something of your operations?

MELLETT: All of our broadcasts, Mr. President, have been on local stations, not on the networks. They have taken the form, for the most part, of discussions between our State Directors and field representatives of various Government agencies. The effort has been to answer any question that may be in the mind of any citizen concerning any phase of the Government's work. Our office in Washington receives a multitude of such questions. Some of the agencies receive even more inquiries. So we feel we have reason to know what it is the people want to know. We try in these broadcasts to meet this desire.

Beginning last summer with the cooperation of a few stations in a few States our undertaking had grown by winter to the point where stations in 42 States were working with us.

THE PRESIDENT: What Government agencies have made these reports to the people?

MELLETT: The Civilian Conservation Corps, the Public Works Administration, the United States Employment Service, the Home Owners' Loan Corporation, the Army Engineers—

THE PRESIDENT: That looks like a long list. How many in all?

MELLETT: Forty in all. The present broadcast, Mr. President, and those to follow by members of your cabinet, take a somewhat different form. They will be electrical transcriptions, made here and sent out to the stations. Stations in every State have engaged to present them to their listeners.

THE PRESIDENT: It is hard for me to conceive of any method of diffusing knowledge that would more exactly meet the purpose our first President had in mind, even though radio had not been dreamed of in his time. I am sure the heads of the Government departments will not fail to make good use of it. I like the idea of keeping the broadcasts entirely factual in character and the effort to answer the questions in the minds of the people.

When I was Governor of New York I learned the State Government was performing about 120 different functions of Government. Here in Washington the Federal Government carries on about the same number of functions, most of them different forms of or supplementary to the usual State functions. It seems to me important that before the people pass on the size of or the question of continuing these functions they should have an opportunity to obtain some factual information about them. The people, through Congress, have the right, at any time, to end any individual function, to increase it or to add new functions. That is why knowledge of what Government does today is of such great importance.

It should be possible, too, through your broadcasts, to correct the kind of misinformation that is sometimes given currency for one reason or another. In some communities it is the unhappy fact that only through the radio is it possible to overtake loudly proclaimed untruths or greatly exaggerated half-truths. While, to be sure, the people have learned to discriminate pretty well between sober facts and exciting fiction, they have a right to expect their Government to keep them supplied with the sober facts in every possible way. It was heartening to hear your report concerning the questions the people put to the Government agencies. In that connection, please give the figures of your own operation in this field.

MELLETT: Our United States Information Service during 1938 received slightly more than one hundred thousand letters of inquiry on a wide variety of subjects. The United States Superintendent of Documents received almost three times that many concerning Government publications. I do not have the information as to all the departments and agencies, but an indication of the people's interest is given by the fact that the Department of Agriculture alone receives about 7,500 inquiries a day—or more than two million a year.

THE PRESIDENT: May the interest of the people in the Government never grow less. I am sure it will not, for the people know the Government is *their* Government.

This is good work the National Emergency Council is doing, Mr. Director. Keep it up.

ANNOUNCER: (CLOSING ANNOUNCEMENT)

MUSIC: ("STARS AND STRIPES FOREVER")  
(UNTIL FINISH)

## NEC RADIO TRANSFERRED

The functions of the Radio Division of the National Emergency Council were transferred to the Federal Securities Agency under the President's second reorganization plan sent to Congress this week and "shall be administered in the Office of Education under the direction and supervision of the Federal Securities Administrator."

## FREE OFFERS

The NAB asked the RCA Manufacturing Company for a statement on its arrangements with stations for



the broadcasting of Victor records which several broadcasters had reported to Headquarters. The following letter has been received, but in the NAB's opinion advertising Victor records without compensation would constitute violation of the NAB Code of Ethics.

You have asked our Company to make a statement regarding Victor Record broadcasts. There are three types of Victor Record broadcasting activities.

1. Network broadcasting—RCA Victor has, for almost four years, advertised and promoted its Victor and Bluebird Records on the MAGIC KEY Radio Program which, I believe, is carried on the largest network of stations in the United States.
2. In about 35 markets, we have commercial popular Victor Record programs being carried on independent stations, some of which have no network affiliation and many of which are affiliated with the three major networks. New stations are being added as fast as we can get adequate retail distribution of our product set up to assure aggressive merchandising.
3. A number of radio stations are carrying, at their own request, the Victor Red Seal Program, known as "THE MUSIC YOU WANT WHEN YOU WANT IT." No charge is made by our Company to the station for the use of this program of the foremost music as performed by the world's greatest artists. When broadcast stations originally requested our permission to use our Victor Red Seal Music, it was, in our opinion, necessary to refuse these requests in order to protect the vital interests of our great Victor artists and musical organizations. Finally, we developed a broadcasting program known as "THE MUSIC YOU WANT WHEN YOU WANT IT," which we believed would be beneficial to our Victor Record artists by increasing the demand for the specific records used on the program, thereby reflecting to the credit of the Victor Record artists in the royalties paid by our Company to the artists. In granting the request of these broadcasting stations for the use of this specific program (and this one only) in the form in which we put it out, we felt that we were protecting the interests of our Victor artists and at the same time giving the broadcasting stations something that was of tremendous benefit to them and their audiences. The program has immense educational value. Many broadcast station operators believe that in using the Victor Red Seal Program they are rendering a service to their listeners, somewhat similar to the service that is being rendered by newspapers and class magazines in the reviewing of Records in their editorial space. As you may know, most of the leading newspapers in the United States, today, review Records, putting in brand names, prices, etc. The same thing applies to class magazines. The "MUSIC YOU WANT WHEN YOU WANT IT" Program won immediate audience popularity, with the result that each month we have a number of new stations make application for it. In some instances, our wholesale distributors have suggested to their local stations that they carry the program.

As our Record business has continued to grow and to expand, our Company has invested increasingly large amounts of money in broadcast advertising. Total investment for this year in actual payments for time, exclusive of the MAGIC KEY Radio Program, will be, approximately, \$500,000. RCA Victor is the only Record manufacturer, to the best of our knowledge, investing any money in radio broadcasting. It is our hope and expectation that, next year, our payments to broadcasting stations (exclusive of the MAGIC KEY) will be double this year's payments.

If we can supply any further information, we will be glad to do so.

Very sincerely yours,

(signed) T. F. JOYCE.

### SCHULTE BILL

Headquarters Office is in receipt of a great many letters from stations in reply to the notice mailed to the membership with copy of the bill recently introduced by Congressman Schulte of Hammond, Indiana, prohibiting the recording of off the line broadcasts, and the making

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of transcriptions, under terms as set forth in the bill. According to the communications received, the industry is 100 per cent opposed to enactment of such legislation. The bill is being carefully watched and NAB's position will be stated if hearings are held.

### MONOPOLY HEARING REOPENS

The FCC investigation of chain broadcasting and monopoly in the broadcast industry will be resumed Wednesday, May 17. At this time David Sarnoff, President of Radio Corporation of America, and Marks Levine, Manager of the Concert Division of National Broadcasting Company, will be called upon to testify.

Mr. Levine will substitute for George Engels, Vice-President and Managing Director of the Artists Service Department of National Broadcasting Company, who was taken ill during his testimony last fall and was excused, subject to recall. Mr. Engels is still unable to appear.

Mr. Sarnoff will be cross-examined on testimony which he gave last November 14. These are the only two witnesses scheduled to appear at this resumption of hearings.

### HEARING SCHEDULING SUSPENDED

The FCC announced this week that the scheduling of hearings, except by direct instructions from the Commission, will be suspended from July 15 to September 5, both dates inclusive.

It is the definite view of the Commission that this period can well be used in accelerating the disposition of pending cases.

### REBROADCAST HEARING SET

The FCC has announced that a hearing will be held in Washington on June 7 in connection with the petition of Mayor LaGuardia of New York for permission to rebroadcast international programs over the city station.

The Commission has sent notices to the licensees and permittees of all existing standard broadcast stations (all

broadcast stations licensed to operate upon the channels 550 to 1600 kc, both inclusive) and to all applicants who have pending before the Commission applications for regular broadcast stations to operate upon such channels, to the licensees and permittees of all existing international broadcast stations (all international broadcast stations licensed to operate upon the channels of 6,000 to 26,600 kc, inclusive) and to all applicants who have pending before the Commission applications for regular broadcast stations to operate upon such channels and to any other interested parties.

The official notice in this connection is as follows:

You are hereby notified that the Commission has ordered a hearing on the above-entitled matter at its offices, Washington, D. C., on June 7, 1939, at the hour of 10 o'clock A. M., in Room 1411, Post Office Department Building, 12th and Pennsylvania Avenue, N.W.

Pursuant to said order, you are hereby notified that the Commission at said time and place will hear any licensee, permittee, applicant, or other interested party on the questions hereinafter set forth in order to determine whether or not Rules 177 and 177.1 should be modified so as to permit the rebroadcasting of programs of international broadcast stations by regular broadcast stations whose licensees are universities, other educational institutions, municipalities, other governmental agencies, or other non-commercial, non-profit-making organizations.

For the purposes of developing information upon the question of modification of the rule as aforesaid, the following issues shall be determined:

1. To determine whether the Commission should amend its Rule 177.1 so as to permit the rebroadcasting of programs of international broadcast stations by regular broadcast stations whose licensees are universities, other educational institutions, municipalities, other governmental agencies, or other non-commercial, non-profit-making organizations.

2. To determine whether the Commission should amend its Rule 177.1(b) so as not to require authority from the Commission to rebroadcast the programs of high frequency broadcast stations by regular broadcast stations whose licensees are the same as those set forth in paragraph 1 hereof.

3. To determine the basis for the distinction between the types of licensees mentioned in paragraph 1 hereof and other broadcast licensees for the purposes therein set forth.

4. To determine to what extent, if at all, the amendment of the rules as set forth in paragraphs 1 and 2 hereof would affect the operation of commercial stations as to program service and listening audience.

5. To determine whether the amendment of these rules in the particulars mentioned in paragraphs 1 and 2 hereof is consistent with the purposes of international broadcast stations, as set forth in Rules 1010, 1011, and 1012(c).

6. To determine whether, in view of the long distance characteristics of international stations, and the unreliability of the short or national services of such stations, international stations should be permitted to be used to assist in the building of programs for regular broadcast stations.

7. To determine whether in view of the limited number of frequencies available throughout the world for international stations and the relatively large number of frequencies now used for regular broadcast stations in the United States, and in view further of the position taken by the Government of the United States of America at all international conferences that international broadcast stations should be used exclusively for international transmissions of programs, the amendment of Rule 177.1, as set forth in paragraph 1 hereof, should be made.

8. To determine whether the amendment of rules in the particulars mentioned in paragraphs 1 and 2 hereof would be consistent with international agreements or treaties to which the United States is a party. (Article 7, Paragraph 19, of the General Radio Regulations, Annex 2, of the International Telecommunications Convention, Madrid, 1932; Article 7, Paragraph 22, of the General Regulations, Annex 2, of the International Radio Convention, Cairo, 1938; and Section 2, Table IV, of the Inter-American Arrangement Concerning Radio Communications, Havana, 1938.)

9. To determine whether the Commission should change its basic

policy of not authorizing the use of radio facilities where other facilities are available to render the same service.

10. To determine to what extent a sufficient signal can be delivered by international broadcast stations throughout the United States to permit a satisfactory rebroadcast service.

11. To determine whether the modification of the rules as set forth in paragraphs 1 and 2 hereof would serve public interest, convenience and necessity.

These issues shall not, however, be considered exclusive of, nor preclude, the presentation of any other material evidence which any party may desire to present.

Each licensee, permittee, applicant, or other party desiring to be heard shall, within fifteen days of the mailing of this notice by the Secretary of the Commission, file with the Commission notice of its intention to be present and participate in said hearing.

## DISTRICT 1 MEETING

With copyright and legislative problems highlighting the meeting, broadcasters in the New England District 1 meeting yesterday, elected Paul Morency, WTIC, as the new director, replacing John Shepard, III, who was not a candidate for renomination.

President Neville Miller and Joseph L. Miller, Director of Public Relations, represented Headquarters. Those present were: John Shepard, III, WNAC, Boston, Massachusetts; Ted Hill, WTAG, Worcester, Massachusetts; Frank Doolittle, WDRG, Hartford, Connecticut; Erwin Frey, WBRY, Waterbury, Connecticut; S. P. Willis, WPRO, Providence, Rhode Island; Herman Steinbruch, WNBX, Springfield, Vermont; Edward J. Lord, WLNH; James Spates, WHAI, Greenfield, Massachusetts; John Holman, WBZ, Boston, Massachusetts; Stanley Schultz, WLAW, Lawrence, Massachusetts; Quincy A. Brackett, WSPR, Springfield, Massachusetts; Paul Morency, WTIC, Hartford, Connecticut; Harold Fellows, WEEL, Boston, Massachusetts; C. Glover Delaney, WTHH, Hartford, Connecticut; George Kelley, WCSH, Portland, Maine; Henry Rines, Jr., WFEA, Manchester, New Hampshire; William Welch, WSAR, Fall River, Massachusetts; A. S. Moffat, WMAS & WLLH, Cambridge, Massachusetts; Gerard Slattery, WCOP, Boston, Massachusetts; Philip Weiss, WSYB, Rutland, Vermont; and G. S. Wasser, WQDM, St. Albans, Vermont.

## DISTRICT 7 MEETING

Acceding to the wishes of Mark Ethridge that it was necessary for him to relinquish his duties as director, and acting upon the motion of the Kentucky broadcasters that the new director come from Ohio, the broadcasters in Kentucky and Ohio, comprising District 7, elected John H. Ryan, Station WSPD, director for the District.

On motion of H. K. Carpenter, WHK-WCLE, Cleveland, District 7 formally thanked Mr. Ethridge for his "valuable and distinguished services not only benefiting the broadcasters of District 7, but the entire industry as well." The resolution paid tribute to his leadership during the reorganization period of the NAB and during the interim when he served as temporary president.

District 7 went on record as opposed to the ratifica-



tion of the International Copyright Union Treaty, and in opposition to the Johnson Bill as one "discriminatory of dangerous precedent."

President Neville Miller led the discussions on copyright and legislative problems, while Ed Kirby, Director of Public Relations, reviewed problems of the Code and other Headquarters activities.

### DISTRICT 11 MEETING

Station owners, managers, sales managers, and guests attended the spring meeting of the 11th District at Hotel Kahler in Rochester, Minn., May 5.

Presiding was Earl Gammons, WCCO, district director. Among the principal topics of discussion at the meeting of managers and owners were the copyright laws and legislative matters before Congress. A vote of confidence was given to Neville Miller, president of the NAB, for his work and the district went on record "for the payment at the source of all copyright fees on music for network and transcription broadcasting."

Earl Reinke, WDAY, Fargo, and S. C. Fantel, KSOO, Sioux Falls, S. D., in conjunction with other members of their states said they would have 100 per cent membership attendance at Atlantic City at the July convention.

Earl Gammons was re-elected as director of the 11th District for the ensuing two-year term.

In addition to the meeting of the managers and directors, the sales managers held their meeting with Barney Lavin, WDAY, of Fargo, presiding. Speaking at this meeting was Craig Lawrence of Des Moines, representing the Iowa network. Mr. Lawrence is chairman of the sales managers division of the NAB.

Speaking for President Miller was Paul Peter who came to the meeting from Washington in his capacity as director of research of the NAB. Others who spoke before the owners and managers meeting were Carl Haverlin, general manager of Davis-Schwegler, Inc., Los Angeles, and Alex Sherwood of Chicago, representing Standard Radio, Chicago.

Present at the owners and managers meeting were Stanley E. Hubbard and Kenneth M. Hance of KSTP, St. Paul and Minneapolis; Dr. George Young, WDGY, Minneapolis; C. T. Hageman, WTCN, Minneapolis and St. Paul; E. J. Hayek, KATE, Albert Lea, Minnesota; Earl Reineke, WDAY, Fargo, N. D.; Gregory Gentling, KROC, Rochester, Minnesota; F. B. Clements, KYSM, Mankato; S. Fantle, Jr., KSOO—KELO, Sioux Falls, S. D.; A. A. Fay, KABR, Aberdeen, S. D.; George A. Bairey, Fred Schilplin, both of KFAM, St. Cloud, Minnesota; Bob Tincher, WNAX, Yankton, S. D.; Phil Meyer, Bismarck, KFYZ; Ray Schwartz, KYSM, Mankato, Minnesota; George A. Rohn, KSOO, Sioux Falls, S. D.

Sales managers and representatives who attended the sales session included C. A. Kennedy, KYSM; E. A. Thomas, KROC; Tom Dawson, WCCO; Ray Jenkins, KSTP; Craig Lawrence, WMT; Hayden Evans, WNAX; W. C. Tiedeman, KATE.

### DISTRICT 17 MEETING

C. W. (Chuck) Myers was unanimously re-elected as Director of the 17th District at a meeting held at the Arlington Club, Portland, Oregon, Friday, May 5.

The meeting was attended by the following member stations in Oregon and Washington:

KALE, Portland, Ore., Ted Kooreman; KEX, Portland, Carey Jennings; KFPY, Spokane, Wash., Tom Symones, Jr.; KIRO, Seattle, Wash., H. J. Quilliam; KJR, Seattle, C. E. Arney; KOMO, Seattle, C. E. Arney; KOIN, Portland, C. Roy Hunt; KOOS, Marshfield, Ben Stone; KRSC, Seattle, Bob Priebe; KVI, Tacoma, Earl T. Irwin; KXL, Portland, Tom Symones, Jr.; KXRO, Aberdeen, Washington, Harry R. Spence.

Other executives of already-represented NAB stations present were: Sheldon Sackett, of Marshfield and Salem; and C. W. Myers of Portland. Walter Read of the new KVAN at Vancouver, Washington, scheduled to be on the air July 4, attended as a guest and presented his application for membership.

Other routine business received attention, and resolutions were prepared and adopted opposing ratification of the International Copyright Union treaty, and the Johnson bill to restrict advertising of alcoholic beverages, and approving the policy of the NAB copyright committee.

## Legal

### COPYRIGHT BILLS

Two new bills seeking to amend the Federal copyright laws have been introduced in the House of Representatives by Mr. McGranery (D.-Pa.) and by Mr. Moser (D.-Pa.). Both bills have been referred to the Patents Committee.

Mr. McGranery's bill (H. R. 6160) is a lengthy amendment to the Copyright Act somewhat similar to other bills heretofore introduced. Among other things, it seeks to create copyright in phonograph records, it extends the life of a copyright to 56 years instead of the present 28 year period, and it anticipates adherence by the United States to the International Copyright Convention. The bill does not change the present \$250.00 minimum damages but allows the damage provisions of the 1909 statute to remain in force. If the bill should be enacted into law, the copyright problems of broadcasters will be substantially increased.

The bill introduced by Mr. Moser (H. R. 6243) seeks to confer upon the Federal Communications Commission the right to authorize the use of copyrighted works at rates determined by the Commission when the person desiring to use the copyrighted works is unable to secure an agreement with the copyright owner. Mr. Moser's entire bill is as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That any person who desires to print, reprint, publish, copy, perform, vend, or exercise any protected right in respect to, any work copyrighted under the copyright laws of the United States, and is unable to secure an agreement with the copyright owner for such desired use thereof, may file an application in writing with the Federal Communications Commission for a permit to make such desired use of the copyrighted work at such rates of royalties or charges therefor as the Commission shall determine under this Act. The Commission, after notice and opportunity for hearing to any interested person, shall within a reasonable time after the filing of such application grant or deny the application by order. The Commission shall not grant any application unless it finds that such action will be in the public interest. If the application for the permit is granted, the Commission in its order shall, after notice and opportunity for hearing to interested parties, fix just and equitable rates of royalty or charge to be paid the copyright owner by the applicant for the use or uses covered by the permit, and the amount of the bond to be furnished by the applicant for the purpose of securing the payment of the royalties or charges by the applicant to the copyright owner at the rates so fixed. Any use of a copyrighted work pursuant to a permit granted and lawfully in force under this Act, shall not be held or considered to be a violation of the copyright laws of the United States.

SEC. 2. To aid in carrying out the provisions of this Act, the Federal Communications Commission is authorized and directed to use such powers vested in it by the Communications Act of 1934, or by any other laws, as are not inconsistent with the provisions of this Act, and the Commission is authorized and directed to prescribe such rules and regulations as may be necessary or proper in carrying out the provisions of this Act.

SEC. 3. There are hereby authorized to be appropriated to the Federal Communications Commission such sums as may be necessary to carry out the provisions of this Act.

SEC. 4. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 5. This Act shall take effect thirty days after the date of its enactment.

## BILLS AFFECTING BROADCASTING CONGRESS

H. R. 6160 (Mr. McGranery, D.-Pa.) COPYRIGHTS—To amend the Copyright Act of 1909 in many respects, including the creation of copyright in phonograph records, the extension of the duration of copyright to 56 years. Referred to Committee on Patents.

H. R. 6219 (Mr. Doughton, D.-N.C.) ALCOHOLIC BEVERAGES—To amend Federal Alcohol Administration Act so as to prohibit, among other things, the advertising of alcoholic beverages by radio. Referred to Committee on Ways and Means.

H. R. 6243 (Mr. Moser, D.-Pa.) COPYRIGHTS—Regulating use of copyrighted works. Authorizes Federal Communications Commission to grant licenses and fix the fees for use of copyrighted works when an agreement with copyright owner cannot be secured. Referred to Committee on Patents.

## STATE LEGISLATION

### DELAWARE:

H. 224 (Rhodes) OCCUPATIONAL LICENSES—Amending the law relating to occupational licenses. Approved 5-2-39.

### FLORIDA:

H. 1022 (Allen) LABOR UNIONS REPORTS—Requiring labor unions, associations or groups to maintain records and file regular reports with treasurer of state. Referred to Labor Committee.

H. 1023 (Allen) LABOR UNION REGULATION—Prohibiting any labor union or group from donating dues from members to any foreign cause. Referred to Labor Committee.

H. 1045 (Marchant) RADIO BROADCASTING—Relating to the civil liability of owners, lessees and operators of radio broadcasting stations. Referred to Judiciary A Committee.

H. 1061 (Howze) TRADE MARK PROTECTION—Providing for further additional remedies in enforcement of laws for the protection of trade mark owners, producers, distributors, and the general public against injurious and uneconomic practices in distribution of competitive commodities. Referred to Judiciary A Committee.

H. 1103 (Marchant) MUSICAL COPYRIGHTS—Same as S. 635, below.

H. 1110 (Marchant) UNLAWFUL MONOPOLY—Same as S. 636, below.

S. 626 (Gideons, et al) LABOR RELATIONS—Same as H. 947. Protecting employees and employers in labor controversies, defining labor disputes, regulating collective bargaining agencies, etc. Referred to Labor and Industry Committee.

S. 633 (Rose) EXCISE TAXES—Providing for a levy of ad valorem taxes by counties, cities, towns and other taxing authorities. Referred to Finance and Taxation Committee.

S. 634 (Beacham) RADIO BROADCASTING—Same as H. 1045 above. Referred to Judiciary B Committee.

S. 635 (Beacham) MUSICAL COPYRIGHTS—Relating to public performing rights in copyrighted musical compositions. Referred to Judiciary B Committee.

S. 636 (Beacham) MONOPOLIES, COPYRIGHTS—Amending Chapter 17807 of the 1937 Act, affecting monopoly and its purposes in restraint of trade, any combination of persons which determines the amount of money to be paid to its members for the privilege of rendering publicly or privately for profit, copyrighted vocal or instrumental musical compositions, etc. Referred to Judiciary B Committee.

S. 637 (Beacham) PHONOGRAPH RECORDS—Preventing claims for additional compensation after sale of phonograph records, transcriptions, or any form of recorded music and entertainment has been made and to protect purchaser thereof. Referred to Judiciary B Committee.

### NEW YORK:

A. 2326 (Wilson) UNEMPLOYMENT INSURANCE—Amends generally the provisions for unemployment insurance, changes definition of base year, waiting period and duration of benefits; state department is to cooperate with federal government for the benefit of railroad employees, state bureau is to have executive secretary and research assistant and commissioner may appoint referees to hold hearings on claims and adjustments; extends to March 15, 1940, time for commissioner to transmit to the legislature the report of his committee appointed to study partial unemployment, and makes other changes. Referred to Rules Committee.

### WISCONSIN:

S. 502 (Kresky) PUBLIC EXHIBITIONS—MINORS—Relating to the employment of minors in public exhibitions. Referred to Education and Public Welfare Committee.

## THE BOYER ADVERTISING COMPANY

The Boyer Advertising Company, Clarkedale, Mississippi, is approaching stations by letter asking that an enclosed announcement advertising "Lady Alice Cosmetics" be broadcast once a week for twenty-six weeks at the lowest possible rate. This agency requests that the series start immediately and that a twenty-six week contract be forwarded to Boyer for signature.

It is suggested that stations obtain a more definite commitment before starting announcements in the campaign. Also, the announcement copy involves a gift offer and stations should give careful consideration to avoid possible violation of Section 316 of the Communications Act prohibiting gift enterprises.



## OFFICE OF EDUCATION LAUNCHES NEW RADIO SERIES

Commissioner of Education John W. Studebaker announced this week that the Office of Education, Department of the Interior, has accepted an invitation extended by the U. S. New York World's Fair Commission to produce in cooperation with the Columbia Broadcasting System a new weekly coast-to-coast radio series interpreting and supplementing the Federal Exhibits at the Fair. Beginning May 14, the series will be on the air every Sunday, 2 to 2:30 p. m., EDST, over CBS and affiliated stations.

The new series, titled "Democracy in Action," will succeed the Office of Education program "Americans All—Immigrants All," recently named by the Women's National Radio Committee, as the "most original and informative program" of the year.

### FCC TELEVISION COMMITTEE

The Television Committee of the Federal Communications Commission had an informal conference on Tuesday with the Don Lee Broadcasting Company of Los Angeles in connection with its investigation of the whole television situation. On May 15 the Committee will confer with the Zenith Radio Corporation of Chicago.

In addition to these two conferences, the Committee within the past ten days has conferred informally with representatives of the Majestic Radio & Television Corporation, the Crosley Corporation, and the Wald Radio & Television Laboratories, Inc.

The Television Committee is composed of Commissioners T. A. M. Craven, Chairman, Norman S. Case and Thad H. Brown. Commenting on the television situation and its connection with these conferences, Chairman Craven said:

"We are discussing frankly with the industry the problems inherent in this new visual means of communication. By proceeding deliberately we hope to make a logical and comprehensive report to the Commission concerning the various complicated aspects of television as a service to the public. The Television Committee will make its report to the Commission as soon as practicable after the conclusion of the series of conferences."

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases beginning the week of May 15. They are subject to change.

### Monday, May 15

KOVC—KOV, Inc., Valley City, N. Dak.—C. P., 1340 kc., 500 watts, 1 KW LS, unlimited time. Present assignment: 1500 kc., 100 watts, 250 watts LS, unlimited time.

Tuesday, May 16

NEW—John R. Pepper, Greenville, Miss.—C. P., 1310 kc., 100 watts, 250 watts LS, unlimited time.

Wednesday, May 17

Further Hearing

Broadcast

NEW—Nathan Frank, New Bern, N. C.—C. P., 1500 kc., 100 watts, unlimited time.

### FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings. They are subject to change.

May 23

WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.; Proposed Studio, Kansas City, Mo., Proposed Transmitter, Kansas City, Kans.—C. P., 1220 kc., 1 KW, 5 KW LS, shares KFKU (DA for day and night). Present assignment: 1220 kc., 1 KW, 5 KW LS, shares KFKU.

June 5

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—C. P., 950 kc., 1 KW, unlimited time. Present assignment: 1120 kc., 100 watts, daytime.

June 7

WICA—WICA, Inc., Ashtabula, Ohio.—C. P., 940 kc., 1 KW, daytime. Present assignment: 940 kc., 250 watts, daytime.  
WBNX—WBNX Broadcasting Co., Inc., New York, N. Y.—Renewal of license, 1350 kc., 1 KW, 1 KW LS, shares WAWZ (DA day and night).

Hearing Before the Committee

IN THE MATTER OF AMENDMENT OF RULES 177 AND 177.1 ON PETITION OF MAYOR LAGUARDIA OF THE CITY OF NEW YORK.

June 21

WSPA—Virgil V. Evans, tr/as The Voice of South Carolina, Spartanburg, S. C.—Modification of license, 1120 kc., 500 watts, 1 KW LS, unlimited time. Present assignment: 920 kc., 1 KW, daytime.

June 23

WSUI—The State University of Iowa, Iowa City, Iowa—C. P., 880 kc., 1 KW, 5 KW LS, unlimited time (DA day and night). Present assignment: 880 kc., 500 watts, 1 KW LS, unlimited time.

June 27

KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—C. P., 1270 kc., 1 KW, unlimited time (DA night) (requests facilities of KWLC and KGCA). Present assignment: 1210 kc., 100 watts, 250 watts LS, unlimited time.  
KGCA—Charles Walter Greenley, Decorah, Iowa.—Renewal of license, 1270 kc., 100 watts, daytime, shares KWLC.  
KWLC—Luther College, Decorah, Iowa.—Renewal of license, 1270 kc., 100 watts, daytime, shares KGCA.

June 28

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

# FEDERAL COMMUNICATIONS COMMISSION ACTION

## APPLICATIONS GRANTED

- KNOW**—KUT Broadcasting Company, Austin, Tex.—Granted voluntary assignment of license for station KNOW to Frontier Broadcasting Company, Inc. (1500 kc., 100 watts, unlimited time).
- WACO**—KTSA Broadcasting Company, Waco, Tex.—Granted voluntary assignment of license for station WACO from KTSA Broadcasting Co. to Frontier Broadcasting Company (1420 kc., 100 watts night, 250 watts day, unlimited time).
- KEX**—KGW—O. L. Price, Trustee, Portland, Ore.—Granted transfer of control of 470 shares of capital stock of the Oregonian Publishing Company, licensee of stations KGW and KEX, to heirs at law of Henry L. Pittock.
- WPRO**—Cherry & Webb Broadcasting Co., Providence, R. I.—Granted C. P. to move transmitter site locally, install new equipment and directional antenna system, and increase power from 500 watts night, 1 KW day, unlimited time, to 1 KW night, 5 KW day, employing DA for nighttime operation.
- WBCM**—James E. Davidson, Bay City, Mich.—Granted transfer of control of Bay Broadcasting Co., Inc., licensee of WBCM, from James E. Davidson to Harley D. Peet.
- NEW**—Kolarama Laboratories, Inc., Irvington, N. J.—Granted C. P. for new television broadcast station to operate a television transmitter for test and experimental purposes only for a period of 30 days, for radio television transmission in the 2000-2100 kc. band; to operate between the hours of 12 midnight and 6 a. m. on non-interference basis with a power of 500 watts, A5 emission.
- KSTP**—National Battery Broadcasting Co., St. Paul, Minn.—Granted modification of C. P. approving transmitter site and DA system for both day and nighttime operation.
- W3XAD**—RCA Manufacturing Co., Inc., Camden, N. J.—Granted modification of license of television station for change in licensed frequencies from 124000-130000 kc. to 321000-327000 kc.

## RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KADA, Ada, Okla.; KALB, Alexandria, La.; KANS, Wichita, Kans.; KARM, Fresno, Calif.; KCRJ, Jerome, Ariz.; KBTM, Jonesboro, Ark.; KDLR, Devils Lake, N. Dak.; KELO, Sioux Falls, S. Dak.; KFJB, Marshalltown, Iowa; KFOR, Lincoln, Nebr.; KFXD, Nampa, Idaho; KFXM, San Bernardino, Calif.; KGEK, Sterling, Colo.; KGFJ, Los Angeles; KGHI, Little Rock, Ark.; KGLO, Mason City, Iowa; KMLB, Monroe, La.; KOME, Tulsa, Okla.; KPPC, Pasadena, Calif.; KROY, Sacramento, Calif.; KVCV, South of Redding, Calif.; KVEC, San Luis Obispo, Calif.; KWG, Stockton, Calif.; KWNO, Winona, Minn.; WAIM, Anderson, S. C.; WALR, Zanesville, Ohio; WABI, Bangor, Maine; WBBL, Richmond, Va.; WBRB, Red Bank, N. J.; WCAT, Rapid City, S. Dak.; WCLO, Janesville, Wis.; WCOL, Columbus, Ohio; WCRW, Chicago, Ill.; WEBQ, Harrisburg, Ill.; WEDC, Chicago, Ill.; WEST, Easton, Pa.; WFAM, South Bend, Ind.; WFBG, Altoona, Pa.; WFOY, St. Augustine, Fla.; WGBB, Freeport, N. Y.; WHAI, Greenfield, Mass.; WHBC, Canton, Ohio.; WHBU, Anderson, Ind.; WHBY, Green Bay, Wis.; WIBX, Utica, N. Y.; WIL, St. Louis, Mo.; WJBC, Bloomington, Ill.; WJBL, Decatur, Ill.; WJBY, Gadsden, Ala.; WJEJ, Hagerstown, Md.; WJIM, Lansing, Mich.; WJNO, West Palm Beach, Fla.; WKOK, Sunbury, Pa.; WLOK, Lima, Ohio; WLVA, Lynchburg, Va.; WMFG, Hibbing, Minn.; WMFR and auxiliary, High Point, N. C.; WMPC, Lapeer, Mich.; WOMT, Manitowoc, Wis.; WQXR, New York City; WSAL, Salisbury, Md.; WCAY, Rochester, N. Y.; WSBC, Chicago; WSGN, Birmingham, Ala.; WSJS, Winston-Salem, N. C.; WSNJ, near Bridgeton, N. J.; WSOC, Charlotte, N. C.; WTAX, Springfield, Ill.; WTOL, Toledo, Ohio.

The following high frequency broadcast experimental station licenses were renewed on a temporary basis only, subject to change and cancellation by the Commission at any time, without advance notice or hearing, for the period ending April 1, 1940:

W9XHW, Minneapolis; W8XNU, Cincinnati; W9XA, Kansas City, Mo.; W2XDG, Bound Brook, N. J.; W2XHG, New York City; W9XUP, St. Paul, Minn.; W9XH, South Bend, Ind.; W1XER, Sargents Purchase, N. H.

## DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearings have not yet been set.

- KMAC**—W. W. McAllister and Howard W. Davis, d/b as Walmac Co., San Antonio, Texas.—C. P. to move transmitter site locally, exact site to be determined; make changes in equipment, change frequency from 1370 to 630 kc., and increase power and time of operation from 100 watts night, 250 watts day, S-KONO, to 1 KW both night and day, unlimited time. Application designated for hearing because pending applications involve increase in service and possible interference.
- WRBL**—The Columbus Broadcasting Co., Inc., Columbus, Ga.—Modification of license to increase night power from 100 to 250 watts. (To be heard before the Commission). Application designated for hearing because request violates Rule 121. Also pending applications involve increase in service.

## MISCELLANEOUS

- KTSW**—Emporia Broadcasting Co., Inc., Emporia, Kans.—Granted petition requesting that the Commission reconsider its action of January 24, 1939, in designating for hearing the application for modification of license to change hours of operation of KTSW from daytime to unlimited.
- NEW**—Tri-City Broadcasting Co., Inc., Schenectady, N. Y.—Denied petition for rehearing in re application for new station to use 950 kc., 1 KW, unlimited time, which was denied by the Commission on March 20, 1939.
- WWRL**—Long Island Broadcasting Corp., Woodside, N. Y.; and **WMEX**—The Northern Corp., Boston, Mass.—Denied petition of WWRL for modification of Statement of Facts, Grounds for Decision and Order in the matter of the application of WNLC, Thames Broadcasting Corp., New London, Conn., for authority to change hours of operation from daytime to unlimited, which was granted by the Commission on March 6, 1939. Also denied petition of WMEX for rehearing and other relief, in re application of WNLC.
- NEW**—Press-Union Publishing Co., Atlantic City, N. J.—Granted motion to strike "Protest and Petition for Rehearing", filed by Martin Falk and others, in re the application of Press-Union Publishing Co., for a new station to operate on 1200 kc., 100 watts night, 250 watts LS, unlimited time, which was granted by the Commission on March 6, 1939, and dismissed petition of Falk, et al., for rehearing.
- Decatur Newspapers, Inc., Decatur, Ill.**—Granted petition of transferee, Decatur Newspapers, Inc., for 1 hour Oral Argument, to be held May 11, in re the application for the transfer of control of station WJBL, Decatur, Ill., from Chas. R. Cook, Transferor.
- W9XER**—Midland Broadcasting Co., Kansas City, Mo.—Granted petition to reconsider and grant without a hearing the application of W9XER for renewal of license and for authority to change equipment and increase power from 50 to 500 watts, and change transmitter location of high frequency broadcast station.
- WHBF**—Rock Island Broadcast Co., Rock Island, Ill.—Denied request that station be authorized to use the following form for station identification announcements: "This is Station WHBF, Rock Island and Moline."
- NEW**—Pawtucket Broadcasting Co., Pawtucket, R. I.—Designated for further hearing on issues to be specified, the matter of application for new station to operate on 1390 kc., 1 KW, unlimited time, which was denied by the Commission on December 12, 1938.
- WCSC**—South Carolina Broadcasting Co., Inc., Charleston, S. C.—Granted motion for leave to amend application, with reference to proposed antenna; hearing now scheduled for May 23. (Hearing date will be cancelled if engineering department finds it cannot be ready by that date.)
- NEW**—Spartanburg Advertising Co., Spartanburg, S. C.—Granted petition to intervene in the hearing on the application of WSPA for modification of license.
- KDYL**—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted petition for intervention in the hearing on the application of KUTA to change frequency and power.



- WHBF—Upper Michigan Broadcasting Co., Calumet, Mich.—Denied motion to strike certain findings made by applicant in Docket 5420, Lane J. Horring, d/b as Copper Country Broadcasting Co., for C. P. for new station in Hancock, Mich.
- KGa—Louis Wasmer, Spokane, Wash.—Granted petition to intervene in the hearing in re application of KFIO, Spokane, Wash., to change frequency and power.
- KHQ—Louis Wasmer, Spokane, Wash.—Granted petition to intervene in the hearing in re application of KFIO, Spokane, Wash., to change frequency and power.
- W3XEX—WTAR Radio Corp., Norfolk, Va.—Denied motion to dismiss without prejudice, application for renewal of high frequency broadcast station license. Exceptions to the ruling noted by counsel for the applicant.
- KOVC—KOVc, Inc., Valley City, N. Dak.—Denied petition to dismiss without prejudice application for C. P. to change frequency and power, scheduled for hearing on May 15.
- KXL—KXL Broadcasters, Portland, Ore.—Denied petition to accept amendment with reference to change in frequency, with leave to applicant to withdraw present application without prejudice.
- The Crosley Corp., Cincinnati, Ohio.—Granted petition for all parties involved for extension of time for filing exceptions to Committee Report and brief in support thereof, to and including May 15, in re rules governing standard broadcast stations.
- KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted modification of CP to make changes in equipment.
- KWFT—Wichita Broadcasting Co., Wichita Falls, Tex.—Granted modification of C. P. authorizing change in transmitter and studio locations locally, and changes in equipment; also extension of commencement date to 30 days after grant and completion date to 120 days thereafter. This grant is made subject to the condition that towers be marked according to specifications.
- Columbia Broadcasting System, New York City.—Granted motion for extension of time for filing exceptions and request for oral argument, to May 15, in re rules governing standard broadcast stations.
- WBNX—WBNX Broadcasting Co., Inc., New York City.—Granted motion for continuance of hearing, now scheduled for May 24, for a period of 2 weeks, new date to be fixed at the convenience of the docket section, in re application for renewal of license.
- WBNX—WBNX Broadcasting Co., Inc., New York City.—Granted motion to amend deposition order in re application for renewal of license, by continuing date for taking to May 22, and adding the name of certain witnesses.
- NEW—WJMS, Inc., Ashland, Wis.—Denied petition for leave to amend application for new station, so as to request 1310 kc., 250 watts day, 100 watts night, a hearing on which is now scheduled for June 1.
- NEW—WJMS, Inc., Ashland, Wis.—Granted petition for order to take depositions in re above application.
- WJBL—Charles R. Cook (Transferor), Decatur Newspapers, Inc. (Transferee), Decatur, Ill.—Motion requesting permission for 1 hour argument (oral argument now scheduled for May 11), was referred to the Commission en banc with recommendation that it be considered favorably.
- WEED—William Avera Wynne, Rocky Mount, N. C.—Granted license to cover C. P. authorizing changes in composite equipment for 250 watts.
- WGNy—Peter Goelet, Newburg, N. Y.—Granted license to cover C. P. authorizing changes in equipment and change in frequency from 1210 to 1230 kc., increase in power and time of operation from 100 watts, sharing time with WBRB, WFAS and WGBB, to 250 watts, daytime only.
- KBKR—Louis P. Thornton, Baker, Ore.—Granted modification of C. P. approving transmitter and studio sites and extension of commencement date to 60 days after grant and completion date to 240 days thereafter. Towers to be marked according to specifications.
- NEW—George Harm, Fresno, Cal., Portable-Mobile.—Granted C. P. for new relay broadcast station to operate on frequencies 1622, 2058, 2150 and 2790 kc., 25 watts.
- NEW—City of New York, Municipal Broadcasting System (New York City—within 100 miles), Portable-Mobile (2 Appls.)—Granted C. P. for new relay station to operate on frequencies 1622, 2058, 2150 and 2790 kc., 50 watts.
- NEW—Radio Station WMFR, Inc., High Point, N. C., Portable-Mobile.—Granted C. P. for new relay broadcast station to operate on frequencies 1622, 2058, 2150, 2790 kc., 50 watts.
- NEW—The Louisville Times Co., Louisville, Ky., Portable-Mobile.—Granted license to cover C. P. for relay broadcast station; frequencies 1646, 2090, 2190 and 2830 kc., 50 watts.
- KSCR—McClatchy Broadcasting Co., Sacramento, Cal.—Granted license to cover C. P. for relay broadcast station; frequencies 1646, 2090, 2190 and 2830 kc., 100 watts.
- WAHE—WTAR Radio Corp., Norfolk, Va., Portable-Mobile.—Granted license to cover C. P. for relay broadcast station; frequencies 1606, 2022, 2102 and 2758 kc., 50 watts.
- WCNY—Board of Education, City of New York, Brooklyn, N. Y.—Granted license to cover C. P. for new non-commercial educational broadcast station; frequencies 41100 kc., 500 watts.
- KPDN—R. C. Hoiles, Pampa, Texas.—Granted special temporary authority to operate unlimited time on May 8, 9, 10, 11, 12, in order to broadcast local baseball games.
- WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted special temporary authority to rebroadcast recording of program material received from relay broadcast station WOEG operated by Gen. Elec. Co., located aboard Union Pacific train from 2 to 2:15 p. m., EST, on May 11.
- WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m., until midnight on June 5, in order to broadcast Judicial election returns.
- WIRE—Indianapolis Broadcasting Inc., Indianapolis, Ind.—Granted special temporary authority to rebroadcast program material received from relay broadcast station WOEG, located aboard Union Pacific train and operated by Gen. Electric Co., from 4 to 4:45 p. m., CST, on May 12.
- WSAI—The Crosley Corp., Cincinnati, Ohio.—Granted special temporary authority to rebroadcast program material received from relay broadcast station WOEG, located aboard Union Pacific train and operated by Gen. Electric Co., from 7 to 8 p. m., EST, on May 11.
- WILM—Delaware Broadcasting Co., Wilmington, Del.—Granted special temporary authority to operate simultaneously with station WAZL from 8:30 p. m. until midnight, EST, on May 16, 24, June 1, 8, in order to broadcast baseball games.
- W3XEX—WTAR Radio Corp., Norfolk, Va.—Denied as in cases of default application for renewal of high frequency broadcast (experimental) station license. Application was heretofore set for hearing and applicant failed to file written appearance.
- WJBC—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted extension of special temporary authority to operate simultaneously with station WTAW from 8 to 9 p. m., CST, the following Mondays: May 15, 22, 29 and June 5, in order to broadcast special programs from Louisiana State University and special addresses by the president and members of the faculty of that University.
- KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted extension of special temporary authority to operate from 5 to 6 a. m., CST, with 1 KW only, for the period May 9 to June 7, in order to conduct experimental farm programs.
- WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted extension of special temporary authority to operate simultaneously with station WBRB from 4:30 to 6:30 p. m., EST, on May 12, 19, 26, in order to broadcast special All Request Club sessions, including the Civic Bulletin Board and Music of Memory features.
- KGFL—KGFL, Inc., Roswell, N. Mex.—Granted special temporary authority to operate simultaneously with station KICA from 7:30 to 9:30 p. m., MST, on May 14, 21, 28, June 4, in order to broadcast evening church services.
- The Louisville Times Co., Louisville, Ky.—Granted special temporary authority to use Western Electric 13A transmitter licensed to CBS, call letters WCBG, for relay broadcast program to be rebroadcast over station WHAS on May 6 (action taken May 6).
- WWRL—Long Island Broadcasting Corp., Woodside, L. I., N. Y.—Granted special temporary authority to operate a portable 50-watt transmitter on frequency 1500 kc. between the hours 1 and 6 a. m., DST, from May 8 to May 23, in order to determine new transmitter site for radio station WWRL.
- WJJD—WJJD, Inc., Chicago, Ill.—Granted special temporary authority to operate from 5 to 6 a. m., CST, for the period April 30 to August 1, in order to conform with the adoption of Daylight Saving Time in Chicago.
- KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from local sunset (May 7:15 p. m., CST) to 11 p. m. on May 14, 21, 28, in order to broadcast Methodist Church Services, using 100 watts only.



WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 12:30 to 3:30 p. m., CST, on May 27, in order to broadcast Upper Peninsula High School Conference track meet.

WPG—City of Atlantic City, Atlantic City, N. J.—Granted extension of special temporary authority to operate from 3:15 to 4:30 p. m., EST, Sundays, May 14, 21, 28 and June 4, in order to broadcast feature by the New York Philharmonic Symphony Orchestra, and religious talk by the Rev. Chas. E. Coughlin; also to operate from 2 to 3 p. m., EST, Fridays, May 19, 26, June 2 and 9, in order to broadcast programs consisting of Columbia Network features, including Irene Beasley and American School of the Air.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted special temporary authority to operate simultaneously, non-synchronously with station KFAB commencing 4:45 a. m., CST, for the period May 10 to June 9, in order to conform to Daylight Saving Time.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Granted special temporary authority to operate simultaneously, non-synchronously with station WBBM commencing 4:45 a. m., CST, for the period May 10 to June 9, in order to conform to Daylight Saving Time.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate a crystal-controlled 100-watt test transmitter in the vicinity of Evansville on frequency 1270 kc. during daylight hours beginning one hour after local sunrise and ending one hour before local sunset, for a period not to exceed 30 days, in order to determine the suitability of a site selected in connection with WGBF's pending application.

KTEM—Bell Broadcasting Co., Temple, Tex.—Granted special temporary authority to operate from 7:30 to 8:45 p. m., CST, on May 15, in order to broadcast early proceedings of Chamber of Commerce banquet, using 100 watts only.

WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Granted special temporary authority to operate a 50-watt portable transmitter during daytime hours between one hour after sunrise and one hour before sunset on the frequency 1550 kc., for a period not to exceed 30 days, in order to conduct site survey. Also granted special temporary authority to rebroadcast program material received from relay broadcast station WOEG operated by General Electric Co., located aboard Union Pacific train, from 5:45 to 6 p. m., EST, on May 10.

W8XUJ-W8XNU—The Crosley Corp., Cincinnati, Ohio.—Granted special temporary authority to use facsimile broadcast experimental station W8XUJ and high frequency station W8XNU at Carew Tower, for a period not to exceed 30 days, in order to conduct radiation tests to determine whether or not shielding is needed in television rooms.

National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate experimental relay broadcast stations W2XF, W2XK, W3XEK, W3XPO, W3XPP, W6XDE, W6XDG, W8XUE, W8XB, W9XAP, W9XDV, W9XDW, W9XXD, W9XXG, W10XAH, W10XAI, W10XAK, W10XAM, W10XAN, W10XAN, W10XAP, W10XAX, W10XCG, W10XCH, W10XDX, W10XDY, W10XDZ, W10XEA, W10XEB, W10XED, W10XFQ, W10XFR, W10XGC, W10XN, W10XV and W10XY, on the frequencies 31.22 and 37.02 megacycles in lieu of present assignments 31.1 and 37.6 megacycles, for the period May 20 to June 18, pending adjustments of relay broadcast frequency assignments above 30 megacycles as contemplated by General Order No. 19.

National Broadcasting Co., Inc., New York City.—Granted special temporary authority to rebroadcast program material to be received from Forest Service key station KBAA or similar forestry stations operating in the northwest portion of the United States over stations KPO and KGO and their affiliated chain network stations, in connection with regular network features "On the Fire Line," in addition and on occasions when prevailing forest fires may prompt the conduct of a descriptive program for information and educational guidance, for May 10, 1939.

W1XOJ—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to test the high frequency broadcast equipment of station W1XOJ authorized by modification of C. P. on frequency 43000 kc. with power not to exceed 100 watts, for the period May 10 to June 8,

for tuning and adjustment of the antenna elements which are now being assembled for erection atop 400-foot mast.

W8XWJ—The Evening News Assn., Detroit, Mich.—Granted extension of special temporary authority to operate high frequency broadcast experimental station W8XWJ on the frequency 42060 kc. in addition to the normal licensed frequencies, for the period May 17 to June 15, pending definite arrangements to be made in the ultra high frequency bands.

WDGY—Dr. George W. Young, Minneapolis, Minn.—Denied special temporary authority, unless Rule 15.15 is complied with, to operate from 8 to 8:30 p. m., CST, on May 30, in order to broadcast Twentieth Century-Fox program from MBS.

## APPLICATIONS FILED AT FCC

### 550 Kilocycles

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Construction permit for changes in directional antenna (day and night use), change in frequency from 550 kc. to 630 kc., hours of operation from S-KFUO to unlimited, move transmitter from northeast corner 12th and Olive Sts., St. Louis, Mo., to St. Clair and Warren Aves., Nameoki, Ill., contingent on KFRU and WGBF. Request facilities of KXOK.

### 580 Kilocycles

WIBW—Topeka Broadcasting Association, Inc., Topeka, Kans.—Authority to determine operating power by direct measurement of antenna power (580 kc.)

### 710 Kilocycles

KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, Calif.—Construction permit to install new transmitter and antenna to be determined; increase power from 500 watts to 1 KW night, 5 KW day; change hours of operation from limited to unlimited time; move transmitter from 9631 Wilshire Blvd., Beverly Hills, Calif., to site to be determined, near Culver City, Calif.

### 780 Kilocycles

NEW—Springfield Radio Service, Inc., Springfield, Ohio.—Construction permit for a new station on 780 kc., 250 watts power, daytime. Studio and transmitter locations to be determined, Springfield, Ohio.

### 970 Kilocycles

WIBG—Seaboard Radio Broadcasting Corporation, Glenside, Pa.—Modification of construction permit B2-P-2268 to install new transmitter and antenna, move of transmitter, further requesting authority to change type of equipment, and extend commencement and completion dates 60 days each.

### 1010 Kilocycles

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Modification of construction permit (B5-P-1712) as modified for increase in power, new equipment, move transmitter site and install directional antenna for day and night use, requesting change in type of transmitter.

### 1020 Kilocycles

WDZ—WDZ Broadcasting Co., Tuscola, Ill.—License to cover construction permit B4-P-1928, as modified, to install new transmitter and increase power.

### 1050 Kilocycles

WIBC—Indiana Broadcasting Corporation, Indianapolis, Ind.—Authority to transfer control of corporation from Glenn Van Auken to H. G. Wall, 510 shares common stock.

### 1210 Kilocycles

WALR—WALR Broadcasting Corp., Zanesville, Ohio.—Authority to transfer control of corporation from Ronald B. Woodyard to West Virginia Broadcasting Corp., 100 shares common stock.

WJMC—Walter H. McGenty, Rice Lake, Wis.—License to cover construction permit (B4-P-1231) for new station.



### 1240 Kilocycles

WKAQ—Radio Corporation of Porto Rico, San Juan, P. R.—Construction permit to install new transmitter, and antenna to be determined; increase power from 1 to 5 KW; change frequency from 1240 kc. to 620 kc.

### 1310 Kilocycles

NEW—Clyde E. Wilson and Howard A. Shuman, d/b as Hot Springs Broadcasting Co., Hot Springs, Ark.—Construction permit to erect a new station on 1310 kc., 100 watts, 250 watts day, unlimited time.

### 1370 Kilocycles

WBNY—Roy L. Albertson, Buffalo, N. Y.—Modification of license to change hours of operation from specified hours (all not used by station WSVS) to unlimited. Request facilities of station WSVS.

WCOS—Carolina Advertising Corp., Columbia, S. C.—Modification of construction permit B3-P-1233, for a new station requesting changes in type of transmitter and approval of antenna and approval of studio site at Main St., 1202, Columbia, S. C., and transmitter site at Henderson St., 1300, Columbia, S. C. Amended: Antenna and specify transmitter site at 200 Senate St., Columbia, S. C.

WLLH—Merrimac Broadcasting Co., Inc., Lawrence, Mass.—Extension of special experimental authority to operate a "satellite" station on 1370 kc., 10 to 100 watts power, unlimited time, to be operated in addition to WLLH (Lowell, Mass.), for period from 7-1-39 to 1-1-40. Located at Gregg Bldg., Lawrence, Mass.

WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—License to cover construction permit (B2-P-1289) as modified for a new station.

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—License to cover construction permit B4-P-1634 as modified for new transmitter, directional antenna for night use, increase in power, and change in frequency and move of transmitter.

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Authority to determine operating power by direct measurement of antenna power.

### 1420 Kilocycles

WPRP—Julio M. Conesa, Ponce, P. R.—Construction permit to install new transmitter, vertical antenna; change frequency from 1420 kc. to 1480 kc.; increase power from 100 watts, 250 watts day, to 5 KW day and night; change hours of operation from specified hours to unlimited time. (1420 kc.)

KRBM—KRBM Broadcasters, Bozeman, Mont.—Modification of construction permit B5-P-1542 as modified for a new station, requesting extension of completion date from 6-11-39 to 12-11-39.

NEW—Dr. Willard Carver, Thomas B. Williams, Byrne Ross, Lawton, Okla.—Construction permit for a new station on 1420 kc., 100 watts, unlimited time.

NEW—Las Vegas Broadcasting Co., Inc., Las Vegas, Nev.—Construction permit for a new station on 1420 kc., 100 watts, 250 watts day, unlimited time.

### 1500 Kilocycles

WKBB—Sanders Brothers Radio Station, Dubuque, Iowa.—Modification of construction permit B4-P-1147 as modified for move of studio and transmitter, install new antenna, further requesting extension of completion date from 5-20-39 to 11-20-39.

NEW—Cordele Dispatch Publishing Co., Inc., Cordele, Ga.—Construction permit for a new station on 1500 kc., 100 watts, 250 watts day, unlimited time.

### MISCELLANEOUS

NEW—Miami Valley Broadcasting Corporation, Portable-Mobile in Montgomery County area (Dayton, Ohio).—Construction permit for new relay broadcast station to be operated on 1622, 2058, 2150, 2790 kc., 18 watts, A-3 emission.

NEW—WJR, The Goodwill Station, Portable-Mobile, area of Detroit, Mich.—Construction permit for new portable-mobile relay broadcast station to be operated on frequencies 1646, 2090, 2190 and 2830 kc., power 250 watts, emission A-3.

NEW—Allen B. DuMont Laboratories, Inc., Portable-Mobile, area of U. S.—Construction permit for a new television station (experimental) on frequencies Group C, 60000-86000 kc., and Group D, 156000-162000 kc., aural and visual power 50 watts, emission A-3 and A-5. Amended: To omit Group C, 60000-86000 kc.

W2XVT—Allen B. DuMont Laboratories, Inc., Passaic, N. J.—Construction permit television station, for change in equipment, and add frequencies 60000-86000 kc., increase in aural and visual power to 5 KW. Amended: To request frequencies 44000-50000, 78000-84000 and 102000-108000 kc. Request waiver of Rule 43.13 (b).

NEW—Allen B. DuMont Laboratories, Inc., Manhattan, N. Y.—Construction permit for new television broadcast (experimental) station to be located at 515 Madison Ave., New York City on frequency 60000-86000 kc. Aural and visual power 1 KW, emission A3 and A5. Amended: To request frequencies 78000-84000 kc.

NEW—Allen B. DuMont Laboratories, Inc., Washington, D. C.—Construction permit for a new television station at 14th and F Sts., N. W., Washington, D. C., on 42000-56000; 60000-86000 kc., aural and visual power 1 KW, A-3 and A-5 emission. Amended: To request frequencies 44000-50000 kc.

NEW—William G. H. Finch, New York, N. Y.—License to utilize the equipment of W2XBF for high frequency broadcast station to be operated on 42260 and 43400 kc., 1 KW power, A-3 and special emission.

WBAC—New Jersey Broadcasting Corp., Portable-Mobile, area of N. Y. and N. J.—License to cover construction permit B1-PRY-139 for a new relay broadcast station.

WIEW—National Broadcasting Co., Inc., Mobile, area of N. Y.—Construction permit to install new transmitter and increase power from 20 to 25 watts.

WIEW—National Broadcasting Co., Inc., Mobile, area of N. Y.—License to cover above.

W2XBF—William G. H. Finch, New York, N. Y.—Modification of license to change class of station from experimental broadcast station to facsimile station and change frequency from 31600, 35600, 38600, 41000 kc. to 43740 kc.

NEW—San Mateo Junior College District, San Mateo, Calif.—Construction permit for a new non-commercial educational broadcast station in San Mateo, Calif., on 41060 kc., power 25 watts, A-3 emission, located at N. Delaware and Peninsular Ave., San Mateo, Calif. Amended: Equipment changes, increase in power from 25 to 100 watts.

NEW—The Louisville Times Co., N. E. of Eastwood, Ky.—Construction permit for a new facsimile station on 25700 kc., 500 watts power, unlimited time, A-3 and A-4 emission. Located 2-3/8 mile N. E. of Eastwood, Ky. Amended: To specify frequency 25250 kc., in lieu of 25700 kc.

NEW—The National Life and Accident Insurance Co., Nashville, Tenn.—License for a new facsimile station (utilizing equipment of high frequency broadcast station W4XA-B3-PHB-62) on frequency 25250 kc., 1 KW power, A-4 emission, Nashville, Tenn.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

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

**Cotton Belt Mattress Company**—Misleading representations in the sale of mattresses are alleged in a complaint issued against E. E. Phillips, trading as Cotton Belt Mattress Company, Pine-tops, N. C.

Phillips, it is alleged, falsely represented the constituent fiber and material of his mattresses by advertising them variously as

"All Layer Felt," "100% Layer Felt—Staple Cotton," "Felt-Plated—Cleaned Cotton Motes," and "Felt-Plated—Washed Cotton."

It is alleged that these representations were false and misleading as the mattresses so advertised did not contain the materials as represented. (3781)

**Charles of the Ritz Distributors, Corp.**—See Charles of the Ritz, Inc.

**Charles of the Ritz, Incorporated**, and Charles of the Ritz Distributors Corporation, New York, dealers in cosmetics and toilet goods, have been served with an amended and supplemental complaint alleging violation of the Robinson-Patman and Federal Trade Commission Acts.

In alleged violation of Section 2 (e) of the Robinson-Patman Act, the respondent corporations are said to favor certain purchasers by furnishing them with the services of sales persons to demonstrate and sell the respondents' commodities, without similarly according the services of paid demonstrators to other competing purchasers on proportionally equal terms. (3017)

**Federal Organization, Inc.**—Misleading use of the word "Federal" in their advertising matter, implying that their products have been tested or approved by an agency or experimental laboratory of the United States Government, is alleged in a complaint against Federal Organization, Inc., 198 Broadway, New York, and its president, Samuel L. Presner, 4434 Post Ave., Miami, Fla.

In the sale of devices and of medicinal preparations containing drugs, for the treatment of genital and urinary disorders, the respondents are alleged to have used in their advertising matter the word "Federal" and the phrase "Federal Research Laboratories" in a manner representing that their products had been Government tested and approved, and the statement "Federal Organization, Inc., Successors to Federal Research Laboratories," to represent that they own, control or operate a laboratory equipped for experimental work.

The complaint alleges that in fact the respondents' products have not been tested or approved by any experimental or testing laboratory; that the name "Federal Research Laboratories" is merely a trade name adopted by them; that they do not own or control a laboratory equipped for experimental work, and that their products have never been tested by a United States Government agency or laboratory. (3782)

**General Merchandise Company**—See Schall Candy Company.

**Hy-Test Cement Company**, Fox Building, Philadelphia, distributor and seller of masonry cement, is charged in a complaint with misrepresentation in the circulation of a booklet purporting to be an official publication of the National Bureau of Standards of the Department of Commerce.

The complaint also involves violation of the rules and instructions of the Bureau of Standards forbidding distribution for advertising or promotional purposes by manufacturers of the results of tests of their products by the Bureau.

The complaint charges that the respondent has caused to be published and circulated a booklet entitled "Bricklaying To Avoid Leaks," which in fact is an altered reprint of an article written by an executive of the Bureau, in such a manner as to imply that it is an official report of the Bureau. (3779)

**Income Record Publishing Co.**—See United States Business Card Co.

**New York Diesel Institution, Inc.**—Misleading representation to the effect that they have jobs to offer instead of being engaged merely in the business of giving instruction, is charged in a complaint issued against New York Diesel Institution, Inc., and Henry M. Kramrath, John L. Snider, Everett K. Pangburn, Richard B. Cornell and Frank F. Hayward, individually and as officers of the corporation, all of 47 Rector St., Newark, N. J. (3785)

**Primrose House, Inc.**—A New York cosmetics manufacturer, Primrose House, Inc., has been served with an amended and supplemental complaint alleging violation of both the Robinson-Patman and Federal Trade Commission Acts.

It is alleged that in the sale of its products to retail dealers the respondent furnishes to some but not all of its purchasers the services and facilities of special demonstrators installed in the purchasers' places of business to display, demonstrate and sell cosmetics.

The amended complaint points out that personnel furnished to merchants by the respondent are able to stress the merits of the respondent's products as against competing preparations and that they depend solely for continuance in employment upon adequate sales of the respondent's products. It is alleged that buyers relying on the expert advice of the demonstrators are unaware that they are employed not by the merchants in whose stores they appear but by the respondent cosmetic company. (3039)

**Schall Candy Company**—Use of lottery methods in the sale to ultimate consumers of candy, cigarettes, radios, blankets, and other merchandise, is charged in complaints issued against Schall Candy Company, Clinton, Iowa, and David Kritzik, trading as General Merchandise Company, 843 North Third St., Milwaukee. The complaint against Schall Candy Company charges that assortments of candy manufactured and distributed by the respondent contained push cards to be used in the sale of the candy whereby purchasers may obtain larger or more pieces through the punching of certain concealed numbers.

The other complaint alleges that General Merchandise Company furnished punchboards by use of which purchasers of chances who punch lucky numbers may receive blankets. (3776-3780)

**United States Business Card Company**—Alleging misleading representations in the sale of stationery and business forms a complaint has been issued against United States Business Card Company, New York, United States Stationery Corporation, Elizabeth, N. J., and Lewis Weisman, trading as Income Record Publishing Company, Elizabeth, N. J. Weisman is president and treasurer of the two United States corporations.

On certain of their business forms and other printed matter the respondents are alleged to have placed the term "U. S. Approved" when in fact their products have not been approved by the United States Government or an agency thereof, and the United States Business Card Company is alleged to have distributed pamphlets and other literature containing the statement "World's Largest Manufacturers of Business Cards Exclusively," when this respondent is in fact not the world's largest manufacturer of such products exclusively. (3784)

**United States Stationery Corp.**—See United States Business Card Co.

## STIPULATIONS

The Commission did not announce any stipulations during the past week.

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Anylite Electric Company**, Fort Wayne, Ind., has been ordered to discontinue misleading representations in the sale of Theronoid, an electrical device labelled as being of value in treating diseases. The order directs the respondent to cease representing that Theronoid has any therapeutic, remedial or curative value and that its use will restore a person to normal health.

**Conde-Nast Publications, Inc.**—See New York Pattern Company, Inc.



**Fee & Stemwedel, Inc.**, Chicago, has been ordered to discontinue misleading representations concerning the foreign origin of barometer movements used in weather-indicating instruments.

Findings are that the respondent assembled for sale four barometer models and one model of a combination thermometer, hygrometer and barometer, and that the barometer movements used in these instruments were imported and were marked "Made in Germany."

It was found that to the complete barometer mechanism the respondent added a dial and indicator which it placed in a case, usually made of bakelite, and that the phrase "Made in Germany" became no longer visible. On three of the barometer models the respondent marked on the dial: "Made in U. S. A. by Fee & Stemwedel, Inc., Chicago." On the combination instrument the respondent placed a plate reading: "Airguide Trio, Made in U. S. A. by Fee & Stemwedel, Inc., Chicago."

These practices were found to have a tendency to deceive buyers into believing that the barometers were made in the United States by the respondent. Many purchasers prefer American-made weather instruments.

The Commission's order directs the respondent to cease and desist from representing, by use of the term "Made in U. S. A." or any term of similar meaning or in any other manner, that its weather indicating instruments containing barometers are wholly of American manufacture, and from causing the brands or marks on imported barometer movements or other parts, which indicate foreign origin or manufacture, to be removed, erased or concealed so as to mislead or deceive ultimate purchasers with reference to such foreign origin or manufacture, unless the removal, erasure or concealment is necessary to the further manufacture or processing of the products sold. (3202)

**General Sales Company**—Orders to cease and desist from the distribution of pull and push cards and other lottery devices to be used in the sale of merchandise have been issued against two Chicago distributors, Harry Cutler, trading as General Sales Company, 231 South Wells St., and Al B. Wolf and Max Schwartz, trading as Paramount Products Company and Paramount Garment Company, 637 West Roosevelt Rd.

Findings of the Commission are that General Sales Company distributes electric razors, cameras, radios, and other merchandise, also supplying customers with the lottery devices and instructions by which the merchandise is distributed to ultimate consumers. (3568-3569)

**Hollywood Pattern Company**—See New York Pattern Company, Inc.

**New York Pattern Company, Inc.**—Imitation of counter display catalogs of a competing paper dress pattern company, and misrepresentation that it had purchased the business of the competitor, is forbidden in a cease and desist order against New York Pattern Company, Inc., and John Howie Wright, New York City.

The name "Hollywood" as a trade-mark designating paper dress patterns, was registered and granted in 1934 to the respondent company and to Conde-Nast Publications, Inc., publisher of "Vogue," a style magazine. Conde-Nast Publications manufactures and distributes a line of patterns to be sold at retail for 15 cents. To differentiate these from a higher priced line of Vogue patterns the Conde-Nast company incorporated the wholly owned subsidiary Hollywood Pattern Company. Both the respondent New York Pattern Company and the Hollywood Pattern Company distribute catalogs of "Hollywood" patterns.

Findings of the Commission are that the catalog of the respondent company simulates that distributed by the Hollywood Pattern Company with respect both to color, which varies from month to month, and a design of a five-pointed silver star superimposed on the basic color. It was also found that the respondent, through its agents, informs retail dealers in paper dress patterns that the patterns shown in its catalogs are the only Hollywood patterns on the market, and in some instances the agents have represented that the respondent corporation has purchased the business of the Hollywood Pattern Company. (3119)

**Paramount Garment Company**—See General Sales Company.

**Paramount Products Company**—See General Sales Company.

#### FTC CASE CLOSED

The Federal Trade Commission has closed its case against Hawaiian Distilleries, Ltd., Honolulu, Hawaii, which was charged with misuse of the word "Distilleries" in its corporate name, in violation of Section 5 of the Federal Trade Commission Act.

At the time the complaint was issued, the respondent corporation was engaged in rectifying, blending, bottling and wholesaling alcoholic beverages. However, it appears that the corporation now owns and operates a registered distillery.

The Commission closed the case without prejudice to its right to resume prosecution should future facts so warrant.







## Loucks Represents NAB at FCC Hearing on Rules

Philip G. Loucks, special counsel, will represent the NAB at the FCC hearing June 1 on exceptions to the proposed new rules and regulations for the broadcasting industry advanced by an FCC committee composed of Commissioners Case, Craven and Payne.

Mr. Loucks, who represented the NAB at the June 6 hearing last year on new rules and regulations, has filed the following exceptions to the committee's report:

The National Association of Broadcasters, participant in the proceedings had upon the above-styled matter, and in accordance with the order of the Commission entered therein on April 7, 1939, and as subsequently modified by its order of May 5, 1939, hereby excepts to the proposed rules and regulations and report of the Committee in the following particulars:

1. Exception is taken to Rule 31.04 (3) insofar as the rule proposes to prescribe the amount of money required to construct stations of different classes; insofar as the rule distinguishes or recognizes a distinction between stations supported by sponsored programs and stations otherwise supported; and insofar as it makes mandatory a showing that "adequate commercial support is available" for one class of stations and that "adequate finances are available" to support stations of another class.

2. Exception is taken to Rule 31.04 (4) insofar as it requires that an applicant for a Class IV station be "a resident in, and familiar with" the needs of the community to be served.

3. Exception is taken to Rule 31.12 (b) insofar as it prohibits commercial or sponsored programs or commercial announcements during additional hours utilized for experimentation and assumes to regulate charges for the use of facilities granted for experimental purposes.

4. Exception is taken to Rule 31.14 insofar as it limits the normal license period to a maximum of one year.

5. Exception is taken to Rule 32.04 insofar as it fails to furnish a definite guide as to what information on changes in equipment are required to be reported to the Commission.

*(Continued on page 3482)*

### Committee Schedule

The following NAB committee meetings have been scheduled, President Miller announced today:

*Research*, May 25, Washington, Headquarters.

*Accounting*, June 1-2, New York, Ritz Tower.

*Code*, June 1-2, New York, Ritz Tower.

*Copyright*, June 5-6, New York, Ritz Tower.

## SARNOFF PREDICTS DISCOVERY OF NEW FREQUENCIES IN NEAR FUTURE

**Decries Censorship and Prefers NAB Self-Regulation to That of Government**

Predicting that new technical developments may, in the relatively near future, multiply the number of "useful" radio channels a "hundred-fold or a thousand-fold," and foreseeing the day when a network can "carry not only broadcasting but also telegraphy, telephony, multiplex communications, facsimile, television, and the like, all on one network," David Sarnoff, president of RCA and Chairman of the Board of the National Broadcasting Company, returned to the stand for cross-examination in the Monopoly Hearings being conducted by the FCC, and pleaded that "present day limitations be not employed as to the standard for tomorrow's governmental regulation."

"I can foresee the possibilities of developing systems of inter-communications, both for sound broadcasting and for television, that will not depend upon wires at all—where you can carry these signals and these images by means of a radio line instead of a wire line.

"I believe that in five or ten years from now we will look back upon the radio structure of today, whether it will be in the broadcasting station or whether it be in the receiver in the home, and we will hardly be able to recognize the present day structure. I think the changes that are coming in the radio art will come with greater rapidity from here on than they even have come during the past decade because of the developments which are now reaching a point of ripeness and calling for expression in the field and in the markets," he declared.

Sharply questioned about the new Code of Program Standards which the National Association of Broadcasters is developing in readiness for adoption at the forthcoming July convention, Mr. Sarnoff stated that it was far better to permit self-regulation of program con-

*(Continued on page 3482)*



THE NATIONAL ASSOCIATION OF BROADCASTERS

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## LOUCKS REPRESENTS NAB AT FCC HEARING (Continued from page 3481)

6. Exception is taken to Rule 32.05 (e) insofar as it prohibits the simultaneous use of a common antenna where two licensees are owned or controlled by the same person or corporation, or where two licensees have an agreement between them which is satisfactory to the Commission.

7. Exception is taken to Rule 32.06 (c) insofar as the first sentence fails to include the words "or are estimated in accordance with standards of good engineering practice to be capable of causing interference" in the place of the words "or capable of causing interference."

8. Exception is taken to Rule 33.04 A insofar as the proposed requirements would require 100 watt stations to reduce their present service areas.

9. Exception is taken to Rule 33.17 (4) insofar as the rule would require an unnecessary test during a week when the auxiliary transmitter has been in actual operation, and insofar as it unnecessarily restricts the hours for making tests.

10. Exception is taken to Rule 33.19 insofar as it unnecessarily imposes an extra burden upon the installation and use of auxiliary transmitters.

11. Exception is taken to Rule 34.20 (1) (a) because the language "with an indication of the type of announcement" is indefinite.

12. Exception is taken to Rule 34.20 (1) (b) insofar as it may conflict with Rule 34.23 with respect to the entries to be made describing recorded programs and insofar as patent ambiguities appear therein. For example, it is not clear whether the words "by whom presented" refer to the artist or artists; the network, if it be a network program; the advertising agency, if it be a production of such agency; or the recording company, if it be a recorded program; or by the foreign station, if it be a rebroadcast of a foreign program. The use of the abbreviation "etc." renders the regulation ambiguous if not invalid when read in conjunction with the penal provisions of the act.

13. Exception is taken to Rule 34.20 (2) (e) (4) since the measurements required cannot be properly or accurately made and would be virtually worthless even if it were possible to make such measurements.

14. Exception is taken to Rule 36.04 insofar as it requires every licensee to permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office.

15. Exception is taken to the failure of the Commission to adopt the recommendation of the Committee contained in its letter of April 1, 1939, transmitting its report, and suggesting that engineering questions involved in exceptions be handled informally by the Chief Engineer in collaboration with the engineers representing participants in the hearing. The Engineering Committee of the National Association of Broadcasters has given study to the Proposed Standards of Good Engineering Practice and is prepared to discuss certain improvements of these standards with engineers of the Commission. Particularly, it is desired to discuss certain detailed changes in standards appearing on pages identified as 1.1, 1.2, 1.3, 1.6, 1.9, 1.25, 1.27, 1.28, 2.2, 4.7, 5.2, 6.1, 7.2, 10.1, 12.6, and 19.1.

16. Exception is taken to each and every statement contained in Part I and Part II of the Report on Proposed Rules Governing Standard Broadcast Stations and Standards of Good Engineering Practice, and Appendices thereto, which are in conflict with the policy of the Congress as expressed in the Communications Act of 1934, as amended, or which are violative of the legislative standard contained therein by which the licensing authority of the Commission is limited or prescribed.

The National Association of Broadcasters saves unto itself all of the rights to which it is entitled by reason of the nature of the proceedings and its failure to except specifically to any rule, standard, conclusion, table, summary or recommendation does not constitute a waiver of any right or privilege which it or any other participant might have in the proceedings under the provisions of the Communications Act of 1934, as amended.

The National Association of Broadcasters herewith requests an opportunity to present oral argument before the Commission en banc on the above exceptions.

## SARNOFF PREDICTS DISCOVERY OF NEW FREQUENCIES IN NEAR FUTURE

(Continued from page 3481)

tent to be administered by the industry itself than it would be to permit such program content to be regulated by government.

Pointing out the difference between the proposed NAB Code, written and administered by the industry itself, and a code written by government and enacted into law, Mr. Sarnoff asserted: "The difference is a voluntary act to which the citizen must adhere whether he likes it or not. And where you deal with programs, there is inherent in that the element of free speech and censorship. And therefore, any attempt to write into law a censorship code governing programs would to my mind change our present form of government."

Commissioner Frederick I. Thompson asked Mr. Sarnoff: "Is it your thought that free speech is to be controlled by a group of broadcasters controlling the air waves or free speech be subjected to some control by the Congress of the United States?"

Mr. Sarnoff replied "I have not recommended that free speech be controlled by any group. I have recommended that each licensee operating a broadcasting station be free to exercise his own judgment with respect to the matter of free speech. I further recommended that all broadcasting stations should endeavor to produce and adopt a voluntary code of conduct which would produce the maximum of free speech, the best kind of program service, but on a voluntary basis, not on a basis of regulation of programs by law."

Later in his testimony where reference was made to government control of broadcasting facilities in Russia, Germany and Italy, Mr. Sarnoff stated: "Now if you are going to compare the present system of American broadcasting, which is as free as the present law permits, with a new system which will have regulations imposed upon it by law, then it is the net result of that comparison that counts. And I submit with all sincerity and with all earnestness that the minute that you get the government writing codes governing programs and saying who may go on the air or who may not go on the air, that regardless of the best intentions in the world, regardless of the desire of the Commissioners and Congress to avoid censorship by the government, that you will then destroy the present American system of broadcasting, that you will have censorship galore, that you will have dictator-



ship of the means of communication and that you will shake the very foundations of our democracy.”

In early sections of his testimony, under questioning by William J. Dempsey, general counsel of the Commission, Mr. Sarnoff defended the exclusive feature of network-affiliated station contracts, predicted the demoralization of network broadcasting if the exclusive feature were banned, stated that competition between four major networks had worked to the advantage of the listener and made his predictions that discoveries of new usable radio frequencies would change the whole complexion of the American system of broadcasting in a few years.

Because of the significant scope of Mr. Sarnoff's remarks, we list his testimony under the several categories into which it logically falls:

### ON THE FUTURE OF NETWORKS

A. I am willing to speculate, if you want me to do so. I believe, for example, that the notion that the nation can only support four networks at the present time—

Q. I do not believe that there is any testimony to that effect, Mr. Sarnoff. Excuse me, for interrupting you. I think the testimony is that there can only be four networks because of the limited facilities available in the cities which must be on any national network.

A. But there are no limitations in other parts of the spectrum. I mean, not the same limitations. And there is no warrant for assuming, as I can see, that network operations must necessarily be within the present limited band of frequencies. Now, all the pressure comes from those who would like to move their vehicles within the narrow streak—

Q. What pressure is that that you are talking about?

A. Well, I may be wrong about it. I hope I am, but I suspect that there has been some pressure here against the idea of NBC having two networks, for example. I assume that there are others who have felt that if we had one that they might have the other. Now, I do not think that the network problem of this country is going to be solved by confining the art to the present narrow band of frequencies. I can see the day when there will be more networks possible, technically, than people to use them. There is no reason I can see why there can't be a dozen, or two dozen, or several dozen national networks, but in order to have them it is necessary to develop waves in the ether which may now be characterized as wasteland. And by permitting those who are functioning in the art at the present time to continue their development and their research and their experimentations, you will expand, rather than narrow, competition in the radio field.

### ON NETWORK COMPETITION

Q. In what way would you say the competition between networks is not the same, is different from competition between grocery stores or department stores, or between, say, General Electric and R.C.A. Manufacturing Corporation?

A. I should define "competition" in the network broadcasting field as competition for the listeners' attention primarily, and competition for the advertising dollar. I think that the present situation, and the situation for some time, has given ample evidence of the very active and vigorous competition that goes on between these four networks for those competitive elements, that is, advertising dollar and listeners' attention. I think that the question of ownership of any particular network is not the element that determines for competition. If there are no listeners there are no advertising dollars, and if there is no service there are no listeners, and if two networks were given the same type of program, or the same program, simultaneously, obviously a large percentage of the listeners would be looking for a variety. And, further, the growth of these four networks is evidence of the competitive elements that exist.

### ON THE EXCLUSIVE NETWORK CONTRACT

Q. Mr. Sarnoff, another limitation that exists today on a number of networks would appear to be in on the fact that the net-

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works make exclusive contracts with stations. If you have a station with an exclusive contract with NBC, for example, that station can't take programs from any other national network, and, consequently, so far as that station is concerned, one network completely blocks all others. Now, what is your opinion with respect to the advisability of that kind of a limitation on the number of networks?

A. My opinion with respect to that limitation is that it is in the interest of the listener, that it is in the interest of public, that it is the basis of the American system of network broadcasting. Destroy that provision, and you will have destroyed the American system of network broadcasting. There is no complaint that I know about, coming from the public, on the ground of that provision; there is no complaint that is coming, so far as I know, from the stations affiliated with the networks. There may be some individual instances, but by and large the testimony I have read has supported that provision. It has been supported by these independent broadcasting stations. Obviously, if a network spent money, as we are doing, to develop the popularity of an individual broadcasting station in some territory, if we gave them sustaining programs and they attracted a listening audience and they built up circulation, and then some other organization came along that did none of these things, but just had a commercial program, and asked that broadcasting station to take their program and put behind it the good-will and the circulation and the pioneering that had been done by whoever built that station up, of course, that somebody would have a temporary advantage, but American broadcasting would have a loss.

Q. To what extent, Mr. Sarnoff, do you think there would be any change in the present system of network broadcasting if the exclusive provisions were eliminated from contracts?

A. I think that there would be a great confusion, that there would be a demoralization of the whole system of network broadcasting, that it would be a grab as grab can and catch as catch can, every fellow would go out and try to make any kind of an arrangement, any kind of a commercial arrangement that he could, and I think that there would be no incentive on the part of the major networks to build up the position of their local stations.

Q. You think that that would be true even though the contracts contained a provision for a definite option on certain hours?

A. Yes, I think so, because if the hours were not of a kind that suited a local station there would be continuous irritation and pressure. You would transfer the local station from an institution—and by local station I mean the station affiliated with the network, the independent station. You would transfer it from an atmosphere of stability, where it is part of a network, knowing in advance what it may or may not do, or what it can or can not do, with respect to its time, to a free-for-all situation where it would continually be tempted by every network to take its particular program or to give an hour because it would increase its outlet or increase its income.

Q. Maybe I did not make the question quite clear.

A. Assuming that the contract did provide for a definite option on certain hours, but as to hours other than those option there was no restriction as to other network affiliation. Do you think that type of contract would be difficult to make?

A. I think that type of contract would upset the present system of network broadcasting, because, in the first place, a local station affiliated with a network at the present time takes on something of the character of that network; the network feels a certain sense of responsibility to that station and the station, in turn, to the net-



work, for the character of its programs. Whereas, if that local station were free to connect with any network that it wished to connect with and take any kind of programs that it wished to take, I think the atmosphere would change and the network, itself, would suffer, as well as the local station, from the net results of that station.

#### ON REQUIRING A STATION TO CARRY FIXED NUMBER OF SUSTAINERS

Q. Mr. Sarnoff, do you think it would be desirable for the network to include in its relation with affiliated stations any obligation on the part of the station to carry sustaining programs or a certain number of sustaining programs in the same way that it is required to carry commercial programs?

A. Well, while it might be helpful to the network, I should not recommend it. I think that that takes on the element of compulsion.

Q. I am not quite clear as to what the difference in compulsion would be if it were just the same way as it now operates with respect to commercial programs?

A. Well, the element of compulsion would reside in the fact that under such a provision the local station would be compelled to take that program, whereas, today it is free to reject it.

Q. But to that extent there is compulsion to take commercial programs?

A. Well, a commercial program is a matter of contract for specified time. You have the right to sell that station's facilities for a given period of time, and to the extent that the station has pledged its time under that contract, of course, to that extent it is compelled to take that program, yes.

#### ON THE LIMITATIONS OF THE STANDARD BAND

A. And so, within this limitation of the band, I think that broadcasting, as we know it today, has reached about the limit of its technical capacity. I do not mean that there will not be refinements and improvements, but I think the art in its present space has reached, more or less, saturation; and yet I believe that radio, itself, the radio art, itself, is a long, long way from saturation; in fact, that it is still in its infancy. Waves that were once thought useless are daily becoming more and more valuable.

The problems faced by this Commission, the problems faced by the Government, and the problems faced by the industry, after all is said and done, can be summarized in one word: "technology" or "science".

Commissioner Thompson: Well, you speak in terms of networks—you spoke, possibly using the word "network". Would you believe that such a power should be vested in one individual or one small group of individuals in such a situation?

The Witness: I am not pleading for or suggesting a monopoly, but what I am trying to say, Mr. Commissioner, is that I can envision, and do envision, the day when radio development will make it just as possible for anybody to get into the radio transmission business as the press situation today makes it possible for anybody to get into the publication of a newspaper, and under those conditions my conclusion, which I urge, is that there is and there would be no more warrant for regulating radio than there is for regulating the press.

#### ON FUTURE TECHNICAL DEVELOPMENT

Based on my experience in the past, based on my observations of what is going on in the art, or my contacts with our scientists or engineers, I have no hesitation in saying to you that in my opinion the number of channels for radio communication which it is possible to develop into useful channels are many, many times the number that now exist. In fact, they may be a hundred-fold or a thousand-fold. We now speak not in terms of long waves or short waves, we refer to ultra-short waves, to centimeter waves, to micrometer waves, to millimeter waves, and we talk of modulating these waves through frequency modulation, through amplitude modulation, through phase modulation, or a combination of these elements—

Commissioner Brown: Are you speaking of broadcasting or radio services as a whole?

The Witness: I am speaking of all phases of radio, including broadcasting, Mr. Commissioner. I can foresee a network which can carry not only broadcasting but also telegraphy, telephony, multiplex communications, facsimile, television, and the like, all on one network. I can see the possibilities of developing systems of inter-communication, both for sound broadcasting and for television, that will not depend upon wires at all, where you can

carry these signals and these images by means of a radio line instead of a wire line—the reason of coaxial cables—by utilizing radio relays.

When these developments are perfected, as I believed they will be, in time, given those three attributes that I referred to at the beginning, you will have more facilities available for use than there will be people to use them.

And so it is important, it seems to me, that, in any appraisal of the problems of radio, that present-day limitations be not employed as to the standard for tomorrow's Governmental regulations. The worst possible thing that could happen would be to put radio technique in a legislative straight jacket, because if that were done there would be a complete negation of the purposes of the Radio Act which in the very preamble refers to the development of radio to its maximum capabilities. I may not be using the exact language, but I am referring, I am sure, to the sense of that language.

#### ON PROGRAM QUALITY AS BASIS FOR LICENSE REVOCATION

Q. Would you say that the element of quality enters into that all?

A. The quality of the programs?

Q. Yes.

A. Why, of course, I should say that the element of the quality of the program is the element that determines the popularity of the station and the number of listeners that it has.

Q. Well, were the station licensed to broadcast and it broadcast programs of inferior quality, and did not give entertainment, information, education, and so on as you have listed them, do you think that its license should be revoked?

A. Well, I would have to reach an agreement with you first as to what you regard inferior quality before I could answer that question.

Q. You define it.

A. Well, I would leave the quality of the programs to the listeners to determine; I would not leave the quality of the program to be determined by a regulatory body excepting only those elements of a program which are properly outlawed, obscene language, libel, and all those kinds of things. You could not get agreement, Mr. Dempsey, on the quality of an orchestra. There are people today who would regard one orchestra as inferior to another one, but nevertheless they both give music.

Q. And you think that the listeners should really determine the quality of the programs?

A. I think that the listeners are the people who determine the quality of the programs, and they are more vocal in the radio broadcasting field than in any other comparable field, by the letters they send, by the protests they register, by the commendations they offer. Radio, after all, operates with the privacy of a goldfish in a bowl. Nobody can put a program on the air without exposing it to public attention. There is, therefore, the listener as a leveling influence, and then there is the commercial advertiser upon whose revenue the station depends because as the station loses listeners the advertiser will not patronize the station. So you have both the listener and the advertiser operating as natural incentives to maintaining the best program they can.

Q. Do you think that the Commission would be justified, for example, if they had an accurate poll of the listeners in the area supposedly served by a particular station and they, by an overwhelming majority, indicated that that station was not rendering a satisfactory service, under those circumstances do you think the Commission would be justified in revoking the license?

A. No, I do not. In the first place, I think that the taste of the majority varies from day to day and from year to year. I think that if you would look over the programs of the last ten years that you would find, from their range, that what were popular ones are in the dog-house today, and vice versa. Also, I speak with no intended criticism but with very earnest apprehension towards a situation which would deposit in the hands of any Governmental agency the power to cancel or withdraw licenses from a station based on its programs. All you have to do is to look abroad to see the results of that. Now, it may be true, here and there, in isolated instances, there may be abuse of present privileges, there may be an inadequacy of service, but, after all, one has to approach the thing from the standpoint of the national service and from its overall picture.

#### ON LICENSING OF NETWORK BY THE FCC

Commissioner Thompson: We could presuppose that attention can be given to many problems under the Federal Communications



Act that do not properly or necessarily arise from any complaint or claim. I would assume that the Commissioners should give some consideration to certain basic mandates in the statutory regulation of radio. On that point, do you think that the networks should themselves be brought under control of the Commission as well as the individual licensees?

The Witness: No, I do not.

Commissioner Thompson: Well, here is a case at point: A station, a licensee, is cited for something that he carried on a network chain. In a situation such as that, would you regard the licensee as the party that should be cited? If a licensee makes an assignment of time, and within that assignment of time there may be some violation important enough for the Commission to cite the licensee, is he the real one that should be cited if the issue on which he is cited originates elsewhere and is carried on that station during the time that he has assigned? What would you suggest there to meet a situation such as that?

The Witness: Well, I should think that if a man takes out a license and fails to conform with the provisions of the license to an extent where the Commission feels that he has violated that license that he, the licensee, is the fellow to deal with. Now, if he has any recourse against the network, why, that is for him to do. My objection, Mr. Commissioner, to licensing networks is not based on any individual case of violations, it is based on the philosophy of it, because I think that control of networks, per se, giving the Government the right to license networks as distinguished from licensing the station facilities that carry the frequency, would be the first and the most serious entrance into the whole field of Government censorship of programs.

## ON SELF-REGULATION AND THE PROPOSED NAB CODE

Q. It would have at least one primary effect, and that is in the competition between stations which conform to certain standards and others which do not would be put on a more even plane, would it not?

A. I think it would be on a more reasonable basis as regards fundamental standards. There still would be left a wide area of competition.

Q. I am not suggesting that competition would be eliminated, but at least it would be competition on the same plane rather than on different levels?

A. As to basic standards, for example, if one station accepts patent medicine accounts and another station refuses to accept patent medicine accounts I don't really regard that as competition between the two stations. It is just a matter of policy. Now if both stations will agree to decline to accept patent medicine accounts, why I think that the sum total of the broadcasting service will be improved thereby.

I merely happen to mention patent medicine. I don't want to emphasize that as against any other.

But there is doubtless a code of basic principles that could be developed for the guidance of the industry as a whole and to which no reasonable station owner or listener could take proper exception to.

Q. Do you think that the adoption of such a code of standards would be beneficial from the financial standpoint to the stations which are now adhering to substantially that code?

A. Yes, I think it would. I think it would be beneficial to the stations that adhere to such a code because anything that stabilizes radio and maintains the good opinion of the public about radio service is good business, as well as good ethics for the stations that are rendering service.

Q. And the stations which now have high standards, or the National Broadcasting Company which I understand operates on standards which you are suggesting be more widely adopted feels that in adopting those standards it is operated from a more intelligent business viewpoint than if it did not have the standards.

A. We feel that way, although at any one moment we may have to make sacrifices for the good of the whole or for the good of the long future. And doubtless some stations who would conform to whatever code the NAB finally may develop would have to abandon certain practices they now engage in, and while temporarily they might suffer something in financial revenue in the long run I am sure they would be better off, because anything that would stabilize the industry would be better for them.

Q. Well even now there isn't any set of standards applicable to all station or which are applied by all stations. Do you think the stations that have the higher standards are operated to that extent at least as better business propositions than the others?

A. Yes, I do.

Commissioner Brown: Mr. Sarnoff, is this proposal an effort to bring up to date the NAB Code adopted in 1935?

The Witness: It is an effort to do that and to expand upon it in the light of the discussions which have been had and in response to the suggestions which I made before this Commission.

Commissioner Brown: Well don't you think that if all the stations licensed by this Commission had lived up to the Code adopted in 1935 there may have been no necessity for an additional code?

The Witness: That is probably true. It is doubtless true to the extent that stations have departed from the code that was in existence or that was adopted some years ago, to that extent there has been room for revision, and I assume there always will be because a few years' additional experience have also brought to light the need for some additional standards.

Commissioner Brown: There are somewhat over 700 stations licensed by the Commission at the present time. If a revised or what might be termed a 1939 or 1940 model of the Code should be adopted, what revisions would you suggest to make all stations comply with the new model of the Code?

The Witness: Well, I have not suggested. Mr. Commissioner, in my original statement any element of compulsion. I have suggested persuasion, suggestion, education, and all these elements which indicate to a person why the right thing should be done. I recognize, of course, that that may fall short of producing a 100 per cent result, but I think it is a better way to proceed.

By Mr. Dempsey:

Q. Mr. Sarnoff, what I am trying to get at by these questions is this: Since this is a code which you are proposing or recommending to be adopted by the industry as an industry, is its object the better business in the industry, the increase in profits to the various units in the industry? In other words, is it a business proposition in the industry, that you are recommending, or is it intended to promote public service not as an adjunct to more profit but something distinguished from the making of profits?

A. Well, I should like to answer your question by saying that I regard any effort to improve public service as good business and ultimately translatable into profits for the industry. Obviously if a wider public service is rendered, a higher standard is maintained, there will be more listeners and more satisfied listeners and those in turn will stimulate the clients to advertise more and to advertise more consistently. So that I do not think that improvement of service or improvement of standards are necessarily in conflict with better business. Instead of regarding them mutually exclusive I should regard them as supplementary.

Q. Mr. Sarnoff, do you say, or would you say that the primary purpose of this code is the benefit of the industry in terms of profit, mutual benefit of the units of the industry, which I understand is the purpose of most trade associations.

A. I would say that the primary purpose of this code is three-fold, but I do not regard any one of these three elements as in conflict with the other two or with each other. First, I should say that the purpose was to have a higher grade of public service or as high as can consistently be developed. Secondly, I would say that by adopting a code of self regulation in the industry one would minimize the possibilities of the government imposing codes upon the industry, which ultimately would lead to censorship regardless of what the original objective might be.

In other words good behavior on the part of a citizen requires less operation on the part of the policeman.

The third objective is that any code which would improve the standards of broadcasting, satisfy more listeners, and eliminate the need for restrictive regulation would give the industry as a whole direct financial benefit, so that it would be both profitable and stabilizing.

Q. Is it your opinion, Mr. Sarnoff, that the possibility of censorship, which as I understand your view is inherent in regulation of programs, is such a danger that the industry should adopt self regulation to prevent regulation by government?

A. I think that is one of the reasons. The danger comes from anybody desiring the government to censor programs. It comes from pressure groups, from complaints and the like. Now to the extent that those complaints, particularly justifiable complaints can be reduced by a code of proper standards or by better programs, to that extent you eliminate the dangers and the hazards of censorship.

Q. Is there any censorship inherent in your scheme of self regulation?

A. No, there is no censorship inherent for two reasons. First, it would be a voluntary act on the part of the industry and the stations who would cooperate in the development of that code and to which they would voluntarily subscribe, and secondly I

have not recommended a compulsion in it. I have recommended a system of education.

Q. And do you know to what extent in the formulation of this Code this committee has attempted to get the views of groups representative of public opinion?

A. I do not know.

Q. Now the Code, as I gather from your schedule which you read, deals primarily with programs. Is that correct?

A. Yes.

Q. Entirely with programs?

A. Yes.

Q. Now why do you think it is necessary for the industry to adopt any set of regulation internal or external with respect to programs?

A. So as to put the programs on the possible highest level of good public service.

Q. Do you think in order to bring that about some sort of joint action of all the licensees is necessary?

A. I think it is highly desirable.

## SECTION 317

The FCC sent a notice to all licensees of broadcast stations calling their attention to Section 317 of the Communications Act of 1934.

Section 317 reads as follows: "All matter broadcast by any radio station for which service, money, or any other valuable consideration is directly or indirectly paid, or promised to or charged or accepted by, the station so broadcasting, from any person, shall, at the time the same is so broadcast, be announced as paid for or furnished, as the case may be, by such person."

The Commission's notice, which follows reports of violation of the rule, warned the licensees that, "The Commission insists upon, and expects, full compliance at all times with the above quoted provision of law."

Headquarters is investigating the matter at the Commission.

## Wage and Hour Act

At long last the Wage and Hour Administration has issued an interpretation of its views on hours worked in connection with traveling.

This is of great importance to the broadcasting industry in connection with traveling assignments for announcers and technicians. In general the interpretation follows the rule of common sense suggested by the NAB when the problem first arose.

If traveling time is "part of the day's work" it should be calculated as such in computing hours. For instance, if an announcer goes to a nearby town to work at a football game and returns the same night, his hours would be figured from the time he leaves till the time he returns. If, on the other hand, he leaves Monday morning from Boston to announce a game from San Francisco, he should be credited with the number of hours he usually works each day from the time he leaves Boston until he returns. In this case he should be paid time and one-half for the

two extra days he worked each week while he was away. To bring it even further down to earth, the Administrator does not intend that employees on out of town assignments should be paid overtime for sitting around a hotel lobby or for sleeping in a pullman berth.

Another interpretation eliminates the necessity for paying transmitter watchmen-caretakers overtime because they are "on duty" more than 44 hours a week.

"The fact that the employee makes his home at his employers place of business in these cases does not mean that the employee is necessarily working 24 hours a day", the Administrator said. "In the ordinary course of events the employee has a normal night's sleep, has ample time in which to eat his meals and has a certain amount of time for relaxation and entirely private pursuits. In some cases the employee may be free to come and go during certain periods. Thus, here again the facts may justify the conclusion that the employee is not working at all times during which he is subject to call in the event of an emergency, and a reasonable computation of working hours in this situation will be accepted."

The NAB Labor Relations Department, in the light of these interpretations, will be glad to assist members in their individual wage and hour problems

## HEADQUARTERS ACTIVITIES

Neville Miller, president, will deliver an address before the annual convention of the Radio Manufacturers Association, June 13, at the Hotel Stevens, Chicago

Andrew W Bennett, Counsel, is representing Headquarters at the District 2 Meeting being held in Schenectady, New York, today.

Paul Peter, Director of Research, represented the NAB at the American Association of Advertising Agencies' convention in New York last week.

Edwin M. Spence, Secretary-treasurer, reports advance reservations have reached a point where a record attendance may be predicted at Atlantic City for the annual NAB Convention, July 10-13.

Joseph L. Miller, Director of Labor Relations, has been in the mid-west for a series of labor conferences with member stations.

Ed Kirby, Director of Public Relations, will deliver a talk at the National Council of Women, meeting in New York on May 24. He has been requested to speak on an assigned topic "Who is Responsible for the Building of Radio Programs?"

## SWEENEY ASSAILS FCC ON SUPER-POWER STAND

Representative Sweeney (D-Ohio) assailed the FCC this week for deciding against "superpower" for broadcast-



ing stations, in a statement inserted in the Congressional Record Appendix (p. 7930, May 16).

Mr. Sweeney asserted:

"It boils down to the fact that the networks have brought such a tremendous amount of pressure to bear upon the Commission against the use of superpower that the Commission has been blinded to the need of this type of transmission and has decided, as I said, against the weight of evidence, to protect the monopoly now enjoyed by the National and Columbia Broadcasting Systems, condemning the rural listener to a fate on a par with the peasants of Communistic Russia."

### FREE OFFERS

Phil Keenan, enterprising Sales Manager for Bernarr Macfadden Publications, again is trying to chisel some free advertising for those publications. Mr. Keenan says he has available the following shows:

- Inside Stuff from Hollywood
- Behind the Microphone
- Photoplay Fashion Highlights
- Personal Problem Clinic
- True Detective Mysteries
- This Is My True Story

Mr. Keenan furnishes the script and promises the cooperation of his sales representatives "to help build a listening audience for his shows". He doesn't care whether the broadcaster sells the shows to a sponsor.

All he asks is "a reasonable credit line at the opening and closing of each show." Mr. Keenan has it all figured out: it is cheaper to prepare these scripts and to give the cooperation of his sales representatives than it is to buy time on the air to advertise Macfadden publications.

As long as broadcasters use these programs, Macfadden is not going to make any drastic increase in his radio advertising budget. If every broadcaster in the country would refuse to accept this offer, there would be at least a possibility that Macfadden would buy considerably more time than he does at present.

The NAB is of the opinion that use of the Macfadden scripts on a sustaining basis constitutes violation of the Code of Ethics and that use on any basis other than sponsorship by Macfadden destroys revenue possibilities.

The NAB has reminded the Northwestern Radio-Television Institute, Inc., Minneapolis, that acceptance of its cost-per-inquiry proposition would constitute violation of the NAB Code.

Street & Smith, detective magazine publishers, are offering programs similar to Macfadden's and the NAB feels the same way about both.

### WLW SIGNS WITH AFRA

Station WLW has signed a contract with the American Federation of Radio Artists covering announcers, actors, singers, and newsmen. It is understood that it provides \$50.00 a week minimum for announcers with extra pay

for all commercials. The scale for singers and actors on commercial shows is reported to be approximately 20% under the network-agency scale for New York-Chicago-Hollywood.

AFRA is now negotiating with WCKY, Cincinnati, and KMOX, St. Louis, seeking similar terms.

### 772 STATIONS

During the month of April the FCC issued operating licenses to two new stations and granted permits for the construction of five new stations. Construction permits previously issued for two stations were canceled. A comparative table by months is given below:

|                                | Jan. 1 | Feb. 1 | Mar. 1 | Apr. 1 | May 1 |
|--------------------------------|--------|--------|--------|--------|-------|
| Operating stations . . . . .   | 722    | 727    | 729    | 732    | 734   |
| Construction permits . . . . . | 42     | 39     | 37     | 37     | 38    |
| Total . . . . .                | 764    | 766    | 766    | 769    | 772   |

### CRAVEN PRAISES AMERICAN SYSTEM OF BROADCASTERS

Federal Communications Commissioner T.A.M. Craven, talking Wednesday night at the Columbia University, said: "I am convinced that the American system of broadcasting, operated in accord with the broad policies now prescribed by Congress, has proved to be the best method of applying this modern invention of radio to the service of the people of the United States. I recognize, however, that the method by which broadcasting is regulated can change completely its aspect as a service to the public. Therefore, I believe that among the best methods to safeguard the American system of broadcasting is, in so far as is practicable, to encourage and require full and free competition. I am of the opinion that the attainment of this objective requires a faithful adherence to the diversification doctrine of licensing stations in any community or region as well as in the nation as a whole, and also the licensing of an adequate number of stations to insure active competition, not only in business but also in service to the public."

Dealing with censorship, Commissioner Craven said:

"It has been suggested that the Commission should adopt rules governing program service which could serve as a guide to licensees. I consider this suggestion to be impracticable because it has the danger of requiring the Commission to exercise a regimented control of program service which would result in the imposition of its judgment upon the American people. The Commission might more properly be concerned with the question whether the program service of an individual station or the standards of program service of an industry conform to public opinion, tastes and demands. However, in view of the foregoing inherent danger as well as the specific prohibition against censorship, I am of the opinion that the Com-

mission should not adopt any rule specifically prescribing contents of program service."

## FIFTH DISTRICT MEETING

With a multitude of copyright and legislative problems—both national and state—facing the industry, the Fifth District of NAB, comprising Georgia, Alabama, and Florida, assembled in their first annual meeting at Ponte Vedra Beach at ten o'clock on Sunday, May 14th, with the largest attendance ever recorded at a South-eastern Group meeting.

The afternoon of the first day was given over to Group meetings of the state organizations and the Sales Manager Groups from the Fifth District.

The Georgia delegation endorsed the reorganization of the Georgia broadcasters as a chartered association, and the Florida group held its meeting Sunday afternoon.

Various discussions among the Florida Group included the report of its legislative committee, with Gilbert Freeman, Chairman, outlining the developments on the four bills pertaining to the broadcasting industry before the Legislature in session at Tallahassee, Florida. These bills relate to civil liability of radio stations, musical copyrights, and phonograph records. Mr. Freeman stated that all bills had been reported out of committee and that he hoped they would be passed at the present session of the Legislature.

New officers of the Florida Association of Broadcasters were elected as follows:

Frank King—WMBR—President  
 Gilbert Freeman—WTAL—First Vice-President  
 Harold Danforth—WDBO—Second Vice-President  
 Spencer Mitchell—WDAE—Secretary & Treasurer

The Board of Directors comprising the officers and the addition of three other members, consisting of the retiring President, Walter Tison, of WFLA; Fred Borton, of WQAM; and Henry Wells, of WCOA.

Monday's meeting was highlighted by the address of Claude Mills of ASCAP, who addressed the convention for two hours and fifteen minutes, at the conclusion of which the question of ASCAP copyright was thrown open for discussion and Mr. Mills endeavored to answer questions from the floor.

The afternoon meeting was highlighted by an address by NAB President, Neville Miller. At the conclusion of his address an open forum developed on the various copyright and legislative problems. President Miller was followed by Andrew W. Bennett, NAB Counsel, with his analysis of the copyright situation.

Walter Tison, NAB Director for the Fifth District, was returned for another year.

The official registrants at the convention were as follows:

| REPRESENTATION        | STATION |
|-----------------------|---------|
| Fritz Myers           | WLAK    |
| Fred Borton           | WQAM    |
| Fred Mizer            |         |
| Reginald Martin       | WJNO    |
| Wright Esch           | WMFJ    |
| Bob Tigert            | WFOY    |
| Harold Danforth       | WDBO    |
| Spencer Mitchell      | WDAE    |
| Harold Meyer          | WSUN    |
| Henry Wells           | WCOA    |
| Gilbert Freeman       | WTAL    |
| T. C. Imeson          | WJAX    |
| Jack Hopkins          |         |
| Glenn Marshall, Jr.   | WMBR    |
| Frank M. King         |         |
| Bill Knight           | WSAV    |
| Senator Jack Williams | WAYX    |
| H. Wimpy              | WPAX    |
| J. W. Woodruff, Jr.   | WRBL    |
| Maurice Coleman       | WATL    |
| Lambdin Kay           | WSB     |
| W. H. Summerville     | WGST    |
| Greene Adair          |         |
| Jess Swicegood        | WAGA    |
| Major Mitchell        | WRGA    |
| John W. Quarles       |         |
| Jimmy Selby           |         |
| R. L. Starr           |         |
| W. R. Rinsgon         | WRDW    |
| Edward K. Cargill     | WMAZ    |
| Red Cross             |         |
| J. C. Bell            | WBRC    |

## COMING EVENTS—JUNE

- June 3 —Confederate Memorial Day (Louisiana, Tennessee)
- June 8-11 —King and Queen of England will be in the United States
- June 9 —John Howard Payne, author "Home, Sweet Home" born 1791
- June 10 —National Flower Shut-in Day
- June 11 —Children's Day celebrated in churches
- June 14 —Flag Day
- June 15 —Franklin's kite experiment, 1752
- June 17 —Children's Day (for commercial purposes)
- June 18 —Father's Day
- June 26-July 1—National Swim for Health Week

All through the month:

The NAB-RMH Campaign  
 Theme "Listen While You Play!"

## RADIO REPORTERS ELECT

Fulton Lewis, Jr., MBS reporter, was elected president of the newly organized Radio Correspondents Association on May 11 following Congress' decision to set aside special galleries for radio reporters.

Other officers: Albert L. Warner, CBS, vice-president; William McAndrews, NBC, secretary, and Frank Morrison, Transradio News, treasurer.

Radio reporters now are admitted to White House press conferences, from which they were barred before Mr. Lewis, assisted by the NAB and the networks, won the congressional privileges.

## STATE LEGISLATION

CALIFORNIA:

A. 913 (Williamson) PUBLIC WORK—WAGE RATES—Relating to wage rates on public work. Referred to Labor Committee.



A. 2004 (Thurman) ADVERTISING—Adding a new section to the Civil Code regarding the use of name, portrait or picture of any living person. Passed by both houses. Sent to Governor 5-8-39.

FLORIDA:

H. 122 (Clements, et al) Same as S. 65. OPTOMETRY—Define and regulate and practice of optometry. Referred to Public Health Committee.

H. 1400 (Inman) AMUSEMENT TAX—Amending section 23, Chapter 18011 of the 1937 Act, imposing certain license taxes and providing for the collection thereof, providing that the tax shall be lien on property under certain circumstances, and providing for an additional license tax on dance halls where music is furnished by one or more musicians. Referred to Public Amusement Committee.

S. 65 (Kelley) Same as H. 122. OPTOMETRY—Defines and regulates the practice of optometry and declares same a profession; providing for Board of Examiners and Duties. Referred to Public Health Committee.

S. 527 (Murphy) MECHANICAL MUSICAL INSTRUMENTS—LIQUOR SALES PLACES—Prohibiting the use of mechanical musical instruments in any place outside of any incorporated city or town, where intoxicating liquor is sold.

S. 551 (Beacham) HIGHWAY DISTRIBUTION OF ADVERTISING—Prohibiting distribution of advertising information in public street or highway to any vehicle or occupant thereof. Referred to Judiciary B Committee.

PENNSYLVANIA:

H. 1130 (Brunner) INSURANCE ADVERTISING—Amending section two (Pamphlet Laws nine hundred eighty-one), prohibiting the publication, printing or radio broadcasting of advertisements or notices of insurance companies, associations, exchanges or persons not authorized to do business in this Commonwealth requiring certificates from the insurance department before accepting insurance advertisements or broadcasting the same by radio and fixing penalties by permitting the use of copies of certificates. Passed by House 5-2.

S. 825 (McGinnis) OIL INVESTIGATION COMMISSION—Creating an Oil Investigation and Control Commission for investigation and regulation of the oil industry and persons engaged in production, refining and distribution of oils and gasoline. Referred to Judiciary General Committee.

S. 928 (Tallman) THEATRICAL AGENCIES—Licensing business of theatrical agencies obtaining employment; providing for registration, bonding and regulation of certain individuals and entities engaged in such business; placing regulation under Secretary of Labor and Industry; providing penalties. Referred to Labor and Industry Committee.

S. 931 (Eral) POLICE RADIO EQUIPMENT—Amending Section 251 of Pamphlet Laws 1278 to authorize the district attorneys in counties of the fourth and fifth classes to purchase and maintain police radio equipment. Referred to Judiciary General Committee.

RHODE ISLAND:

H. 803 (McLeod) OPTOMETRY—Defining and regulating the practice of optometry and repealing Chapter 161 of the general laws. Referred to Judiciary Committee.

**FEDERAL COMMUNICATIONS  
COMMISSION**

**PROPOSED FINDINGS OF FACT**

The Federal Communications Commission has announced its Proposed Findings of Fact and Conclusions in which it proposes to grant the application of Station WSNJ, **Bridgeton, New Jersey**, for authority to install a new transmitter and increase its facilities to operate with 100 watts night, 250 watts LS, unlimited time. The

station now operates on **1210 kilocycles**, with 100 watts, daytime only.

The Commission's Proposed Conclusions stated that there is need for additional service in the area proposed to be served and that the operation of the station as proposed will not cause objectionable interference to any existing station.

Chairman McNinch did not participate in this case.

The application of Powell and Platz, Assignor of Station KGGF, and Hugh J. Powell, Assignee, for voluntary assignment of the station license to Hugh J. Powell is proposed by the Commission in a Proposed Findings of Fact. The station operates on **1010 kilocycles**, 1000 watts day and night, specified hours.

The Commission found that the Assignee is in all ways qualified to continue the operation of the station. He already owns, the Commission stated, an undivided two-thirds interest and has been operating manager of the station for the past eight years.

Chairman McNinch did not participate in this case.

In a Proposed Findings of Fact, the Commission proposed to grant the application of the M. & M. Broadcasting Company for a construction permit to erect a new station at **Marinette, Wisconsin**, to use **570 kilocycles**, 250 watts, daytime only.

It was stated by the Commission in its Proposed Findings that a public need exists for the service proposed by the applicant. The Commission found also that there is sufficient economic support and talent for program material available for the operation proposed.

**DECISIONS OF COMMISSION**

The Federal Communications Commission, this week, denied the application of the Alabama Polytechnic Institute for the voluntary assignment of the license of Station WAPI, **Birmingham, Alabama**, to the Voice of Alabama, Inc. The Commission held that the transfer of the license from the present licensee of the station "will not be in the public interest."

Chairman McNinch did not participate in this decision.

The application of F. W. Meyer for a construction permit for a new station at **Denver, Colorado**, has been denied by the Commission. The Meyer application asked to operate on **1310 kilocycles**, 100 watts night, 250 watts LS, unlimited time.

The Commission stated in its opinion that the applicant "has not sustained the burden placed upon him by showing that the existing stations in the city are not ade-

quately supplying the local needs of the community as to program service, and that the proposed station would fill said need." The Commission found that the granting of the application would not serve public interest.

Chairman McNinch did not participate in this decision.

The following notice was sent by the FCC to all interested parties on standards of good engineering practice concerning standard broadcast stations:

In accordance with the memorandum to the Commission from the Committee on Proposed Rules governing Standard Broadcast Stations and Standards of Good Engineering Practice, dated April 1, 1939, beginning at 9:30 a. m., June 5, 1939, at the offices of the Commission in Washington, D. C., an informal engineering conference will be held on the proposed standards of good engineering practice.

At this conference, engineering questions involved in the exceptions filed relative to the proposed rules and suggested changes in the proposed standards will be discussed.

All interested parties are invited to attend this conference and it is requested that all parties planning to attend so advise the Chief Engineer of the Commission not later than May 28, 1939.

Any parties who are not able to attend, but desire to offer suggestions, may do so by letter which will be given due consideration in preparing the final draft of the "Standards of Good Engineering Practice."

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of May 22. They are subject to change.

### Tuesday, May 23

WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.; Proposed Studio, Kansas City, Mo., Proposed Transmitter, Kansas City, Kans.—C. P., 1220 kc., 1 KW, 5 KW LS, shares KFKU (DA for day and night). Present assignment: 1220 kc., 1 KW, 5 KW LS, shares KFKU.

### Wednesday, May 24

NEW—J. R. Walker, S. S. Walker and C. F. Walker, co-partners, tr/as Patrick Henry Broadcasting Co., Martinsville, Va.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time.

### Thursday, May 25

#### Oral Argument Before the Commission

Examiner's Report No. I-763:

NEW—Sentinel Broadcasting Corp., Salina, N. Y.—C. P., 620 kc., 1 KW, unlimited time (DA night).  
NEW—Civic Broadcasting Corp., Syracuse, N. Y.—C. P., 1500 kc., 100 watts, unlimited time.

May 19, 1939

WHJB—Pittsburgh Radio Supply House, Greensburg, Pa.—C. P., 620 kc., 1 KW, unlimited time (DA night). Present assignment: 620 kc., 250 watts, daytime.  
NEW—M. L. Medley, Cookeville, Tenn.—C. P., 1370 kc., 100 watts, 250 watts LS, unlimited time.

## FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

### June 9

NEW—Neptune Broadcasting Corp., Atlantic City, N. J.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time.

### June 12

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Modification of C. P., 1370 kc., 100 watts, unlimited time. Present assignment: 1370 kc., 100 watts, daytime.

### June 15

#### Further Hearing

NEW—Central Broadcasting Corp., Worcester, Mass.—C. P., 1500 kc., 100 watts, 250 watts LS, unlimited time.

### June 26

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—C. P. to install new antenna and move transmitter and studio locally; 1290 kc., 100 watts, daytime.  
KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, 1290 kc., 100 watts, daytime.  
NEW—Catawba Valley Broadcasting Co., Inc., Hickory, N. C.—C. P., 1370 kc., 100 watts, 250 watts LS, unlimited time.

### June 30

KALE—KALE, Incorporated, Portland, Ore.—C. P., 1300 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1300 kc., 1 KW, unlimited time.

### July 10

NEW—Samuel M. Emison, Vincennes, Ind.—C. P., 1420 kc., 100 watts, unlimited time.  
NEW—John F. Arrington, Jr., Valdosta, Ga.—C. P., 1230 kc., 250 watts, unlimited time.

### July 11

WCOV—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—Modification of license, 1210 kc., 100 watts, unlimited time. Present assignment: 1210 kc., 100 watts, daytime.

### July 12

KUTA—Jack Powers, David G. Smith, Frank C. Carman and Grant Wrathall, d/b as Utah Broadcasting Co., Salt Lake City, Utah.—C. P., 570 kc., 1 KW, unlimited time (DA night and day). Present assignment: 1500 kc., 100 watts, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

WWL—Loyola University, New Orleans, La.—Granted modification of special experimental authority to operate with 50 KW power, unlimited time, for the period ending August 1, 1939.



WGRM—P. K. Ewing, Grenada, Miss.—Granted C. P. to move station from Grenada to Greenwood, Miss., subject to compliance of Rules 131, 132 and 139.

KDAL—Red River Broadcasting Co., Inc., Duluth, Minn.—Granted C. P. to make changes in composite equipment and increase in day power from 100 watts to 250 watts.

### RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the period ending December 1, 1939:

WFAS, White Plains, N. Y.; KVSQ, Ardmore, Okla.; KDON, Monterey, Calif.; KFPW, Fort Smith, Ark.; KFXJ, Grand Junction, Colo.; KOOS, Marshfield, Ore.; KPMC, Bakersfield, Calif.; KSUN, Lowell, Ariz.; WAYX, Waycross, Ga.; WCAX, Burlington, Vt.; WCOU, Lewiston, Me.; WFTC, Kinston, N. C.; WGCM, Gulfport, Miss.; WKBO, Harrisburg, Pa.; WPAX, Thomasville, Ga.; WTHP, Hartford, Conn.; WWAE, Hammond, Ind.; KITE, Kansas City, Mo.; KTUL, Garden City, Kans.; KOCA, Kilgore, Tex.; WJHL, Johnson City, Tenn.

### DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

WMBO—WMBO, Inc., Auburn, N. Y.—Application for modification of license to increase night power from 100 to 250 watts. (To be heard before the Commission.) Application was designated for hearing because pending applications involve increase in service and interference.

W9XBS—National Broadcasting Co., Inc., Chicago, Ill.—Application for modification of high frequency broadcast station license to use frequency 42180 kc., listed as available for high frequency broadcast stations under Sec. 44.04. Application designated for hearing because of pendency of the renewal application of this station and the issues raised thereby, and to determine if applicant has complied in all respects with the rules and regulations in re high frequency broadcast stations.

NEW—Lakeland Broadcasting Co., Willmar, Minn.—Application for C. P. to erect a new station to operate on frequency 680 kc., clear channel, with 250 watts power day, limited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

### MISCELLANEOUS

WBBM—Columbia Broadcasting System, Chicago, Ill.—Granted extension of special temporary authority to operate auxiliary transmitter of station WENR at Downers Grove, for the period May 15 to June 13, until new antenna can be put up at WBBM's location.

WHAS—The Louisville Times Co., Louisville, Ky.—Granted special temporary authority to rebroadcast program material received from Relay Station WOEG, operated by General Electric Co., located aboard Union Pacific train, from 10 to 11 p. m., CST, on May 12.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 12:30 to 3:30 p. m., CST, on May 20, in order to broadcast Upper Peninsula District Track and Field Meet.

WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Denied special temporary authority (unless Rule 15.15 is complied with) to operate from 5 to 6 a. m., CST, for a period not to exceed 30 days.

WBGN—The Champaign News-Gazette, Inc., Champaign, Ill.—Granted special temporary authority to operate relay broadcast experimental station W9XSM on the frequencies 1606, 2022, 2102 and 2758 kc., with power of 10 watts, in lieu of the normal licensed frequencies, on May 12 and 13.

WRVA—Larus & Bro. Co., Inc., Richmond, Va.—Granted special temporary authority to operate station WRVA on one antenna only of two antenna array during daylight hours only, for the period May 11 to May 16, in order to conduct tests.

W9XFN—American Broadcasting Corp. of Kentucky, Lexington, Ky.; W9XFO—The Louisville Times Co., Louisville, Ky.—Granted special temporary authority to operate WQOB, Fayette County Police Radio Patrol fixed station (25 watts, 37,100 kc., and two WQOB Fayette Patrol mobile units) (5 watts, 37,100 kc.) on frequency of 37,020 kc., as a relay

broadcast station, from 1:30 to 1:45 p. m., CST, on May 11, for the purpose of rebroadcasting over station WLAP and WHAS the inaugural program of the Fayette County Police Radio Patrol.

NEW—C. T. Sherer Co., Inc., Worcester, Mass., and NEW—North Shore Broadcasting Co., Salem, Mass.—Granted applicants' petition for continuance of hearing now scheduled for June 1, for approximately 30 days, new date to be fixed by Docket Section, in re applications for new stations, both requesting frequency 1200 kc., Sherer Co. for 100 watts night, 250 watts LS, and North Shore Broadcasting Co. for 100 watts, unlimited time for both applicants.

WSPA—Virgil V. Evans, Spartansburg, S. C.—Granted petition for extension of 10 days time to file proposed findings (for all parties), due May 17 to and including May 27.

WHK—Radio Air Service Corp., Cleveland, Ohio.—Granted motion to dismiss without prejudice application for modification of license to increase night power from 1 to 5 KW.

NEW—Presque Isle Broadcasting Co., Erie, Pa.—Denied petition for order to take depositions with reference to citizenship of three parties connected with applicant corporation, and to reopen the record for that purpose.

WLEU—WLEU Broadcasting Corp., Erie, Pa.—Dismissed motion to deny above petition for order to take depositions and reopen the record in re application of Presque Isle Broadcasting Co.

KITE—First National Television, Inc., Kansas City, Mo.—Granted petition to intervene in the hearing on the application of WREN to move transmitter and studio, install directional antenna.

KXOK—Star-Times Publishing Co., St. Louis, Mo.—Granted petition to accept amendment to application in re directional antenna and antenna site; cancelled hearing date of June 20 involving applications of KXOK, KFRU and WGBF, new date to be fixed by dockets, all three cases to be heard on the same date.

NEW—John F. Arrington, Jr., Valdosta, Ga.—Denied petition for order to take depositions; hearing date of May 26 cancelled and case continued to July 10. This is an application for C. P. for new station to operate on 1230 kc., 250 watts, unlimited time.

WPAX—H. Wimpy, Thomasville, Ga.—Denied request for order to take depositions in re application of Arrington.

KFPY—Symons Broadcasting Co., Spokane, Wash.—Granted petition to intervene in the hearing on the application of KFIO, Spokane, Wash., to change frequency from 1120 kc. to 950 kc., and power from 100 watts daytime to 1 KW unlimited.

KXL—KXL Broadcasters, Portland, Ore.—Granted petition to withdraw without prejudice application for C. P. to change frequency and power from 1420 kc., 100 watts, 250 watts LS, shares KBPS, to 1110 kc., 5 KW, unlimited, DA for day and night.

NEW—Press-Union Publishing Co., Atlantic City, N. J.—Granted petition to intervene in the hearing on the application of the Neptune Broadcasting Corp. for a new station to operate on 1420 kc., 100 watts, 250 watts LS, unlimited.

NEW—North Shore Broadcasting Co., Salem, Mass.—Granted motion to accept amendment describing type of antenna and transmitter site, in re application for new station to operate on 1200 kc., 100 watts, unlimited time, now scheduled for hearing on June 1.

WHP—WHP, Inc., Harrisburg, Pa.—Granted special temporary authority to operate with power of 1 KW daytime, using directional pattern, in order to facilitate the establishment of the directional pattern of the antenna authorized by C. P. granted on November 1, 1938, for the period ending no later than June 1, 1939.

WHMA—Harry M. Ayers, Anniston, Ala.—Granted special temporary authority to operate, subject only to full compliance with Rule 15.15, from local sunset (May 6:30 p. m. and June 7 p. m., CST) to the conclusion of baseball games to be played on May 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 29, 30, 31, and June 1, 2, 5, 6, 7, 8, 9, 12, 13 and 14.

WOPI—Radiophone Broadcasting Station WOPI, Inc., Bristol, Tenn.—Granted special temporary authority to operate crystal controlled 100-watt unmodulated transmitter between hours 1 and 6 a. m., EST, in vicinity of Bristol, for the period May 15 to June 7, in order to conduct site survey.

W2XDG—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate high frequency broadcast station on the frequency 38.65 megacycles, pending definite arrangements to be made in



- the ultra high frequency bands, for the period May 19 to June 17.
- NEW**—WJMS, Inc., Ashland, Wis.—Granted request for change in notary public to take depositions on May 15 in re application for new station, subject to proper objection on the part of the other parties in this proceeding.
- NEW**—Mollin Investment Co., Huntington Park, Calif.—Denied as in cases of default application for C. P. for new station at Palm Springs, Calif., to use 1200 kc., 100 watts, daytime, because applicant failed to file written appearance.
- WMFR**—Radio Station WMFR, Inc., High Point, N. C.—Denied as in cases of default application for C. P. to change equipment and increase day operating power, because applicants failed to file written appearance.
- W9XAK**—Kansas State College of Agriculture and Applied Science, Manhattan, Kans.—Denied as in cases of default application for renewal of television broadcast experimental license, for failure to file written appearance.
- WICA**—WICA, Inc., Ashtabula, Ohio.—Granted in part petition of WICA authorizing operation of station with 500 watts daytime, and denied request to operate with 1 KW.
- NEW**—William F. Huffman, Wisconsin Rapids, Wis.—Granted petition for rehearing, said rehearing to be on further issues to be determined by the Commission. (On January 3 the Commission denied Huffman's application for a new station to operate on 580 kc., with 250 watts, unlimited time, DA nighttime hours.)
- WSBT**—South Bend Tribune, South Bend, Ind.—Denied petition for rehearing in re Docket 3763, and set aside its Statement of Facts, Grounds for Decision and Order of February 6, 1939, and set the matter for further argument before the Commission upon the following: (1) what the effect would be, if any, upon the operation of these stations as proposed, of putting into operation the allocation established by the North American Regional Broadcasting Agreement; (2) whether on the basis of the pendency of such Agreement both applications should be denied; and (3) which, if either, of the two applications should be granted. (The applications involved are for WSBT to move transmitter and change frequency from 1360 kc. to 1010 kc., and increase power from 500 watts, sharing time with WGES, to 1 KW, unlimited, using DA; and application of King-Trendle Broadcasting Corp. for C. P. to erect a new station at Grand Rapids, Mich., to use 1010 kc., with 250 watts power, unlimited time. Both applications were denied by the Commission on February 6.)
- NEW**—Summit Radio Corp., Akron, Ohio.—Denied petition to revise issues and postpone rehearing in re application for new special broadcast station to use 1530 kc., 1 KW, unlimited time, with DA at night, and ordered that hearing stand postponed indefinitely.
- NEW**—Pawtucket Broadcasting Co., Pawtucket, R. I.—On May 8 the Commission granted a petition for further hearing on the application of Pawtucket Broadcasting Co. for a new station to use frequency 1390 kc., 1 KW, unlimited time, on issues to be specified. Pursuant to this action the Commission today approved the bill of particulars, the further issues to be: (1) to determine whether there is available a frequency which will provide service to the area proposed to be served in keeping with the Commission's plan of allocation. (2) To determine whether or not the use of the frequency 1390 kc., with 1 KW power, unlimited time, will provide adequate service for the area proposed to be served, and would be consistent with sound principles of allocation.
- KQW**—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Granted modification of C. P. to install new equipment.
- WBAC**—New Jersey Broadcasting Corp., Portable-Mobile (New York and New Jersey area).—Granted license to cover C. P. for new relay broadcast station, frequencies 1646, 2090, 2190, 2830 kc., 2 watts.
- KLCN**—Charles Leo Lintzenich, Blytheville, Ark.—Granted amended C. P. to move transmitter and studio sites locally, install vertical radiator and new equipment, upon the express condition that this grant shall not be construed as a finding by the Commission upon the application for renewal of license of KLCN nor upon any issues involved therein, nor that the Commission has found that the operation of this station is or will be in the public interest beyond the express terms hereof.
- WIBW**—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Granted authority to determine operating power by direct measurements of antenna input in compliance with terms of Rule 137.
- WWL**—Loyola University, New Orleans, La.—Granted license to cover C. P. authorizing change in transmitter site, installation of directional antenna system for both day and night operation, and increase in power from 10 KW to 50 KW.
- WCAX**—Vermont Broadcasting Corp., Burlington, Vt.—Granted modification of license to change name from Vermont Broadcasting Corp. to Burlington Daily News, Inc.
- WGBR**—Eastern Carolina Broadcasting Co., Goldsboro, N. C.—Granted modification of C. P. approving transmitter and studio sites, changes in equipment, and installation of vertical radiator, provided towers are marked according to specifications.
- WKBB**—Sanders Bros. Radio Station, Dubuque, Iowa.—Granted modification of C. P. extending completion date to November 20, 1939.
- KRBM**—KRBM Broadcasters, Bozeman, Mont.—Granted modification of C. P. extending completion date to December 11, 1939.
- WSJS**—Piedmont Publishing Co., Winston-Salem, N. C.—Granted license to cover C. P. authorizing installation of new equipment and increase in day power from 100 to 250 watts.
- KVOS**—KVOS, Inc., Bellingham, Wash.—Granted license to cover C. P. authorizing move of transmitter site locally and installation of vertical radiator, subject to the express condition that this grant shall not be construed as a finding by the Commission upon application of Bellingham Broadcasting Co. for C. P. nor upon the application for renewal of license of KVOS, nor upon any of the issues involved therein, nor that the Commission has found that the operation of this station is or will be in the public interest beyond the express terms hereof.
- WJR**—WJR, The Goodwill Station (Detroit, Mich.), Portable-Mobile.—Granted C. P. for new relay broadcast station, frequencies 1646, 2090, 2190 and 2830 kc., 250 watts.
- NEW**—Miami Valley Broadcasting Corp. (Dayton, Ohio, Montgomery Co.), Portable-Mobile.—Granted C. P. for new relay broadcast station, frequencies 1622, 2058, 2150 and 2790 kc., 18 watts.
- NEW**—Florida West Coast Broadcasting Co., Inc. (Tampa, Fla., also Clearwater), Portable-Mobile.—Granted C. P. for new relay broadcast station, frequencies 1622, 2058, 2150 and 2790 kc., 40 watts.
- NEW**—Red River Broadcasting Co., Inc. (Duluth, Minn.), Portable-Mobile.—Granted C. P. for new relay broadcast station, frequencies 1606, 2022, 2102 and 2758 kc., 10 watts.
- WNYN**—City of New York, Municipal Broadcasting System (New York, N. Y.), Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station, frequencies 1622, 2058, 2150 and 2790 kc., 3 watts.
- WNYO**—City of New York, Municipal Broadcasting System (New York, N. Y.), Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station, frequencies 1622, 2058, 2150 and 2790 kc., 3 watts.
- WJMC**—Walter H. McGenty, Rice Lake, Wis.—Granted license to cover C. P. authorizing new station to operate on 1210 kc., 250 watts, daytime only.
- W2XJI**—Bamberger Broadcasting Service, Inc., New York.—Granted special temporary authority to operate high frequency broadcast experimental station W2XJI on the frequency 25300 kc. in lieu of normal licensed frequencies, for a period not to exceed 30 days, pending Commission action on application for modification of license.
- WTAR**—WTAR Radio Corp., Norfolk, Va.—Granted special temporary authority to operate with 5 KW night, for a period not to exceed 30 days, in order to overcome interference from Cuban Station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency 780 kc. or reduces power so that additional interference is not involved.
- KSAL**—R. J. Laubengayer, Salina, Kans.—Granted special temporary authority to rebroadcast program material received from relay broadcast station WOEK operated by General Electric Co. aboard new streamline train of Union Pacific at approximately 8:15 p. m., CST, on May 15.
- KTEM**—Bell Broadcasting Company, Temple, Tex.—Granted special temporary authority to operate from 7:30 to 11 p. m., CST, on May 23, in order to broadcast proceedings of Chamber of Commerce Banquet, using 100 watts only.
- WBNY**—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate all hours except those assigned to station WSVS, which are 8:30 to 10 a. m., and from 2 to 3 p. m., EDST, instead of EST, for the period ending no later than July 1, 1939 (provided WSVS remains silent).



WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Granted extension of special temporary authority to rebroadcast sustaining programs to be received from international broadcast stations W2XE and W3XAU over station WKAQ, on a non-commercial experimental basis only, for the period May 21 to June 19.

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—Granted special temporary authority to rebroadcast program material to be received from Army airplane, call letters DU-1, in connection with Blackout Exercises on May 18.

KGU—Marion A. Mulrony and Advertiser Publishing Co., Ltd., Honolulu, T. H.—Granted special temporary authority to rebroadcast program material to be received from Army airplanes, call letters VR2, SF7 and DU1, in connection with Blackout Exercises on May 18.

W3XO—Jansky and Bailey, Washington, D. C.—Granted extension of special temporary authority to operate high frequency broadcast station W3XO on frequency of **43.2 megacycles**, with the regular power of 1 KW, pending final arrangements in connection with the reallocation of the high frequency services, for the period May 30 to June 28.

W2XMN—Edwin H. Armstrong, New York City.—Granted extension of special temporary authority to operate high frequency broadcast station W2XMN on frequency **42.8 megacycles**, power output 40000 watts, for the period June 14 to July 13, pending definite arrangements to be made in the ultra high frequency bands.

W8XWJ—The Evening News Assn., Detroit, Mich.—Granted special temporary authority to rebroadcast program material over high frequency experimental station W8XWJ, to be received from relay broadcast experimental station W8XIG, in connection with Police Field Day activities, from 10 a. m. to 6 p. m., EST, on May 26.

W1XPW—WDRG, Inc., Hartford, Conn.—Granted extension of special temporary authority to test high frequency broadcast equipment of station W1XPW authorized by modification of C. P., on frequency **42.4 megacycles**, with power of 1000 watts, for the period May 24 to June 22, pending definite arrangements to be made in ultra high frequency bands.

WILM—Delaware Broadcasting Co., Wilmington, Del.—Granted special temporary authority to operate simultaneously with station WAZL from 8:30 p. m. until midnight, EDST, on May 16, 24, June 1, 8, in order to broadcast baseball games.

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted extension of special temporary authorization to operate unlimited time on **1180 kc.**, using 10 KW power, employing directional antenna system after sunset at Portland, Ore (May 7:30 p. m. and June 8 p. m., PST), for the period May 23 to June 21.

KEX—Oregonian Publishing Co., Portland, Ore.—To operate unlimited time on **1180 kc.**, using 5 KW power, for the period May 23 to June 21.

## APPLICATIONS FILED AT FCC

### 570 Kilocycles

KMTR—KMTR Radio Corp., Los Angeles, Calif.—Construction permit to install new transmitter and increase power from 1 KW to 5 KW.

### 760 Kilocycles

KXA—American Radio Telephone Co., Seattle, Wash.—Modification of construction permit (B5-P-1702) as amended for changes in equipment, increase in power, new antenna, and move of transmitter and studio. Amended: Equipment and antenna changes and give transmitter site as Atlantic St., Dock "A", Seattle, Wash., and studio site as 314 Bigelow Bldg., Seattle, Wash.

### 1200 Kilocycles

NEW—North Shore Broadcasting Company, Salem, Mass.—Construction permit for a new station to be operated on **1200 kc.**, 100 watts, unlimited time. Amended: Antenna changes, and give transmitter site as Naugus Ave., Marblehead, Mass.

KFXJ—R. G. Howell and Chas. Howell, d/b as Western Slope Broadcasting Co., Grand Junction, Colo.—Construction permit to install new transmitter and vertical antenna.

WSKB—McComb Broadcasting Corp., McComb, Miss.—Modification of construction permit (B3-P-2002) for approval of

antenna, and give studio site as Main St., McColgan Hotel, McComb, Miss., and transmitter site as U. S. Highway 51, McComb, Miss.

### 1250 Kilocycles

KXOK—Star-Times Publishing Co., St. Louis, Mo.—Construction permit to install new transmitter; make changes in directional antenna (for use both day and night); change frequency from **1250 kc.** to **630 kc.**; power increase from 1 KW to 1 KW night, 5 KW day; move transmitter from ½ mile northwest of Venice, Ill., to near Washington Park, Ill. (contingent on B4-P-2321—WGBF and B4-P-2322—KFRU). Amended: Changes in antenna, and to give transmitter site as near National City, Ill.

### 1310 Kilocycles

KWOC—Don M. Lidenton and A. L. McCarthy, Poplar Bluff, Mo.—Voluntary assignment of license from Don M. Lidenton and A. L. McCarthy to A. L. McCarthy, O. A. Tedrick and J. H. Wolpers, d/b as Radio Station KWOC.

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—License to cover construction permit (B3-P-2250) as modified to install new transmitter and antenna and move of transmitter.

### 1320 Kilocycles

KGHF—Curtis P. Ritchie, Pueblo, Colo.—Construction permit to make changes in transmitting equipment, install new vertical antenna, and move transmitter from 111 Broadway to corner Lake and Maryland Aves., Pueblo, Colo. Amended to request increase in power from 500 watts to 1 KW.

### 1340 Kilocycles

NEW—Portorican American Broadcasting Co., Inc., Ponce, P. R.—Construction permit for a new station on **1340 kc.**, 1 KW, unlimited time.

### 1360 Kilocycles

KSLM—Oregon Radio, Inc., Salem, Ore.—License to cover construction permit (B5-P-1744) as modified for change in frequency, new transmitter, antenna changes, increase in power, move of studio and transmitter.

WCSC—South Carolina Broadcasting Co., Inc., Charleston, S. C.—Construction permit to install vertical antenna, increase power from 500 watts night, 1 KW day, to 1 KW day and night. Amended: Antenna changes.

### 1370 Kilocycles

NEW—Lackawanna Broadcasting Co., Inc., Scranton, Pa.—Construction permit to erect a new station to be operated on **1370 kc.**, 100 watts night and 250 watts day power, unlimited time.

### 1380 Kilocycles

KQV—KQV Broadcasting Co., Pittsburgh, Pa.—Modification of license to increase power from 500 watts night, 1 KW day, to 1 KW day and night—directional antenna night.

### 1390 Kilocycles

NEW—Richard T. Sampson, Riverside, Calif.—Construction permit for a new broadcast station to be operated on **1390 kc.**, 250 watts power, daytime operation.

### 1420 Kilocycles

NEW—Dr. Willard Carver, Thomas B. Williams, Byrne Ross, Lawton, Okla.—Construction permit for a new station to be operated on **1420 kc.**, 100 watts power, unlimited time. Amended: Antenna and transmitter site to be determined, in or near Lawton, Okla.

### 1500 Kilocycles

WGKV—Kanawha Valley Broadcasting Co., Charleston, W. Va.—Modification of construction permit (B2-P-1848) for a new

station, requesting approval of antenna, new transmitter, and approval of studio site at 1016 Lee St., Charleston, W. Va., and transmitter site at Kanawha Country Club Road, South Charleston, W. Va. Amended: Antenna changes and give transmitter site as Coal Branch Heights, near city of Charleston, W. Va.

NEW—Frank R. Pidcock, Sr., Moultrie, Ga.—Construction permit for new station to be operated on **1500 kc.**, 100 watts night, 250 watts day, unlimited time.

WWSW—Walker & Downing Radio Corporation, Pittsburgh, Pa.—Construction permit to install new transmitter and antenna and move transmitter from 134 Miami St. to 341 Rising Main St., Pittsburgh, Pa.

### MISCELLANEOUS

W2XUP—Bamberger Broadcasting Service, Inc., New York, N. Y.—Modification of license to change frequencies from **31600, 35600, 38600, 41000 kc.** to **25250 kc.**, to comply with new rules adopted 4-17-39.

W2XJI—Bamberger Broadcasting Service, Inc., New York, N. Y.—Modification of license to change frequency from **26300 kc.** to **25300 kc.**, to comply with new rules.

W8XCN—Onondaga Radio Broadcasting Corporation, Portable-Mobile, Syracuse, N. Y.—Construction permit for change in equipment, increase power output from 5 watts to 20 watts, change frequencies to **30820, 33740, 35820 and 37980 kc.**

NEW—Onondaga Radio Broadcasting Corp., Portable-Mobile (area Syracuse, N. Y.)—Construction permit for new relay broadcast station (portable-mobile) on frequencies **1646, 2090, 2190 and 2830 kc.**, 20 watts power, A-3 emission.

W8XJM—WBNS, Inc., Columbus, Ohio.—License to cover construction permit for facsimile station. Amended to change frequencies from **41000, 38600, 35600 and 31600 kc.** to **43540 kc.**, in accordance with new rules.

W9XEG—Martin R. O'Brien, Portable-Mobile, area of Aurora, Ill.—License to cover construction permit for new experimental station.

NEW—WDAY, Inc., Portable-Mobile, area of Fargo, N. Dak.—Construction permit for a new portable-mobile relay broadcast station on frequencies **1606, 2022, 2102, 2758 kc.**, 100 watts power, Emission A-3.

NEW—The Champaign News-Gazette, Inc., Portable-Mobile, area of Champaign, Ill.)—License for new relay broadcast station (utilizing equipment of station W9XSM, B4-PRE-86) on **1606, 2027, 2102 and 2758 kc.**, 10 watts power, A-3 emission. Amended to change frequency **2027 kc.** to read **2022 kc.**

NEW—The Champaign News-Gazette, Inc., Portable-Mobile, area of Champaign, Ill.)—License for a new relay broadcast station (utilizing equipment of station WAHJ, PRY-66) on **31100, 34600, 37600, 40600 kc.**, 100 watts power, 3-A emission. Amended to specify frequencies **30820, 33740, 35820, 37980 kc.**, 25 watts power.

W2XAK—Columbia Broadcasting System, Inc., New York, N. Y.—Modification of construction permit (B1-PVB-6) as modified to extend completion of construction date from 6-16-39 to 12-16-39.

W8XVA—Brown Radio Service and Laboratory (Gordon P. Brown, owner), Portable-Mobile, area of Rochester, N. Y.—Modification of construction permit (B1-PRE-221) requesting extension of required date of completion from 7-1-39 to 11-10-39.

WIEW—National Broadcasting Co., Inc., Portable-Mobile, area of New York, N. Y.—License to cover construction permit (B1-PRY-172) for new transmitter and increase in power from 20 watts to 25 watts.

W9XTZ—Eugene P. O'Fallon, Inc., Portable-Mobile (vicinity of Denver, Colo.)—License to cover construction permit (B5-PRE-218) for a new relay broadcast (experimental) station.

W9XZV—Zenith Radio Corporation, Chicago, Ill.—Modification of license for changes in authorized frequencies from **42000-56000, 60000-86000 kc.** to **44000-50000 kc.**, in accordance revised rules.

W9XXT—KCMO Broadcasting Co., Kansas City, Mo.—Modification of license to reduce authorized power without new construction from 5 watts to 0.5 watts.

NEW—A. H. Belo Corporation, Dallas, Tex.—License for new facsimile broadcast station utilizing the equipment of high frequency broadcast station W5XD, to be operated on **25250 kc.**, 100 watts, unlimited time, A-4 emission; Dallas, Tex.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

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

**Buford & Owens College**—Misuse of the word "college" and misrepresentation of the efficacy of hair and scalp remedies distributed by them, is charged in a complaint against Buford & Owens College, and its officers, Gussie Buford, President, Mary Owens Boone Wellingham, Vice-President, and George Buford, Secretary, 812 North East Third St., Oklahoma City, Okla.

In newspapers and in other advertising matter distributed by the respondents, the complaint alleges, are statements such as "Buford & Owens College, makers of wonderful B. & O. Hair Oil—Shampoo", and "It stops the hair from falling out, cures many cases of scalp diseases, and causes stubborn hair to grow."

The complaint asserts that a college, as understood by the public, is an institution of higher learning empowered to confer degrees, with a faculty of learned instructors in the various branches of learning, including the liberal arts and sciences. It also alleges that the respondents' preparations are not a cure or remedy for dandruff, falling hair or scalp diseases, and are of no value in promoting the growth of hair or preventing hair from falling out. (3790).

**Consolidated Silver Company of America**—Unfair trade practices in the sale of a business promotional plan and of silverware to retail merchants and their customers, are alleged in a complaint against William M. Irvine, trading as Consolidated Silver Company of America, 7338 Woodward Ave., Detroit.

Entering into contracts with retail merchants, the respondent is alleged to sell them "advertising trade cards" at \$4.50 a thousand which the merchants distribute to customers who purchase specified amounts of their ware, and with display posters and advertisements to be used in connection with the sales plan.

Among representations alleged to be made by the respondent are: That the merchants' customers can obtain entire sets of silverware or tableware without cost to them by obtaining the advertising cards and sending them to the respondent for redemption; that merchants can purchase and use the respondent's sales promotional plan without cost to them, and that the respondent, trading as Consolidated Silver Company of America, is a representative of, or is connected with, or is conducting an advertising campaign for, the manufacturer of Wm. A. Rogers silverware. (3789)

**W. A. Nieuwenhuis & Sons**—W. A., John, and Henry Nieuwenhuis, trading as W. A. Nieuwenhuis & Sons, Kalamazoo, Mich., distributors of plants and tulip bulbs grown on farms and nurseries near Kalamazoo, are charged in a complaint issued with misrepresenting, on price lists and other printed matter through the legend "Dutch Bulb Growers", that the bulbs distributed by the respondents are grown in Holland. (3787)

**Westminister Tire Corporation**—Misrepresentation of the number of plies in the structure of pneumatic tires distributed by it is charged in a complaint issued against Westminister Tire Corporation, 601 West 26th St., New York.

It is a custom and usage in the rubber tire industry, followed by many manufacturers of pneumatic automobile and truck tires, the complaint alleges, to mark such tires with words, figures or phrases so as to truthfully indicate the number of plies existing



in the construction of the tires. Many of the respondent's tires, the complaint continues, do not contain the actual number of plies indicated by the words, letters, figures or insignia depicted on the wrapping or shields of the tires. (3786)

### CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Imperial Sales Company**—See Midwest Studios, Inc.

**Midwest Studios, Inc.**—Misrepresentations in the sale of tinted or colored enlargements of photographs and frames therefor brought an order to cease and desist against a Portland, Ore. organization selling such products throughout the country by means of house-to-house sales crews, "field artists" and other representatives. The respondents are Midwest Studios, Inc., Imperial Sales Company and their president, B. E. Youmans, all of 408 S. W. Avenue, Portland, Ore.

The order prohibits concealment or failure to disclose to customers upon initial contact that a finished picture when delivered will be so shaped and designed that it can only be used in a specially designed, odd style frame obtainable only from Midwest Studios.

The respondents are ordered to cease representing, through use of a "draw" or any other device, that any customer thereby obtains a financial advantage or is entitled to receive any picture free. (3011)

**United States Advertising Service**—An order to cease and desist from the distribution of pull and push cards and other lottery devices to be used in the sale of merchandise was issued against Meyer Edelsohn, trading as United Advertising Service, 5715 Florence Ave., Philadelphia.

Findings of the Commission are that United Advertising Service distributes clocks, desk lighters, and other merchandise, also supplying customers with the lottery devices and instructions by which the merchandise is distributed to ultimate consumers. (3738)

### STIPULATIONS

The Commission has entered into the following stipulations:

**General Foods Corporation**, 250 Park Ave., New York, distributor of a laundering product designated La France, has entered into a stipulation to cease representing that La France contains or constitutes a cleansing agent superior to or different from pure soap, and that if one uses La France, clothes will not require any rubbing or scrubbing. (02376)

**Hychex Laboratories, Inc.**—The Commission has accepted from Hychex Laboratories, Inc., 184 West Washington St., Chicago, distributor of diaphragms, rings and a so-called "Hychex Jelly", a stipulation to the effect that it will discontinue use of the word "Laboratories" in connection with its corporate or trade name or in any way which would imply that it owns, operates or controls laboratories, when such is not a fact. (2463)

**Proctor & Gamble Co.**, Cincinnati, has entered into a stipulation to discontinue advertising that the use of Camay Soap will keep the skin young; that no other soap can compare with Camay for cleansing the skin, or that Camay "reaches down to the pores".

While not abandoning its right to claim that its product may be used safely upon sensitive skins generally, the respondent company agrees to cease representing directly or by implication that Camay Soap "can't irritate the most sensitive skin" or using any other claim which may imply that it is nonallergic. (02375)

**Tim Lake Laboratories, Inc.**, Des Moines, Iowa, distributor of "Jermite", a poultry remedy, has entered into a stipulation in which it agrees to cease and desist from representing that "Jermite" guarantees reduced chick loss, rapid chick growth, riddance of disease germs, prevention of coccidiosis, elimination of worm hazard, or control of simple diarrhea; that "Jermite" acts as an antiseptic, appetizer, intestinal cleanser or bone builder; that it increases vitality, egg production, or hatchability of eggs, and that one gallon of "Jermite" will antisepticize and germitize 250 gallons of drinking water, or 32 sacks of feed when fed according to directions. (02377)







## The Week In Washington

Congress was busy this week with other matters and the FCC took the headlines in broadcasting news.

The commission issued new rules on international broadcasting, among these being one to require stations to broadcast internationally only such programs "which will reflect the culture of this country and which will promote international goodwill, understanding and cooperation."

The commission's television committee issued a report recommending against adoption of standards proposed by the Radio Manufacturers Association for fear of freezing television.

So far, the commission has failed to supply an interpretation of its May 16 statement regarding Section 317 of the Federal Communications Act of 1934, despite persistent efforts of the NAB to obtain such.

Neville Miller appeared before a senate subcommittee to endorse legislation that would permit televisioning of prize fights.

The NAB Research Committee met in Washington. Next week both the accounting and code committees will meet in New York. The code committee is expected to whip into shape the code of program standards to be presented to the NAB convention in July.

### FCC FAILS TO CLARIFY RELEASE ON SECTION 317

The FCC to date has failed to supply an interpretation of Section 317 of the Communications Act of 1934, requested by the NAB as soon as the Commission called the broadcasting industry's attention to the section on May 16.

Neither oral requests nor the NAB's letter brought an interpretation. A special bulletin will be sent to the membership as soon as word is received from the FCC.

The NAB letter:

May 23, 1939

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

Dear Mr. Slowie:

Please permit me to refer to the Commission's release No. 34075 of May 16, which called attention to the requirements of Section 317 of the Communications Act of 1934, reading as follows:

"Sec. 317. All matter broadcast by any radio station for which service, money, or any other valuable consideration is directly or indirectly paid, or promised to or charged or accepted by, the station so broadcasting, from any person, shall, at the time the same is so broadcast, be announced as paid for or furnished, as the case may be, by such person."

It is my understanding this release was occasioned by reports from the Commission's field representatives that in several instances a few stations had neglected to sufficiently identify sponsors, particularly in connection with time purchased for talks.

Heretofore we have interpreted the provisions of Sec. 317 as follows: "The station is required to announce the sponsor of the program in such language as will acquaint the listener with the fact that the program is being broadcast as an advertisement if such is the case. The Federal Radio Commission ruled that advertising must be presented as such and not disguised, applying the same principle which has been applied to newspapers to prevent an advertisement from appearing on the surface to be a news item (see Third Annual Report, Federal Radio Commission, page 35). The plain intent of the Section is to prevent a fraud being perpetrated on the listening public. Therefore, reference to the sponsor in such manner as to indicate to the listener that the program is paid for by the sponsor should be sufficient without the necessity of specifically using the words "paid for." An announcement of the fact that the program is presented by the "X" company or that it

(Continued on page 3498)



1626 K St., N. W.

WASHINGTON

Phone NA tional 2080

Neville Miller, *President*

Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel*; Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*

## FCC FAILS TO CLARIFY RELEASE ON SECTION 317

(Continued from page 3497)

is sponsored by the "X" company would appear to satisfy the provisions of the statute, since these terms have been publicized to such an extent by radio that the public understands such programs are paid for and are for the purpose of advertising the product of the sponsor. On the other hand, if the name of the sponsor is mentioned in such manner that it might be construed as an editorial comment on the part of the station or as an item of news, it would be contrary to the provisions of the Section."

In view of the number of requests for information received as a result of the Commission's release, it will be greatly appreciated if you will advise whether the foregoing interpretation is in accord with that of the Commission.

Sincerely,

ANDREW W. BENNETT, *Counsel*.

## MILLER URGES APPROVAL OF PRIZE FIGHT TELEVISIONING

Neville Miller urged a Senate Interstate Commerce subcommittee this week to approve the Barbour bill to eliminate the federal ban on the television broadcast of prize fights across state lines.

Mr. Miller made the following statement:

There have been many changes in American life and American opinion since 1912 when Congress enacted the present law making it unlawful to ship in interstate commerce films of prize fights. Since that time broadcasting has been developed as a medium of public entertainment and as a means of dissemination of news and information. Sports of all kinds have become more popular, and the American people have become more sport minded and interested in sporting events.

Today many sporting events, such as football games, baseball games, prize fights and horse races are broadcast, and these programs are listened to by large nationwide audiences. No distinction, as far as I know, has been drawn between broadcasting of prize fights and the broadcasting of other sporting events, and all today are an accepted form of entertainment.

Television is now in the process of being developed, and a number of broadcasters possess the necessary Government licenses to operate television transmission stations. Television receiving sets are now being manufactured, and sold to the public in areas where service is available. The program service in television is being developed, and, unless prohibited by law, will include the transmission of pictorial representation of prize fights.

Many of such transmissions will be across state lines, and therefore will fall within the category of interstate commerce. Although no court as yet has been called upon to decide whether the Act of 1912 would apply to a telecast of a prize fight, it is conceivable that the question may be raised, and no broadcaster desires to run the risk of violating the law, even though the possibility of his act being a violation may be remote.

Programming is one of television's most difficult problems, and it must depend upon special events as a major source of material. As prize fights have proved to be very acceptable to the public as broadcast program material, they will undoubtedly prove to be very acceptable for television program material. A prohibition of the use of prize fights for television programs would deprive

the industry of very valuable program material, and accomplish no good purpose.

Speaking on behalf of the broadcasting industry, I desire to urge the passage of Senate Bill 2047, introduced by Senator Barbour of New Jersey.

## DISTRICT 2 MEETING

The meeting of the NAB members in the Second District, comprising the State of New York, was held Friday, May 19, in the studios of WGY at Schenectady. Harry C. Wilder, District Director, presided.

The morning session was devoted to the sales managers' conference, which was followed at noon by an inspection of WGY's new studios. After luncheon at the Van Curler Hotel, the television division of the General Electric Company gave a demonstration of General Electric's experimental work.

The afternoon session was devoted to a discussion of industry problems, particularly copyright, state and federal legislation, NAB-RMA campaign, and other NAB activities. At the close of the afternoon session, many of those present went to Albany for an inspection of the new Albany Radio Center, housing WOKO and WABY.

Andrew Bennett, NAB Counsel, represented headquarters. Those present were:

William I. Moore, WBNX, New York City; Richard E. O'Dea, WNEW, New York City; M. J. Weiner, WNEW, New York City; Jack Kennedy, WHAM, Rochester; Phil Hoffman, WSYR, Syracuse; George Bissell, WMFF, Plattsburgh; Martin Traynor, Jr., WMFF, Plattsburgh; Cliff Taylor, WBEN, Buffalo; B. W. Bullock, General Electric Co., Schenectady; Edgar H. Twamley, WBEN, Buffalo; Joe M. Clark, WIBX, Utica; Nathan Cook, WIBX, Utica; Samuel Woodworth, WFBL, Syracuse; W. J. Purcell, WGY, Schenectady; H. A. Woodman, WEAF, New York City; Charles Phillips, WFBL, Syracuse; Mr. Al. Sardi, WOKO, Albany; James Carey, WABY, Albany; Morris Clark, WHEC, Rochester; Harold E. Smith, WOKO, Albany; Sidney Kaye, Columbia Broadcasting System, New York City; John Gude, Columbia Broadcasting System, New York City; John Hager, WGY, Schenectady; M. M. Boyd, WJZ, New York City; Fred Keese, WMBO, Auburn; Ken Johnson, WCKO, Albany; Harry Goldman, WABY, Albany; W. T. Meenan, WGY, Schenectady; A. O. Coggeshall, WGY, Schenectady; G. E. Markham, General Electric Co., Schenectady; I. R. Lounsberry, WGR-WKBW, Buffalo; L. H. Avery, WGR-WKBW, Buffalo; Allan Taylor, WGY, Schenectady; Harry C. Wilder, WSYR, Syracuse; William Fay, WHAM, Rochester.

## DISTRICT 15 MEETING

Howard Lane, business manager of the McClatchy Broadcasting Company, was elected NAB director, to succeed Ralph R. Brunton, KJBS, at a District 15 meeting in San Francisco on May 17. Tax free music, copyright, legislation and affiliation of state broadcasters' associations with NAB were discussed. Those present:

KARM, George Harm; KFBK, Howard Lane; KFRC, Wilbur Eickelberg; KGDM, Edith Smith; KJBS, Ralph Brunton; KLX, Preston D. Allen; KPO-KGO, Lloyd Yoder; KROY, Will Thompson; KSAN, S. H. Patterson; KSFO, Philip G. Lasky; KSRO, C. L. Finley; KTKC, Charles A. Whitmore; KQW, C. L. McCarthy.

## KIRBY ADDRESSES WOMEN

Ed Kirby, NAB public relations director, talked to the National Council of Women in New York this week about



self-regulation in the broadcasting industry. The women, leaders in widely varied fields, appeared to be enthusiastic about the program standards Mr. Kirby discussed.

## Monopoly Hearing

MAY 18

Marks Levine, manager of the concert division of the NBC Artists Bureau, testified about the division's activity.

MAY 19

De Quincy V. Sutton, FCC accountant, introduced a number of commission exhibits regarding network operation. This brought to a close the long hearing, which started November 14, 1938. The committee announced it would prepare a report.

## FCC Short Wave Rules

The FCC this week issued the following rules on international broadcast stations:

### Part 42. International Broadcast Stations

Sec.

- 42.01 Defined
- 42.02 Licensing requirements; necessary showing
- 42.03 Service; commercial or sponsored programs
- 42.04 Frequency assignment
- 42.05 Power requirement
- 42.06 Supplemental report with renewal application
- 42.07 Frequency control

Sec. 42.01 *Defined*. The term "international broadcast station" means a station licensed for the transmission of broadcast programs for international public reception. (Frequencies for these stations are allocated from bands assigned [between 6,000 and 26,600 kilocycles] for broadcasting by International Agreement.)

Sec. 42.02 *Licensing requirements; necessary showing*. A license for an international broadcast station will be issued only after a satisfactory showing has been made in regard to the following, among others:

1. That there is a need for the international broadcast service proposed to be rendered.
2. That the necessary program sources are available to the applicant to render an effective international service.
3. That the technical facilities are available on which the proposed service can be rendered without causing interference to established international stations having prior registration and occupancy in conformity with existing international conventions or regulations on the frequency requested.<sup>1</sup>
4. That directive antennas and other technical facilities will be employed to deliver maximum signals to the country or countries for which the service is designed.
5. That the production of the program service and the technical operation of the proposed station will be conducted by qualified persons.
6. That the applicant is technically and financially qualified and possesses adequate technical facilities to carry forward the service proposed.
7. That the public interest, convenience and necessity will be served through the operation of the proposed station.

<sup>1</sup> See General Radio Regulations annexed to the International Telecommunications Convention, Madrid, 1932, Article 7. Prior to September 1, 1939 and thereafter see Cairo General Radio Regulations, Article 7, annexed to the International Telecommunications Conferences, Cairo, Egypt, 1938. Also, see list of assignments to international channels prepared by the Bureau of the International Telecommunications Union, Berne, Switzerland.

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Sec. 42.03 *Service; commercial or sponsored programs*.

- (a) A licensee of an international broadcast station shall render only an international broadcast service which will reflect the culture of this country and which will promote international goodwill, understanding and cooperation. Any program solely intended for, and directed to an audience in the continental United States does not meet the requirements for this service.
- (b) Such international broadcast service may include commercial or sponsored programs provided that,
  1. Commercial program continuities gives no more than the name of the sponsor of the program and the name and general character of the commodity, utility or service, or attraction advertised.
  2. In case of advertising a commodity, the commodity is regularly sold or is being promoted for sale on the open market in the foreign country or countries to which the program is directed in accordance with subsection (c) of this section.
  3. In case of advertising an American utility or service to prospective tourists or visitors to the United States, the advertisement continuity is particularly directed to such persons in the foreign country or countries where they reside and to which the program is directed in accordance with subsection (c) of this section.
  4. In case of advertising an international attraction (such as a world fair, resort, spa, etc.) to prospective tourists or visitors to the United States, the oral continuity concerning such attraction is consistent with the purpose and intent of this section.
  5. In case of any other type of advertising, such advertising is directed to the foreign country or countries and to which the program is directed in accordance with subsection (c) of this section and is consistent with the purpose and intent of this section.
- (c) The areas or zones established to be served by international broadcast stations are the foreign countries of the world, and directive antennas shall be employed to direct the signals to specific countries. The antenna shall be so designed and operated that the signal (field intensity) toward the specific foreign country or countries served shall be at least 3.16 times the average effective signal from the station (power gain of 10).
- (d) An international broadcast station may transmit the program of a standard broadcast station or network system provided the conditions in subsection (b) of this section in regard to any commercial continuities are observed and when station identifications are made, only the call letter designation of the international station is given on its assigned frequency, and provided further that in the case of chain broadcasting,<sup>2</sup> the program is not carried simultaneously by another international station (except another station owned by the same licensee operated on a frequency in a different group to obtain continuity of signal service), the signals from which are directed to the same foreign country or countries.
- (e) Station identification, program announcements, and oral continuity shall be made with international significance

<sup>2</sup> See Section 3 (p) of the Communications Act of 1934 for the definition of "chain broadcasting."

## STANDARDS

(language particularly) which is designed for the foreign country or countries for which the service is primarily intended.

### Sec. 42.04 *Frequency assignment.*

- (a) The following groups of frequencies are allocated for assignment to international broadcast stations:

| Group A           | Group B           | Group C   | Group D   |
|-------------------|-------------------|-----------|-----------|
| 6020 kc           | 9510 kc           | 11,710 kc | 15,110 kc |
| 6040              | 9530              | 11,750    | 15,150    |
| 6060              | 9570              | 11,770    | 15,170    |
| 6080              | 9590              | 11,790    | 15,190    |
| 6100              | 9650 <sup>3</sup> | 11,810    | 15,210    |
| 6140              | 9670 <sup>3</sup> | 11,830    | 15,230    |
| 6170 <sup>3</sup> |                   | 11,850    |           |
| 6190 <sup>3</sup> |                   | 11,870    |           |
|                   |                   | 11,890    |           |

| Group E   | Group F             | Group G             | Group H   |
|-----------|---------------------|---------------------|-----------|
| 15,250 kc | 17,760 kc           | 21,460 kc           | 25,600 kc |
| 15,270    | 17,780              | 21,480              | 25,625    |
| 15,290    | 17,800              | 21,520              | 25,650    |
| 15,310    | 17,830 <sup>3</sup> | 21,540              | 25,675    |
| 15,330    |                     | 21,570 <sup>3</sup> | 25,700    |
|           |                     | 21,590 <sup>3</sup> | 25,725    |
|           |                     | 21,610 <sup>3</sup> | 25,750    |
|           |                     | 21,630 <sup>3</sup> | 25,775    |
|           |                     | 21,650 <sup>3</sup> | 25,800    |
|           |                     |                     | 25,825    |
|           |                     |                     | 25,850    |

- (b) A separate license and call letter designation will be issued for each frequency except that where frequencies in two or more groups are required to maintain a particular international broadcast service to certain foreign country or countries, one frequency from each of the groups required may be authorized by one license and one call letter designation. In such cases these frequencies shall be used consecutively during a day as required and they shall not be used simultaneously either on the same transmitter or different transmitters.
- (c) Not more than one frequency in any one group in subsection (a) of this section will be assigned to a station.

Sec. 42.05 *Power requirement.* No international broadcast station will be authorized to install equipment or licensed for operation with a power less than 50 kilowatts.<sup>4</sup>

Sec. 42.06 *Supplemental report with renewal application.* A supplemental report shall be filed with and made a part of each application for renewal of license and shall include statements of the following:

1. The number of hours operated on each frequency.
2. A list of programs transmitted of special international interest.
3. Outline of reports of reception and interference and conclusions with regard to propagation characteristics of the frequency assigned.

Sec. 42.07 *Frequency control.* The transmitter of each international broadcast station shall be equipped with automatic frequency control apparatus so designed and constructed that it is capable of maintaining the operating frequency within plus or minus 0.005 per cent of the assigned frequency.<sup>5</sup>

<sup>3</sup> Any operation on this frequency prior to September 1, 1939, shall be in compliance with Article 7, Cairo General Radio Regulations as adopted at the International Telecommunications Conferences, Cairo, Egypt, 1938.

<sup>4</sup> This provision shall become effective as applying to existing stations July 1, 1940.

<sup>5</sup> See Section 40.01 page 1. This provision shall become effective as applying to existing stations January 1, 1941.

## FCC Television Report

The FCC Television Committee made the following report to the Commission this week:

The matters referred by the Commission to the Television Committee present two distinct questions, each requiring separate consideration.

The first of these questions involves action by the Commission upon the request of the Radio Manufacturers Association for approval of the technical standards for television proposed by that Association. The second involves the disposition to be made of several applications for construction permits to erect television stations.

The Television Committee will submit reports dealing with these two questions separately under the title of (1) Standards, and (2) Applications, respectively. This report covers only the first, namely, STANDARDS.

The Television Committee has held several meetings for the purpose of discussing the problem presented by the effect of standardization upon the development of television. In addition thereto the Committee has visited various television laboratories, and has conferred with several organizations concerned in the development of television from both the manufacturing and the operating standpoint. These conferences with the industry were primarily for the purpose of securing information as to the nature of the standards as well as the necessity therefor, and the effect of such standards upon the future development of television as a service in the interest of the public.

The Television Committee is of the opinion that any jurisdiction which the Commission may have lawfully in the matter of television standards is solely that arising from its specification of external performance requirements for transmitting stations which the Commission may license in the future.

However, a serious question of public interest would arise in the future if the Commission should specify external transmitter performance capabilities differing from the operating capabilities of receivers in the hands of the public. This is because of the resultant possibility that the public's receivers would be incapable of receiving programs emanating from transmitters licensed by the Commission. Thus, while the Commission has no legal authority to specify standards for the radio manufacturing industry, there is involved in any such standardization a question of public interest which makes it necessary for the Commission to keep itself actively informed of technical progress in television in greater detail than might be necessary otherwise in regular forms of radio communication.

The Federal Communications Commission is assigned by law a most complex problem of engineering, economics and sociology. It is doubtful if the full meaning of this is thoroughly understood by the general public.

In this matter of television, the Commission must decide not only positive issues such as the ultimate technical standards of performance, but negative ones, such as what radio services shall be displaced or denied in favor of television. In this, it must be admitted, the Government can only proceed with the best evidence available and make as scientific an estimate as possible. Nobody can foresee the progress of scientific invention, nor can anyone predict safely what the public will or will not accept. Therefore, it would appear to be absurd for the Commission or the industry at this time to take the position that they know precisely what the future holds.

We feel that television technology stands at approximately the same point on its road of development as did the automobile business immediately prior to the advent of mass production. At that time, with the Selden patents controlling the industry, automobiles were expensive, few and hand-tooled. It appeared they would remain a luxury attachment to the wealthy household.

Had the Government been asked at that time to fix standards of performance for the automobile industry as the Federal Communications Commission is asked to do for television, it would have been very unlikely that any agency of the Government could have foreseen the changes which swept over automobile engineering in a few short years as a result of free private enterprise and uncontrolled competition between engineers and manufacturers. Generally speaking, the history of the emergence of the automobile industry is the record of all improvement in machine operations. Conscious of this, the Television Committee is extremely hesitant to recommend anything which might later prove to hamper the orderly development of the industry.

We wish to facilitate, and not delay, the speedy emergence of television as a mass production industry. Fundamentally, there is little we believe the Government should do except to keep order and insure protection of the public's interest as set forth in general terms in this report. The technical ingenuity of American inventive genius must solve the problem and indicate the road television de-



velopment ultimately will follow. The Committee is firmly of the opinion that it would be hazardous to both the best interests of the industry and the public to attempt by administrative fiat to freeze the art at this stage of its development.<sup>1</sup>

## GENERAL FACTORS OF INTEREST TO THE PUBLIC

### (1) Stages of Development Defined

In order that the consideration of the complicated situation in television may be simplified, the Committee has divided arbitrarily the development of television into three broad stages, namely,

#### (A) Technical Research

This stage includes fundamental research, the initial development of manufacturing processes and design of all equipment and the adoption of a procedure for continuing improvements in accordance with the demands of the public.

#### (B) Experimental Operation

This stage includes the initial testing of television as a service to the public on a limited scale, and the ascertaining of the requirements of the public for types of programs and character of service as well as securing experience in the production of such service including the training of talent therefor. It also includes the securing of information concerning propagation characteristics from transmitters in actual service, as well as information concerning the improvements to be made in the design of receivers in accordance with the demands of the public. It will be necessary for the public to participate to a limited degree in this stage. Therefore, caution should be taken not to give impetus to a rapid purchase by the public of large quantities of receivers, because in this stage it may be discovered that considerable changes in the recent technical design may have to be made as the result of practical experience. Also included in this phase of development is the commencement of construction of facilities to insure an efficient distribution system for a program service on a regional scale.

#### (C) The Construction of Transmitting Stations throughout the Nation and the Operation of Television as a Service to the Public on a Sound Economic Basis

In this stage the public will be expected to purchase receivers with the expectancy of a stable television service of good technical quality without too rapid an obsolescence of the instruments it has purchased. Television transmitting stations linked in a network system by appropriate electrical means for program distribution will be constructed in various parts of the country, and operated as a service to the public on a national scale.

There can be no sharp line of demarcation between each of the three stages. Also, there are of necessity many progressive steps which must be taken within each stage before the developments can be considered logically to have definitely reached each stage's objective.

### (2) Present Status of Technical Development

The Committee is of the opinion that credit is due the engineers of the Radio Manufacturers Association for their contribution and honest efforts in the interests of orderly progress in the development of the technical aspects of television. It is entirely possible that the technical quality of television produced in accordance with the proposed standards may be accepted by the public as a practical beginning, provided the public is also informed that improvements in quality and reduction in cost of equipment are possible as a result of future progress in scientific and engineering research.

While the technical standards proposed by the Radio Manufacturers Association represent a consensus of expert engineering opinion in that organization that television operated in accordance with the standards includes the best latest known practical developments, it also appears that the technical development of television has now reached a fork in the road of scientific progress. It is universally agreed that the ultimate objective is to obtain standard

<sup>1</sup>A careful study of the available data furnished the Committee by various sources would indicate that even under the most favorable conditions as to geographical location and distribution of population, supported as it is by government subsidy, the British public has not shown itself to be particularly responsive in its acceptance of television performance by the British Broadcasting Corporation. Under the standards of the art prescribed by the British Broadcasting Corporation, optimistic estimates indicate that in a population of approximately 14,000,000 not more than 14,000 receivers have been sold.

performance from licensed television transmitting stations so that every receiver operated by the public will be capable of receiving every transmitting station within range everywhere in the United States. However, there are two different schools of thought concerning the method of attaining this objective. One advocates standardization as recommended in the proposals of the Radio Manufacturers Association as being the best method to obtain orderly progress. The other advocates further technical research before the adoption of any standards which might tend to hamper practical progress because of the inflexibility inherent in any standardization at such an early stage of development.

The Television Committee considers that from the broadest standpoint television is now barely emerging from the first or technical research stage of development. At this time considerable patience, caution and understanding are required. Careful coordinated planning is essential not only by various elements of the industry, but also between the industry as a whole and the Federal Communications Commission.

The Committee feels that there is some merit to the proposals of the Radio Manufacturers Association as an initial step to obtain orderly progress by an industry in the second or experimental operation stage of development of television. However, there should be no lessening of incentive to undertake research leading toward further improvements. In addition, the Television Committee is of the opinion that future progress in television might be more stabilized if basic performance requirements are developed in new transmitters which permit applying the results of future scientific and technical research without rendering totally unworkable the public's receivers in general usage.

Furthermore, if standards are to be adopted by anyone, they should be sufficiently flexible to permit not only improvements in quality but also radical reduction in price. Unless the television receiver of the future is to be within the pocketbook capabilities of the average American citizen, television as a broadcasting service to the general public cannot thrive as a sound business enterprise for any extended period.

### (3) Television as a Future Industry

Television presents the future possibility of developing a new and important industry, particularly if such development is planned logically on sound economic principles. There are pitfalls of an economic character which should be avoided if television is to become a sound business enterprise capable of rendering a sustained and acceptable service to the public of the nation. Undue haste and lack of coordination between the various elements of the industry are undesirable because of the inevitable retardation of orderly development. While television as a major industry may have distinct social advantages through the creation of new employment, it appears necessary that all concerned exercise caution to minimize disadvantages which could result in unnecessary displacement of labor in industries which may be adversely affected by television service on a national scale. These disadvantages are susceptible of being minimized.

Thus in the development of television as a major industry, it again appears that cooperative coordination between the manufacturers of receiver apparatus, the operators of licensed transmitting stations, and the Federal Communications Commission might be desirable in the development of television as a national service in the interest of the public. While this coordination may be an ideal objective, the continuous exchange of information and the discussion of mutual problems would at least be practical and might enhance farsighted planning.

### (4) Limited Number of Channels

The extreme limitation of available channels presents a serious problem, particularly in the early stages of television service, because only 7 channels are now developed from a technical standpoint. At first these 7 channels will probably be utilized in cities having large population and areas. The remaining 12 channels which have been reserved and which are not yet developed technically, will be useful for smaller communities as well as for additional stations in the larger communities. The experience gained in the technical phases of the earlier use of the 7 channels which have been developed to date should be utilized to advantage for the service to be rendered on the remaining 12 channels.

It is necessary that television service on a nation-wide scale be operated ultimately on a competitive basis. At present, by reason of the high cost of operation, it appears that cities of less than 100,000 population may have difficulty in supporting one television station, and that in cities of population less than 1,000,000 it may be difficult to operate two television stations on a profitable basis



if reliance for financial support must be placed upon advertising as the only source of income.

Thus with the combination of scarcity of channels and the estimated high cost of operating the transmitting stations which will render television program service to the public, it appears highly essential that the industry be encouraged to undertake further practical research leading toward the development of methods which will permit more stations to be accommodated in the limited space in the radio frequency spectrum as well as facilitating lower costs in the production of good quality program service to the public.

### (5) *Future Progress*

In the opinion of the Committee, practical television service to the public on a nation-wide scale cannot be expected for some time in the future. Much development remains to be accomplished from both a technical and organization standpoint. Facilities for the distribution of programs from one center to another have yet to be developed, financed and constructed. Much has yet to be learned concerning program production as well as financing and reducing the cost thereof. Primarily because of the large cost of construction of transmitting stations as well as the high cost of operation thereof in a national competitive system, it is expected that for the next few years the largest metropolitan centers will be the only centers receiving television service and that the smaller centers of population will not have transmitting service available for several years. The cost of receivers will be high during the first years of development, and this in turn may have an additional retarding effect upon the construction of television transmitting stations, particularly in smaller communities.

This high cost of service as well as the relatively high cost of television receivers may be a retarding factor in the development of television as a service on a national scale. It may also act as a deterrent upon early mass production of receivers at low cost. In the opinion of the Committee, these natural economic factors of delay are not undesirable because they will enable a more sound development ultimately of an improved television service to the public, particularly when mass production of receivers at lower cost may become more of a reality than a hopeful probability.

In view of the foregoing, it seems safe to conclude that the establishment of a television service on a national scale will be a process of gradual development, beginning progressively with the larger cities and, over a period of years, finally becoming available to smaller communities.

### (6) *Financing*

The financing of television requires courageous pioneering efforts on the part of American investors. Extreme caution should be taken to avoid investment in unproven enterprises. There are many organizations which now have sound basic plans for the development of certain phases of the television art. There may be others which are not equipped from the standpoint of either basic facilities or organization, but which will nevertheless attempt to secure financial support from the investing public. Such enterprises are doomed to ultimate failure. Therefore, good business acumen should be exercised by all concerned and exhaustive scrutiny of every television financial prospectus should be undertaken to insure adequate protection of the investing public.

### (7) *Action Necessary*

The Committee believes that if television service on a national scale is to become a practical reality, positive and active steps must be taken to promote its development. It should not be permitted to die in the laboratory merely because more research is necessary. The public interest will not properly be served by those who attempt to minimize the possibilities of television.

In other countries the development of television has been fostered by governmental assistance. In the United States private industry has shouldered all the burden of such development. Credit is due the inventive genius and organization of private American enterprise for the scientific achievement of making available for the public of the United States this remarkable development of television in its present state. It is imperative, therefore, that our Government take no action which retards logical progress in the further development of television as a service in the interest of the public. In fact, the Communications Act requires that the Commission encourage the larger and more effective use of radio in the public interest.

While there are many problems yet to be solved and many obstacles yet to be overcome, the Committee sees no reason for an assumption that these problems will not be solved and that

these obstacles cannot be overcome by encouraging inventive genius organized and financed by private American enterprise to proceed with the second of the three broad stages of television development.

Private industry has already spent millions in developing the technical aspects of television to the point that this new art is more than a dream of inventive genius. From a scientific standpoint, television is now practical, even though its quality is susceptible of improvement.

It appears useless to expect private enterprise to continue to pour additional capital in the further development of the technical aspects of this new art, unless there can be foreseen some hope of an eventual return on the investment. Consequently the time is fast arriving when it will become necessary to ascertain public reaction to the service potentialities of television. This can be accomplished only by limited public participation through the purchase of receivers, manufactured in the earlier stages of technical development.

Part of the industry has agreed upon certain standards in order that all manufacturers may participate to a greater degree by sharing the responsibility for the initial quality of television without placing too much of the burden of the choice upon the public.

The Television Committee sees no harm in this process, provided the public is made fully aware of facts regarding the potentialities of obsolescence of the television receivers they purchase. However, it should be understood thoroughly that the Federal Communications Commission in complying with the law must be prepared to grant licenses for experimental television stations when a showing is made that public interest will best be served by the granting of such licenses.

### FACTORS INVOLVED IN STANDARDIZATION

The Committee is of the opinion that inherent in the consideration of any technical standards are the following important factors. Other important factors are present in the television problem, but these are not related directly to the subjects referred to the Television Committee.

- A. *Premature acceptance* of technical standards tending to retard the attainment of the ultimate refinements which the public may need and demand in television.
- B. *Flexibility*, so as to protect the public investment in receivers while accomplishing desired and necessary technical improvements in transmission service.
- C. *Scarcity of channels* for television transmission resulting in extreme limitation of the number of stations which may be licensed in any specified area.
- D. *Patents*.
- E. *Cost of Receivers*.
- F. *Interference*.

#### A. *Premature Acceptance of Standards*

The danger involved in the premature adoption of any standards during the early stages of any technical development is one of retarding scientific progress. This is particularly true if such standards are inherently inflexible.

Undoubtedly the public will desire to avail itself of future technical improvements as rapidly as inventive genius makes them possible. Thus, it would not be in the public interest for the Commission to specify rigid transmission requirements at an early stage of technical development, because to do so might result in a retardation of such development.

On the other hand, a wide diversification in transmitter performance, particularly in a single locality, will place upon the purchasing public the entire burden of selection of the best system for future expansion. This obviously has disadvantages and likewise may result in severe retardation of development. Nevertheless, mere technical progress which outmodes equipment is not ordinarily an inhibition to the American public because the public recognizes that in the long run it benefits by technical advances.

However, the situation in television is made more acute than in the ordinary case by reason of the fact that the public invests its individual capital in receivers and has a right to receive information concerning the probabilities of future changes in the transmitting system upon which the usefulness of receivers is dependent. Therefore, adoption of transmitter performance specifications by the Commission may encourage the public to purchase receivers in the expectation that changes in Commission specifications of transmitter performance would not be forthcoming if such changes had the effect of rendering receivers in current use unworkable. Hence, it is incumbent upon the Commission to keep the public informed of the intentions of the Commission with respect to television performance specifications.



In this connection it appears advantageous for the Commission to adopt a policy which requires future applicants for television transmitters at least to equal accomplished practical performance as to quality, and in addition thereto to prove that any method for obtaining the performance proposed in the application, differing from that generally accepted previously thereto, would be in the public interest. This procedure would protect the public in so far as is practicable, and at the same time would permit technical progress to be made toward the ultimate objective without outmoding completely receivers which may be in current use in the future.

There have been 19 channels reserved for television in the frequency range between 30,000 kilocycles and 300,000 kilocycles. Seven of these channels are grouped in the frequency band below 150,000 kilocycles. The remaining 12 are grouped in the frequency band above 150,000 kilocycles. Considerable progress has been made in the lower frequency band containing the 7 channels, but very little progress has been made in the upper band containing the 12 channels. Most of the designs for receivers which will appear soon on the market are capable of receiving only the lower frequency band and some are capable of receiving only 5 of the 7 channels in this frequency band, and some have even less capabilities than this. It is the opinion of the Committee that much more information is required with respect to this upper frequency band and that it is entirely premature for anyone at this time to adopt or authorize standards for either transmitters or receivers in this upper band.

### *B. Flexibility*

The Committee is of the opinion that ultimately it will be desirable in the interest of the public for the Commission and the industry to adhere to broad standards of minimum performance for television transmitters so that every receiver, by whomever manufactured, will be capable of receiving any licensed television transmitter within range wherever located in the United States.

The Committee is further of the opinion that a television system operated under such standards should be sufficiently flexible to permit radical improvements in the technical quality of television transmission without rendering inoperative receivers in current use by the public.

The standards as proposed by the Radio Manufacturers Association do not contain a maximum degree of flexibility, and while they permit a limited degree of such flexibility the Committee is of the opinion that additional research may prove advantageous. Naturally there are advantages as well as disadvantages in the current standards proposed by the Radio Manufacturers Association. Nevertheless, there may be additional advantages in furthering investigation of developments now under way before impetus is given to the sale of receivers on a large scale. This investigation, however, should not preclude the initial sale of receivers which will aid in the development of television through partial public participation therein. Such participation is necessary to a limited extent in order to secure reaction of the public as to the technical quality of television in practical operation. However, it should be obvious that a responsibility rests upon the manufacturers selling early receivers to undertake a service to insure against radical and rapid obsolescence of the receiver purchased by the public.

### *C. Scarcity of Channels*

From the standpoint of the Commission, the greatest need for technical development in television appears to be the discovery of any method which will permit all of the inherent improvements in quality and at the same time conserve the radio frequency spectrum from which all types of services, including television, must be allotted separated channels. In the frequency spectrum between 30,000 kilocycles and 300,000 kilocycles, there have been reserved 19 television channels occupying a total frequency band of 114,000 kilocycles, which is 38 per cent of the total useful radio spectrum available today for all radio services, including national defense, aircraft, ships, safety of life and preservation of property and transoceanic communications. At the present state of development 1 television channel requires a frequency band width of 6000 kilocycles, which is 600 times greater than that required for ordinary sound broadcasting as we know it today, and which is 5½ times greater than the entire standard broadcast band accommodating nearly 800 broadcast stations. There is a potential dearth of channels for television broadcasting stations in any given area because of the great width of frequency space required for each television transmission. Thus, potentially at least, it now appears that the number of television broadcasting stations in any given section of the country will be limited.

This situation will affect the licensing policy of the future and this is a factor of importance because of the effect of television

upon existing industries and the social consequences involved in such effects.

The present proposed standards, while taking into consideration some of the factors involved in an "ether conservation" policy, do not appear to exhaust the possibilities of developments tending toward such conservation. Therefore, until all available information has been exhausted, it would appear to be premature for the Commission to commit itself at this time to specifying rigid transmitter performance requirements, particularly when such action would have the implication, in the minds of the public, that no changes would be required in the event of developments leading to a better solution of the allocation problem.

The Committee is none too optimistic of the practicability of obtaining substantial gains in this direction in spite of the fact that there are certain proponents claiming a practical solution of this channel question. The present conception of natural physical laws indicates that only a definite amount of information can be transmitted in a given time within a specified frequency band. Until it can be proved that the conception of this natural physical law is erroneous, the Commission cannot expect an appreciable gain in the number of channels available for television broadcasting. However, any gain would be helpful and the industry and inventive genius should be encouraged to continue efforts in research.

### *D. Patents*

Inherent in the adoption of any standards of performance requirements is the question of patents. No one manufacturer seems to be in a position to place into service a complete radio television system without infringing issued or pending patents.

The patent situation is chaotic and no aggregate estimate can be made of the ultimate holder of any essential patent to a complete radio television system. However, all patentees or potential claimants to essential patents appear to recognize the necessity of coping with the situation in a common sense manner either by universal cross-licensing or by some other method. Such a cross-licensing policy might insure a desirable degree of competition in the manufacturing field provided the industry as a whole will recognize the economic impracticality of excessive accumulative royalty percentages.

The patent question is not a matter directly within the scope of the Commission's jurisdiction and requires the attention and cooperation of other agencies of the Government. Nevertheless, transmitter performance requirements which insure broad patent bases are preferable to those which narrow the base to a few patents, provided proper quality and improvements will be possible.

Therefore, before the Commission prescribes any minimum performance requirements for transmitters licensed by it, the Commission should assure itself that the resultant patent base is as broad as practicable and at the same time is consistent with good quality technical transmission to the public. However, the Commission should not permit the patent situation to become an obstacle in its encouragement of further technical developments in television. Also, the Commission should utilize caution to the end that its actions may not favor unnecessarily the patents of one person over those of another.

### *E. Cost of Receivers*

Before television can become a service to the public on any scale, it is essential that the distribution of receivers in the hands of the public be general. This objective cannot be accomplished if television receivers are too costly. Consequently any standards which may ultimately be adopted should, if possible, permit simplification in the design and manufacture of receivers in order that the cost may be reduced as far as practicable. While the standards proposed by the Radio Manufacturers Association represent probably the accumulation of some of the best methods to obtain the highest practical quality consistent with the technical development existing today, the cost of manufacturing the receivers and the resulting sales prices are in the higher brackets, thus precluding purchase by large portions of the public. While mass production may reduce these costs somewhat, there is inherent in the standards this high-cost factor as compared to regular broadcast receivers of today. It is to be expected that after the initial test of television as a service on a limited scale, the manufacturing laboratories of the country will concentrate energies toward simplification and lowering cost, at the same time maintaining quality in the received picture.

In view of the fluidity and recent rapidity in technical development, it is perhaps fortunate that the initial costs of television receivers are relatively high because in so far as numbers of the public are concerned, any changes or radical improvements in transmission of television may be accomplished without inconvenience to large portions of the public generally.



## F. Interference

One of the problems which must be faced in the development of television as a practical service to the public is the effect of electrical interference from such devices as electric razors, refrigerators, X-ray machines, diathermy machines, automobile ignition, etc. Under certain conditions these devices may have the effect of blurring or blotting out the received television picture. Insufficient information has been accumulated to date regarding the practical effects of this type of interference in actual service under various conditions. Not much is known of the public reaction to such effects in so far as is concerned the acceptability of television as a service. It is possible that one of the remedies may be a change in the design of receivers as well as the method of transmission of television. On the other hand, there may be other remedies which will become practical. Therefore, until television has been operated as a practical service to a greater extent than at present, it seems premature for the Commission to fix rigidly any requirements for transmitter performance which might have the implication of permanence.

## RECOMMENDATIONS

Based upon the considerations discussed herein, the Television Committee recommends as follows:

1. That the Federal Communications Commission neither approve nor disapprove the standards proposed by the Radio Manufacturers Association. This recommendation is made first because the Commission by law is required to grant licenses to applicants for television stations who prove that the granting of such applications would be in the public interest, and, second, because it appears undesirable to take any action which discourages private enterprise or which decreases the incentive for undertaking research to effect further improvements.

The Committee suggests that in taking this action the public be informed that in failing to approve the standards the Commission does not believe the proposed standards to be objectionable as a phase of a rapidly developing service. The public should also be informed that the Commission desires to be free to prescribe better performance for the transmitters it may license in the future when and if such improvements are proved to be in the interest of the public.

Also, in making this recommendation the Committee suggests that it be made clear that the proposed standards do not at this time appear to be suitable for the 12 undeveloped higher frequency channels reserved for television.

2. That the Commission require future applicants for television station licenses proposing external transmitter performance differing from those previously in general use, to prove that such proposed performance not only equals the established quality but also will be in the public interest in view of the changed situation thus created.

3. That the Commission adopt a policy of cooperation with the industry as a whole and that it immediately arrange a procedure by which it can keep abreast of current developments in the technical phases of television and at the same time acquaint the industry with the problems inherent in the current allocation phases of television. For this purpose it is suggested that the Commission authorize its Television Committee to undertake further studies of the development of television as it progresses and to report from time to time to the Commission the status of such development, as well as to recommend any action which may appear appropriate at the time.

4. That the Commission announce that it will not hold a formal public hearing on the subject of proposed standards at this time. This recommendation is made because it does not appear that constructive results will be obtained at this early stage of development. After experimental operation has proceeded to the point where public reaction to television development can be gauged more accurately, a more opportune time for such a public hearing might then be presented.

## Legal

## NEW LEGISLATION CONGRESS

S. 2466 (Senator Sheppard, D.-Texas) COMMUNICATIONS ACT—Same as H. R. 5508. To amend the Communications Act of 1934 by adding Section 307½, which would prohibit licenses

in excess of fifty kilowatts to any station broadcasting network programs. Referred to Committee on Interstate Commerce.

## STATE LEGISLATION

### FLORIDA:

H. 1493 (Griner) AMUSEMENT TAX—SCHOOL SUPPORT—Imposing certain privilege taxes for the operation of places of amusement, and for the relief and benefit of free schools. Referred to Finance and Taxation Committee.

S. 809 (Dame) AMUSEMENT TAX—Provides for distribution of any moneys which may be allocated to Citrus County as result of enactment of any amusement tax; that such moneys shall be expended on and for completion of certain projects herein mentioned. Passed Senate 5-19.

S. 827 (Rose) COOPERATIVES—AGRICULTURAL—Amending Chapter 7388, Acts 1917, as amended relative to the creation and incorporation of associations not for profit to conduct public fairs and expositions for the development of agricultural, horticultural, livestock and other resources. Referred to Finance and Taxation Committee.

### MASSACHUSETTS:

H. 2224 (Reported on H. 337) EMPLOYMENT OFFICES—Providing for the regulation of private employment offices. Referred to Ways and Means Committee.

S. 525 (Reported on H. 648) ADVERTISING—Provides regulations for signs and advertising devices not now subject to regulation.

### PENNSYLVANIA:

H. 415 (Bretberick) TAX—PHONOGRAPH MACHINES—Imposing a \$10 annual tax on all coin operated phonographs or machines for reproducing music from records. Referred to Ways and Means Committee. Reported with amendment 5-16.

## FCC PROCEDURE CHANGE

The FCC has amended Section 12.80(f) of the Rules of Practice and Procedure designed to clarify the procedure on unopposed cases.

Section 12.80 (f) now provides:

"(f) *Proposed decision of Commission.* The Commission will thereafter enter its proposed report of findings of fact and conclusions."

The Proviso to be added to the end of Section 12.80(f), is as follows:

"Provided, however, that if the Proposed Findings of Fact and Conclusions filed by the parties present no substantial conflict, and the Commission is in accord with the ultimate conclusions proposed, it will, if it deems such action will best conduce to the proper dispatch of business and to the ends of justice, issue a final order with or without Findings of Fact and Conclusions in lieu of issuing its Proposed Findings of Fact and Conclusions in accordance with this paragraph."

## EXPERIMENTAL LICENSES

The FCC has sent the following announcement to licensees of all stations in the experimental service:

The new rules governing the experimental service which were adopted today, are effective immediately in so far as all classes of stations in the broadcast service and all applicants for new experimental stations are concerned.

Existing licensees of general and special experimental stations, that is, all classes of experimental stations now authorized, except those operating in the broadcast service, are requested to submit applications for renewal by July 1, 1939. These applications would normally be filed on August 1, 1939, since they involve existing licenses which expire on October 1, 1939. In order to properly classify the existing experimental stations which desire renewal licenses under the new classes of experimental stations provided in the new experimental rules, applicants are requested to file with their application for renewal of license, the complete experimental report in conformity with the new experimental rules and regulations (Rules 52.05 or 53.05). Submission of the report by July 1



is necessary in order that the Commission may have sufficient time to study the research program of individual stations with a view to reclassification of the station in accordance with the new plan. In this connection, the Commission after study of individual applications for renewal will specify the class of experimental station, i.e., Class 1 or Class 2 as the case may be, in renewal licenses which may be granted.

For the information of those who are authorized to operate experimentally under the provisions of former Rule 320 as a station in a service recognized in the Commission's plan of allocation, individual instructions will be given as to the process of conversion of these experimental licenses to regular service licenses. The Rules and Regulations of the Commission governing individual services are being modified to include the frequencies allocated by Order 19 as rapidly as possible. The revised rules governing stations in the fixed service have already been issued and it is expected that revised rules governing aviation and maritime services will be issued in ample time to permit the conversion of experimental licenses to regular service before October 1, 1939.

## FCC BROADCAST MEASUREMENTS

During the month of April, experts of the Federal Communications Commission made measurements of 716 stations with 48 stations not measured.

Of this number the maximum deviation within 0-10 cycles was recorded for 648 stations, while 58 stations showed a maximum deviation of 11-25 cycles, with 10 stations showing a deviation of 26-50 cycles. None of the stations showed a deviation of over 50 cycles.

## SHIPS GET SHORT-WAVE PROGRAMS FROM UNITED STATES

The range of reception of American short-wave radio programs was recently extended when the Electrical Division of the Department of Commerce expanded its world-wide distribution of advance schedules of American short-wave broadcasts to include steamships operating between the United States and foreign countries.

This service enables radio operators aboard ship to readily select radio programs for the entertainment of their passengers from the wide variety of broadcasts transmitted by all the United States short-wave stations. The offer of the Electrical Division to make these programs available to ocean liners was accepted by the European and eight United States steamship lines operating more than 100 of the largest passenger vessels now in service.

# FEDERAL COMMUNICATIONS COMMISSION

## DECISIONS OF COMMISSION

The Federal Communications Commission has denied the application of Broadcasting Service Organization, Inc., licensee of WORL, **Boston**, to operate the station unlimited time with 1000 watts, using a directional antenna at night. The station now operates on **920 kilocycles**, with 500 watts LS at Boston.

The Commission stated that the operation of the station as proposed would not provide a full-time "local service for metropolitan Boston because of objectionable interference during nighttime hours which would be caused by existing licensed radio stations, particularly WPEN at Philadelphia, Pa."

Chairman McNinch and Commissioner Thompson did not participate in this decision.

The Commission granted the application of KFBI to move the station from **Abilene**, to **Wichita, Kansas**, and to install a new transmitter and vertical antenna. The station operates on **1050 kilocycles**, 5000 watts power LS at Los Angeles, Cal.

The Commission found that the applicant is in all ways qualified to move and operate the station. It was stated by the Commission that "there is no evidence in the record from which the Commission can conclude that the granting of this application would prevent either Station KANS or Station KFH in Wichita from continuing to operate in the public interest, convenience and necessity." It was further found by the Commission that the granting of the application will not result in increased objectionable interference to any existing station "nor are there any pending applications with which objectionable interference can be expected."

Chairman McNinch and Commissioner Thompson did not participate in this decision.

The Commission granted the application of Mary P. Martin, Administratrix of the estate of George W. Martin, deceased, to transfer the control of Station WGAN, **Portland, Maine**, to the Gannett Publishing Company, Inc. The station operates on **640 kilocycles**, 500 watts power, limited until sunset at KFI, using a directional antenna.

Chairman McNinch and Commissioner Thompson did not participate in this decision.

Application of the KTSA Broadcasting Company, **San Antonio, Texas**, for consent to assignment of license for Station KTSA from the present licensee to the Sunshine Broadcasting Company. The station operates on **550 kilocycles**, 5000 watts LS, 1000 watts night, unlimited time.

Chairman McNinch and Commissioner Thompson did not participate in this decision.

The Commission has granted the application of Sweetwater Radio, Inc., for a new station at **Sweetwater**,

Texas, to use 1210 kilocycles, 250 watts, daytime only, upon the expressed condition that:

"The permittee herein shall file an application for modification of construction permit specifying the exact transmitter location and antenna system within two months after the effective date of this order. If for any reason such application cannot be submitted within the time allowed, an informal request for extension of time must be submitted stating the necessity therefor."

Chairman McNinch and Commissioner Thompson did not participate in this decision.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of May 29. They are subject to change.

### Monday, May 29

NEW—Wendell Mayes, Joe N. Weatherby and Wm. J. Lawson, d/b as Brown County Broadcasting Co., Brownwood, Tex.—C. P., 990 kc., 1 KW, daytime.

### Thursday, June 1

Oral Argument Before the Commission

Report of the Committee:

RULES GOVERNING STANDARD BROADCAST STATIONS

### Thursday, June 1

NEW—WJMS, Inc., Ashland, Wis.—C. P., 1370 kc., 100 watts, unlimited time.

### Friday, June 2

WCOU—Twin City Broadcasting Co., Inc., Lewiston, Maine.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited time. Present assignment: 1210 kc., 100 watts, unlimited time.

## FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for broadcast hearings and oral arguments. They are subject to change.

### June 15

Further Argument Before the Commission

Examiner's Report No. I-664:

NEW—King-Trendle Broadcasting Corp., Grand Rapids, Mich.—C. P., 1010 kc., 250 watts, unlimited time.

WSBT—The South Bend Tribune, South Bend, Ind.—C. P., 1010 kc., 1 KW, unlimited time (DA night). Present assignment: 1360 kc., 500 watts, shares WGES.

Oral Argument Before the Commission

Commission's Proposed Findings B-6:

NEW—Pillar of Fire, Zarephath, N. J.—C. P., 6080, 11830, 17780 kc., 5000 watts, 5000 watts LS, Emission A-3, unlimited time.

### June 19

WJBW—Charles C. Carlson, New Orleans, La.—Renewal of license, 1200 kc., 100 watts, shares WBNO.

WJBW—Charles C. Carlson, New Orleans, La.—Modification of license, 1200 kc., 100 watts, unlimited time. Present assignment: 1200 kc., 100 watts, shares WBNO.

May 26, 1939

June 30

KALE—KALE, Inc., Portland, Ore.—C. P., 1300 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1300 kc., 1 KW, unlimited time.

W9XTA—K. E. Schonert, d/b as Schonert Radio Service, Harrisburg, Ill.—Renewal of license, 26500 kc., 500 watts, Emission A-3, unlimited time, according to Rule 983.

July 12

KUTA—Jack Powers, David G. Smith, Frank C. Carman and Grant Wrathall, d/b as Utah Broadcasting Co., Salt Lake City, Utah.—C. P., 570 kc., 1 KW, unlimited time (DA night and day). Present assignment: 1500 kc., 100 watts, unlimited time.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—C. P., 950 kc., 1 KW, unlimited time. Present assignment: 1120 kc., 100 watts, daytime.

July 24

Hearing Before Commissioner Case

KUMA—Albert H. Schermann, Yuma, Ariz.—Application for hearing upon Order of Revocation of License of Station KUMA. Present assignment: 1420 kc., 100 watts, specified hours.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

WHAT—Public Ledger, Inc., Philadelphia, Pa.—Granted authority to transfer control of corporation from Public Ledger, Inc., to Bonwit-Teller and Company. Station operates on 1310 kc., 100 watts, shares WTEL.

WQDM—Regan and Bostwick, St. Albans, Vt.—Present license further extended on a temporary basis only, for a period of one month from June 1, pending receipt of additional information requested by the Law Department.

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—The Commission having under consideration the application for renewal of license of station WHOM for the period November 1, 1938, to May 1, 1939, and a petition to grant same without hearing, today granted said application and petition (Commissioner Payne voting "No"), and renewed the license of WHOM for the period ending November 1, 1939.

KVNU—Cache Valley Broadcasting Co., Inc., Logan, Utah.—Present license extended on a temporary basis for a period of 30 days, pending receipt of application for consent to transfer control of station.

WAAB—The Yankee Network, Inc., Boston, Mass.; WAAB (Auxiliary)—The Yankee Network, Inc., Boston, Mass.—Granted renewal of license upon a temporary basis only upon the express condition that it is subject to whatever action may be taken upon pending applications for renewal and for C. P. Renewal application was designated for hearing to be heard with the Mayflower Broadcasting Corp. application which is applying for facilities of WAAB.

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Present license extended on a temporary basis for period of one month, upon condition that (a) hours of operation comply with Rules 151 to 163 inclusive, (b) equipment and operation comply with Rules 125 to 143 inclusive, and (c) frequency control and check comply with Rules 144 to 147 inclusive.

WCOV—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—Granted assignment of license of station WCOV to the Capital Broadcasting Co., Inc.

KRQA—J. Laurence Martin, Santa Fe, N. Mex.—Granted voluntary assignment of license from J. Laurence Martin to New Mexico Broadcasting Company; station operates on frequency 1310 kc., 100 watts, unlimited.

WCHV—Community Broadcasting Corp., Charlottesville, Va.—Granted authority to transfer control of corporation from its present stockholders to Mrs. Hugh M. (Nancy) Curtler; station operates on 1420 kc., 100 watts night, 250 watts day, unlimited time.



## DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearings have not yet been set.

**WCBS**—WCBS, Inc., Springfield, Ill.—Application for C. P. already in hearing docket amended so as to request move of transmitter site locally from 2200-06 S. Sixth St. to 3.5 miles southeast of city, Route 24; install new equipment and DA system, and change frequency from 1420 kc. to 1290 kc.; increase power from 100 watts night, 250 watts day, to 500 watts night, 1 KW day, employing DA for nighttime operation. Application designated for hearing because of pending applications which involve increase in service and interference.

**WBNY**—Roy L. Albertson, Buffalo, N. Y.—Application for modification of license to change time of operation from S.H. (all hours not used by WSVS) to unlimited time. Application designated for hearing to determine whether it would better serve public interest, convenience and necessity to grant to applicant herein the facilities now licensed to WSVS as requested in instant application, and to determine the need for additional service in the area proposed to be served.

**WLAP**—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Special experimental authorization to rebroadcast WLW facsimile signals between the hours 1:05, CST, and 2:15 a. m., CST, to be broadcast over applicant's regular broadcast station WLAP, using 250 watts night. Designated for hearing (1) to determine whether the applicant will comply in all respects with the rules and regulations of the Commission governing the operation of facsimile broadcast stations, particularly Sec. 43.31, and (2) to determine whether the applicant has complied with the order of the Commission on January 31, 1938, governing the monitoring schedule of broadcast stations.

**NEW**—Union Broadcasting Company, Scranton, Pa.—Application for C. P. for new station to operate on frequency 1370 kc., with 100 watts night, 250 watts day, unlimited time. Designated for hearing to determine if interference would result with existing stations and pending applications involve increase in service and interference.

## RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period ending December 1, 1939:

KAND, Corsicana, Tex.; KASA, Elk City, Okla.; KBND, Bend, Ore.; KCKN, Kansas City, Kans.; KFJI, Klamath Falls, Ore.; KFPL, Dublin, Tex.; KFVS, Cape Girardeau, Mo.; KFYO, Lubbock, Tex.; KGEZ, Kalispell, Mont.; KGFW, Kearney, Neb.; KGY, Olympia, Wash.; KHBG, Okmulgee, Okla.; KLAH, Carlsbad, N. Mex.; KOCY, Oklahoma City, Okla.; KPDN, Pampa, Tex.; KPFA, Helena, Mont.; KRMD, Shreveport, La.; KROC, Rochester, Minn.; KRQA, Santa Fe, N. Mex.; KRRV, Sherman, Tex.; KSRO, Santa Rosa, Calif.; KTSM, El Paso, Tex.; KVOL, Lafayette, La.; KVOX, Moorhead, Minn.; KWOC, Poplar Bluff, Mo.; KWOS, Jefferson City, Mo.; KXRO, Aberdeen, Wash.; WAML, Laurel, Miss.; WBEO, Marquette, Mich.; WBOW, Terre Haute, Ind.; WBRE, Wilkes-Barre, Pa.; WBRK, Pittsfield, Mass.; WCLS, Joliet, Ill.; WCPO, Cincinnati, Ohio; WEBR and auxiliary, Buffalo, N. Y.; WEMP, Milwaukee, Wis.; WFDF, Flint, Mich.; WGAU, Athens, Ga.; WGH, Newport News, Va.; WGTM, Wilson, N. C.; WHAT, Philadelphia, Pa.; WJTN, Jamestown, N. Y.; WJW, Akron, Ohio; WLNH, Laconia, N. H.; WJAC, Johnstown, Pa.; WMBO, Auburn, N. Y.; WMFF, Plattsburg, N. Y.; WNBH, New Bedford, Mass.; WRAW, Reading, Pa.; WROL, Knoxville, Tenn.; WSAJ, Grove City, Pa.; WSIX, Nashville, Tenn.; WTEL, Philadelphia, Pa.; WTJS, Jackson, Tenn.; WTRC, Elkhart, Ind.; WCMI, Ashland, Ky.; WLBC, Muncie, Ind.

**KID**—KID Broadcasting Co., Idaho Falls, Idaho.—Granted renewal of license for the period ending November 1, 1939.

**WBCM**—Bay Broadcasting Co., Inc., Bay City, Mich.—Granted renewal of license for the period ending November 1, 1939.

Licenses for the following stations were extended upon a temporary basis only, pending receipt of and determination upon applications for renewal, but in no event longer than July 1, 1939:

CAST, Astoria, Ore.; KHUB, Watsonville, Calif.; WBBZ, Ponca City, Okla.; WBRV, Waterbury, Conn.; WRBL, Columbus, Ga.

**KGDE**—Charles L. Jaren, Fergus Falls, Minn.—Granted renewal of license on a temporary basis only for the period ending December 1, 1939, upon the express condition that it is subject to whatever action may be taken upon pending application for renewal.

**KVOS**—KVOS, Inc., Bellingham, Wash.—Granted renewal of license on a temporary basis only, for the period ending December 1, 1939, subject to whatever action may be taken upon the pending application for renewal of license of KVOS and pending application of the Bellingham Broadcasting Co., Inc.

**WBAX**—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted renewal of license on a temporary basis only, for the period ending December 1, 1939, subject to whatever action may be taken upon pending application for renewal of license.

**WJBW**—Charles C. Carlson, New Orleans, La.—Granted renewal of license on a temporary basis only, for the period ending December 1, 1939, subject to whatever action may be taken upon pending application for renewal of license.

**WJRD**—Thomas R. Doss, Jr., Tuscaloosa, Ala.—Granted renewal of license on a temporary basis only, for the period ending December 1, 1939, subject to whatever action may be taken upon pending application for renewal of license.

**KGBU**—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Present license further extended upon a temporary basis only pending determination upon the application for renewal, but in no event longer than July 1, 1939.

**WTAQ**—WHBY, Inc., Green Bay, Wis.—Present license further extended upon a temporary basis only pending determination upon the application for renewal, but in no event longer than July 1, 1939.

**KSUB**—Leland M. Perry, Cedar City, Utah.—Present special temporary authorization to operate station KSUB was extended upon a temporary basis only for the period ending July 1, 1939, subject to whatever action may be taken upon any formal application for regular authorization that may be submitted with respect to station KSUB, and subject further to the condition that nothing contained in said special temporary authority shall be construed as a finding by the Commission that the operation of the station is or will be in the public interest beyond the express terms hereof.

**WOLS**—O. Lee Stone, Florence, S. C.—Granted renewal of license on a temporary basis only for the period ending December 1, 1939, subject to whatever action may be taken upon pending application for renewal and upon the application of the Pee Dee Broadcasting Company for C. P. to erect a new station.

**W1XCS**—Connecticut State College, Storrs, Conn.—Granted renewal of developmental broadcast station license for the period ending May 1, 1940, upon the express condition that it is subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

**W1XEV**—Connecticut State College, Storrs, Conn.—Granted renewal of developmental broadcast station license for the period ending May 1, 1940, upon the express condition that it is subject to change or cancellation by the Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises.

**W3XDD**—Bell Tel. Labs., Inc., Whippany, N. J.—Granted renewal of developmental broadcast station license for the period ending May 1, 1940.

**WAXG**—Florida Capitol Broadcasters, Inc., Portable-Mobile.—Present relay broadcast station license was further extended upon a temporary basis only for the period ending July 1, 1939, pending determination upon application for renewal.

Licenses for the following high frequency broadcast (experimental) stations were further extended on a temporary basis to July 1, 1939, pending determination upon applications for renewal:

W8XWJ, Detroit, Mich.; W9XLA, Denver, Colo.; W2XQO, Flushing, N. Y.; W4XCA, Memphis, Tenn.; W4XBW, Chattanooga, Tenn.; W5XAU, Oklahoma City, Okla.

## MISCELLANEOUS

**W2XUP**—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted extension of special temporary authority to operate facsimile broadcast experimental station on frequency 25700 kc. only, pending correspondence with applicant to determine past and proposed use of facsimile authorization, not to exceed 30 days.



- WHLS—Port Huron Broadcasting Co., Port Huron, Mich.—Granted special temporary authority to operate from local sunset (May 7:45 p. m., CST) to conclusion of ceremonies incident to banquet of the State Convention of the Knights of Columbus on May 21.
- WTAR—Broadcast Station WTAR, Norfolk, Va.—Granted extension of authority to operate with 1 KW night, non-directional antenna, from May 11 for a period of 30 days. Authority to operate with 5 KW night not effective until directive antenna is reconstructed and proof of performance approved by Commission. (This action supersedes action of May 16 in granting authority to operate with 5 KW night for period of 30 days.)
- KAZW—Harold Gillam, Fairbanks, Alaska.—Designated for hearing and granted temporary authority pending outcome of hearing, application for C. P. and license for change in equipment and use of green chain frequencies.
- KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—Denied motion to consolidate application of KGLO for C. P. to change frequency and power, with renewal application of KWLC, Decorah, Iowa, now scheduled for hearing on June 27.
- KWLC—Luther College, Decorah, Iowa.—Granted motion to accept late appearance in re application of KGLO, mentioned above.
- KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted petition to intervene in the hearing on the application of WGBF, Evansville, Ind., and dismissed petition to consolidate in a single hearing applications of KXOK, WGBF, KFRU and KWK.
- KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted petition to intervene in the hearing on the application of KXOK, St. Louis, Mo., and dismissed petition to consolidate in a single hearing applications of KXOK, AGBF, KFRU and KWK.
- KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted petition for order to take depositions in re application for C. P. to change frequency, power, and time of operation.
- NEW—Lawrence J. Heller, Washington, D. C.—Granted petition for extension of time for filing proposed findings of fact and conclusions from May 22 to on or about June 12, 1939, in re application for new station in Washington, D. C., and special experimental authorization.
- KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted petition for continuance of hearing now scheduled for June 5, for approximately 60 days, new date to be fixed by Secretary's Office, on application for C. P. to change frequency and power.
- W9XTA—E. E. Schonert, d/b as Schonert Radio Service, Harrisburg, Ill.—Granted petition requesting change in date of hearing on application for renewal of license for high frequency broadcast station, from May 29, pending amendment of application.
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted petition for order to take depositions in re application for C. P. to change frequency, power and time of operation.
- NEW—Central Broadcasting Corp., Worcester, Mass.—Granted petition to intervene in the hearing on the application of C. T. Sherer Co., Inc., for a new station in Worcester, Mass.
- WSPA—Virgil V. Evans, tr/as The Voice of South Carolina, Spartanburg, S. C.—Denied petition to hold application for modification of license to change frequency, power, and time of operation, in the pending files. (Hearing on this application now scheduled for June 21.)
- NEW—Edwin A. Kraft, Fairbanks, Alaska.—Denied motion to dismiss application for C. P. to operate on 610 kc., 1 KW, unlimited time, without prejudice, and dismissed same with prejudice.
- KINY—Edwin A. Kraft, Juneau, Alaska.—Granted petition in part to dismiss without prejudice application for C. P. to change frequency and increase power. Commission to retain application in its files instead of returning it to applicant as requested.
- WHMA—Harry M. Ayers, Anniston, Ala.—Granted special temporary authority to operate from local sunset (May, 6:30 p. m., and June, 7 p. m., CST), to the conclusion of baseball games to be played on May 20, 22, 23, 24, 25, 26, 29, 30, 31 and June 1, 2, 5, 6, 7, 8, 9, 12, 13 and 14, using 50 watts only, and subject to compliance with Rule 15.15.
- WPRa—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate from 5 to 6 p. m. and from 10 to 12 midnight, AST, on May 22, in order to broadcast graduation exercises from the College of Agriculture and Mechanical Arts.
- WDGY—Dr. Geo. W. Young, Minneapolis, Minn.—Granted authority to operate from 8 to 8:30 p. m., CST, on May 30, to broadcast 20th Century Fox program, consents from KOB and KEX having been received.
- KSFM—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate Relay Broadcast Station KSFM aboard Boeing seaplane "Yankee Clipper" on the frequencies 4797.5, 6425, 8655, 12862.5 and 17310 kc., in addition to the normal licensed frequencies for the period May 28 to June 26, for transmission of special program features from newly developed Boeing seaplane on first public service flight to Europe.
- W8XWJ—The Evening News Assn., Detroit, Mich.—Granted special temporary authority to rebroadcast program material over high frequency broadcast station W8XWJ to be received from Relay Broadcast Station W8XIG, in accordance with Police Field Day activities, May 25.
- WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Granted extension of special temporary authority to operate from 9 to 10 a. m., EST, Monday, Tuesday, Wednesday, Thursday, Friday and Sunday mornings, for the period June 1 to June 30, in order to broadcast certain educational programs.
- KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from local sunset (May 7:15 p. m., CST) to 11:05 p. m., on May 29 and 30, in order to broadcast the closing exercises of Longview Public Schools, using 100 watts only.
- KHBG—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Granted special temporary authority to operate from local sunset (June, 7:45 p. m., CST), to 10:30 p. m. on June 4, 11, 18, 25, in order to broadcast church services; to operate from local sunset to 10 p. m., CST, on June 5, 12, 19, 26, in order to broadcast "Okmulgee Little Theater of the Air".
- W1XOK—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to test relay broadcast equipment of station W1XOK authorized by C. P. granted January 24, on the frequency 13226 kc. in lieu of authorized frequencies, power 250 watts, for the period May 31 to June 29, pending definite arrangements to be made in ultra high frequency bands (provided all operation is to be on a non-interference basis and in accordance with Sec. 40.04).
- W1XOJ—The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to test the high frequency broadcast equipment of station W1XOJ authorized by modification of C. P., on frequency 43000 kc., with power not to exceed 2 KW, for a period not to exceed 30 days, in order to make necessary adjustments on equipment installed and for tuning and adjustments of the antenna elements which are now assembled for erection atop 400 ft. mast.
- WHLS—Port Huron Broadcasting Co., Port Huron, Mich.—Granted special temporary authority to operate from 10 to 12 p. m., EST, on May 29, in order to broadcast Patriotic Ball.
- WNAD—Univ. of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 8 to 9 p. m., CST, on June 11, 18 and 25, in order to broadcast special educational programs (provided KGGF remains silent).
- KGGF—Powell and Platz, Coffeyville, Kans.—To operate from 7:15 to 9:15 p. m., CST, on June 1, 6 and 8, and from 8:15 to 9:15 p. m., CST, on June 7, in order that WNAD may remain silent for closing of Spring Semester and opening of summer term (provided WNAD remains silent).
- WBEO—The Lake Superior Broadcasting Co., Marquette, Mich.—Granted extension of special temporary authority to operate on Daylight Saving Time for the period June 1 to September 24, instead of Central Standard Time as specified in license.
- KGCA—Charles Walter Greenley, Decorah, Ia.—Granted special temporary authority to remain silent for a period not to exceed 30 days, pending KWLC's compliance with Rule 131.
- W3XL-W3XAL—National Broadcasting Co., New York City.—Granted extension of special temporary authority to transmit programs consisting of Spanish News to be rebroadcast by Cuban Stations CMX and COEX for the period June 2 to July 1, 1939.
- NEW—William F. Huffman, Wisconsin Rapids, Wis.—Pursuant to the Commission's action of May 16, 1939, in designating for further hearing, upon issues to be specified by the Commission the application for a C. P. to erect a new station to operate on 580 kc., 250 watts, unlimited time, DA during nighttime hours, the following Bill of Particulars was today



approved: (1) To determine whether there is available a frequency which will provide service to the area proposed to be served in keeping with the Commission's plan of allocation; (2) To determine whether or not the use of the frequency 580 kc., with 250 watts unlimited time, with DA during nighttime hours, will provide adequate service for the proposed area to be served and would be consistent with sound principles of allocation.

**WINS**—Hearst Radio, Inc., New York City.—Application for C. P. to make changes in transmitting equipment and antenna, granted by the Commission on January 4, 1939, was retired to the closed files as applicant has returned the C. P. to the Commission, since the changes originally proposed are no longer desired.

**WAPQ**—W. A. Patterson, Chattanooga, Tenn.—Granted petition for rehearing in re application for new transmitter, change in frequency from 1420 to 1120 kc., and power from 100 watts night, 250 watts day, to 500 watts night, 1 KW day, DA at night; set aside the Statement of Facts, Grounds for Decision and Order of March 27, 1939, and remanded application for further hearing on questions relating to the issue of interference.

**WJBO**—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted petition for rehearing, in re application for C. P. to increase power from 500 watts to 1 KW on frequency 1120 kc., unlimited time (except from 8 to 9 p. m., Mondays); set aside Statement of Facts, Grounds for Decision and Order of March 27, 1939, and remanded for further hearing on questions relating to the issue of interference.

**WCOU**—Twin City Broadcasting Co., Inc., Lewiston, Me.—The Commission, upon its own motion, continued hearing now scheduled for June 2, until further notice, in order that applicant may be given further opportunity to submit additional engineering data in support of application for authority to increase daytime power from 100 watts to 250 watts.

## APPLICATIONS FILED AT FCC

### 1190 Kilocycles

**KTKC**—Tulare-Kings Counties Radio Associates, Chas. A. Whitmore, Pres., Visalia, Calif.—Modification of construction permit B5-P-2055, to change frequency, increase power, change hours of operation, install new transmitter, and directional antenna (night use), further requesting authority to make changes in directional antenna and change type of transmitting equipment. Extend commencement and completion date 30 and 180 days.

### 1280 Kilocycles

**WTNJ**—WOAX, Inc., Trenton, N. J.—Modification of license to make changes in hours of operation by adding hours from 8 to 10 p. m., each night (hours to be withdrawn from WCAM and WCAP).

### 1320 Kilocycles

**WSMB**—WSMB, Inc., New Orleans, La.—Construction permit to replace tower demolished by hurricane and make changes in antenna.

### 1370 Kilocycles

**NEW**—Tom M. Bryan, Ft. Lauderdale, Fla.—Construction permit to erect a new station to be operated on 1370 kc., 100 watts night; 250 watts day, unlimited time. Amended: To give transmitter location as site to be determined, Ft. Lauderdale, Fla., and antenna to be determined.

**WBLK**—The Exponent Co., Clarksburg, W. Va.—License to cover construction permit B2-P-2110, for equipment changes and increase in power.

### 1420 Kilocycles

**NEW**—C. L. Weathersbee, W. H. Nichols, E. M. Thompson, d/b as Albemarle Broadcasting Station, Albemarle, N. C.—Construction permit for a new station to be operated on 1420 kc., 100 watts power, daytime hours of operation. Amended: to change name by adding C. L. Pickler to partnership, change requested frequency to 1370 kc., make changes in equipment.

**KRIC**—Beaumont Broadcasting Association (B. A. Steinhagen, Pres.), Beaumont, Texas.—Voluntary assignment of license

from Beaumont Broadcasting Association (B. A. Steinhagen, Pres.) to KRIC, Incorporated.

**KXL**—KXL Broadcasters, Portland, Oregon.—C. P. to install new transmitter and directional antenna for day and night use, change frequency from 1420 to 730 kc., increase power from 100 watts; 250 watts-LS to 10 KW, change hours of operation from shares-KBPS to unlimited, move transmitter and studio from 4th and Pine Sts., Portland, to Trans-7 mi. S. E. of Portland, Oregon, and studio to 1101 S. W. Washington, Portland, Oregon.

## MISCELLANEOUS

**W2XVP**—City of N. Y. Municipal Broadcasting System, New York, N. Y.—Modification of construction permit requesting extension of commencement and completion dates to 60 days after grant and 180 days thereafter. Amended: change date of required completion of construction to 12-15-39.

**NEW**—WDAY, Incorporated, Portable-Mobile, area of Fargo, N. Dak.—Construction permit for a new portable-mobile relay station on 30820, 33740, 35820, 37980 kc., 25 watts power. A-3 emission.

**WNYK**—City of New York, Municipal Broadcasting System, Portable-Mobile, New York, N. Y.—License to cover construction permit B1-PRY-164, for a new low frequency relay station.

**WNYL**—City of New York, Municipal B/c System, Portable-Mobile, New York, N. Y.—License to cover construction permit B1-PRY-165, for new low frequency relay station.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

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

**Arlin Tailoring Company**—See Strauss Tailoring Company.

**Bell Tailoring Company**—See Strauss Tailoring Company.

**Federal Tailoring Company**—See Strauss Tailoring Company.

**Gordon-Gordon, Ltd.**, Chicago, cosmetics manufacturer, and its subsidiary distributing company, Princess Pat, Ltd., have been served with a complaint alleging misleading representations.

In selling their "Princess Pat" line of cosmetics, the respondents are alleged to represent, directly and by implication (1) that competing face powders contain orris root and other irritative ingredients not to be found in "Princess Pat Powder"; (2) that the almond in the respondents' powder is beneficial; (3) that use of this powder keeps the skin soft and pliant; (4) that the powder is non-allergic to all persons; (5) that the respondents' "Muscle Oil" penetrates beneath the surface and beneficially affects underlying facial muscles; (6) that their "Skin Cleanser" will prevent coarse pores and skin eruptions, and (7) that their "Skin Food Cream" or "Anti-Wrinkle Cream" nourishes and feeds the skin, is a tonic for the underlying nerves and smooths out and prevents lines and wrinkles. (3793)

**James Heddon's Sons**—Alleging misleading representations in the sale of fishing rods a complaint has been issued against James Heddon's Sons, Dowagiac, Mich.

It is alleged that in violation of the Federal Trade Commission Act, the respondent corporation represented that all hollow steel

fishing rods other than its "Improved Heddon Pal," have a thick wall at the tip and a thin wall at the butt end whereas the new Heddon "Pal" steel rod has a thin wall at the tip end and a thick wall at the butt end.

The respondent further is alleged to have represented that tests have been made by expert testers of casting rods who are independent of the respondent, and that such tests have shown the "Improved Heddon Pal" as being "best-by-test." (3792)

**McKesson & Robbins, Inc.**, manufacturing druggists, with headquarters in Bridgeport, Conn., have been served with a complaint alleging unfair trade practices in the sale of Calox Tooth Powder.

In advertising this product, McKesson & Robbins, it is alleged, have advised that "For teeth that 'shine like the stars' use Calox Powder," this slogan having been used in connection with pictures of popular cinema stars.

Through such advertising, the respondent is alleged to have falsely represented, directly and by implication, that movie stars have white, clear and sparkling teeth because they use Calox Tooth Powder; that Calox alone keeps their teeth in that condition, and that anyone who uses Calox can have teeth as beautiful as those of Hollywood's stars.

The complaint alleges that movie stars do not depend on the respondent's product or any other dentifrice alone but employ the services of dentists who give them regular prophylactic treatments, and that the permitted appearance of the stars' pictures and testimonials in the McKesson & Robbins advertising is the result of a reciprocal publicity arrangement primarily intended for advertising value in promoting the screen careers and popularity of the performers. (3791)

**Princess Pat, Ltd.**—See Gordon-Gordon, Ltd.

**Strauss Tailoring Company**—Julius M. Firk, trading as Strauss Tailoring Company, Federal Tailoring Company, Bell Tailoring Company, the Arlin Tailoring Company, 224 South Wells St., Chicago, is charged in a complaint with misrepresenting in price lists, markers and various advertising matter that certain of the fabrics distributed by him are composed entirely of wool, when they are in fact part wool and part cotton, rayon, or other materials, and that the lining materials are composed predominantly of silk when in fact they are composed entirely of rayon. (3788)

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Kastar Specialty Manufacturing Company, Inc.**, 510 Sixth Ave., New York, has been ordered to discontinue representing that it manufactures the automobile accessories it sells unless and until it owns and operates a plant in which such articles are made.

Findings are that the respondent company used on its printed matter the wording: "Mfd. by Kastar Specialty Manufacturing Company, Inc., New York, U. S. A." However, according to findings, this company obtains the products it sells from plants which it does not own, operate or control. (3746)

**Novelty Distributing Company**—J. C. Robertson, trading as Novelty Distributing Company, 117 West Harrison St., Chicago, has been ordered to cease and desist from lottery methods in connection with the distribution of clocks.

The Commission's findings are that the respondent, in soliciting the sale of and in selling and distributing clocks, supplies merchants with push cards, thus placing in the hands of others the means of conducting lotteries in the sale of his merchandise to ultimate purchasers. (3178)

**Richard Rosebury Organization, Inc.**, 522 Fifth Ave., New York, has been ordered to cease misrepresentation in the soliciting of subscribers for magazines.

The Commission finds that solicitors of the respondent represented to prospective subscribers that they would receive two or more designated magazines at a price and for a period stated by the solicitor, but that this representation was not fulfilled.

The respondent is ordered to cease representing that a subscriber is to receive a greater number of magazines than those actually delivered and from accepting subscriptions for magazines not actually delivered. (3710)

**Superyarn Company**—Adolph Friedman, trading as Superyarn Company, 353 Grand St., New York, seller and distributor of textile fabrics and knitting yarns, has been ordered to cease and desist from representing that his products are composed of fibers or materials other than those of which they actually are composed.

The respondent was found to have misrepresented the constituent fiber of his products by means of false advertising and by failure to disclose the rayon content of certain articles.

Findings are that the respondent falsely used the terms "Zephyr Tweed" and "Tweed Velenette" on labels, and in advertising material and catalogs, to designate a yarn product composed in part of wool and in part of rayon, the word "Cashmere" to describe products not containing the hair of the Cashmere goat, and the term "Silk Boucle" to designate an all-rayon article.

The Commission ordered the respondent to cease and desist from using the words "tweed" or "wool" or other words of similar import to describe any fabric not composed entirely of wool; from misrepresenting or overstating the quality, grade or character of his products; and from using the word "Cashmere" to describe or designate any fabric or product not composed wholly of the hair of the Cashmere goat. (3753)

**Uneeda Underwear Company**—Misleading representations in the sale of women's knitted undergarments brought a cease and desist order against Abraham Tabachnick, a manufacturer, trading as Uneeda Underwear Company, 335 Van Siclen Ave., Brooklyn, N. Y.

The order forbids representation that any fabric or other product has a stated percentage of silk and wool or silk or wool unless in fact they are contained in the proportions stated, and prohibits advertisement of fabrics or other products composed wholly or partly of rayon without clear disclosure of this fiber's presence. When such fabrics or products are partly rayon and partly other fibers and materials, such fibers or materials, including the rayon, are to be named in the order of their predominance by weight, beginning with the largest single constituent. (3686)

## STIPULATIONS

The Commission has entered into the following stipulations during the week:

**Addison Sponge Company, Inc.**, 241 West 4th Street, Cincinnati, engaged in selling sponges and chamois skins, agreed to discontinue certain misrepresentations in the sale of its products under a stipulation.

The respondent corporation will cease and desist from use in its advertising matter or otherwise of statements or representations the effect of which is to convey the belief that Addison Sponge Company, Inc., actually owns and operates or controls a sponge packing house at Tarpon Springs, Fla., or elsewhere; that a business which it purchased from The Jos. Niehaus Co., Cincinnati, was that of a packer and producer of sponges, and that the Addison Sponge Company, Inc., succeeded to such business as a producer and packer of sponges. It will also discontinue use of cuts or pictorial representations of any building together with descriptions implying that the corporation uses or occupies the whole of such building in the conduct of its business, when this is not a fact. (2465)

**Bankers & Merchants Stamp Works, Inc.**—Unfair trade practices in the sale of signature stamps will be discontinued by Bankers & Merchants Stamp Works, Inc., 3215 Sheffield Ave., Chicago under a stipulation. The respondent company manufactures signature stamps, numbering machines, time stamps, notary seals and other marking devices.



The stipulation recites that Bankers & Merchants Stamp Works, Inc., arranged with The Autograph Engravers, Chicago, to sell the latter's hand-engraved signature stamps, when, in fact, the product actually sold was not the hand-engraved signature stamp of The Autograph Company but a wood-cut product of the respondent's own manufacture. The result was that purchasers received articles they did not intend to buy. (2469)

**Blackstone Hosiery Mills, Inc.**—Two North Carolina manufacturers have entered into stipulations to discontinue misleading representations in the sale of hosiery. They are Blackstone Hosiery Mills, Inc., and Waldensian Hosiery Mills, Inc., both of Valdese, N. C.

Each manufacturer agrees to cease using on transfers, brands or other markings of its products the phrase "Made in English Fashion" as descriptive of hosiery not so made. They will discontinue characterizing a product in any manner implying that it is an English product or is of a style and quality known as "English Ribbed" hose, when such is not a fact.

"English Ribbed" hose, according to the stipulation, is a distinctive type and quality originating in England and manufactured there under a patented process and in this country under license. (2466-2467)

**Imperial Merchandise Company, Inc.**, 893 Broadway, New York, has entered into a stipulation to cease and desist from the use of lottery methods in the sale of products to ultimate consumers. The respondent company sells merchandise consisting of necklaces and sales cards or boards, through its secretary, Louis Bloom, under the registered trade name "Trans-Pacific Import Company."

The respondent agrees to discontinue supplying or placing in the hands of others punch boards, push cards or other lottery devices to enable such persons to dispose of its merchandise. (2464)

**Joseph Levay, Inc.**—Misleading representation of the fiber content of fabrics from which women's dresses are made will be discontinued by Joseph Levay, Inc., manufacturer, 498 Seventh Avenue., New York under a stipulation.

The respondent agreed to cease invoicing, branding, labeling, advertising or otherwise representing any product containing rayon, in whole or in part, without making full, proper and non-deceptive disclosure of the fiber content thereof by stating the names of the fibers present in the order of their predominance by weight and by giving the percentages of any fibers which are or may be present in less than a substantial proportion. (2468)

**Neonite**—A stipulation to discontinue misleading representations in the sale of sign letters, has been accepted from Fred M. Cole, trading as Neonite, Akron, Ohio.

The stipulation shows that Cole advertised "gold \* \* \* sign letters for windows," and represented that "\* \* \* letters are produced \* \* \* in \* \* \* gold and silver."

In his stipulation, the respondent admits that the letters he sells are neither made in whole nor in part of gold or silver and he agrees to cease using in advertisements the words "gold" or "silver" or other words implying that his products are made in whole or in part of those metals, when such is not a fact. (02378)

**Waldensian Hosiery Mills, Inc.**—See Blackstone Hosiery Mills, Inc.

#### FTC CLOSES CASE

The Federal Trade Commission has closed without prejudice its case against General Concessions Corporation, 6545 Carnegie Ave., Cleveland, manufacturer and distributor of candies, charged with the use of a scheme involving lottery in the sale of its products to ultimate consumers.

The case was closed without prejudice to the Commission's right to reopen it and resume prosecution, should future facts warrant.







## The Week In Washington

The NAB learned from reliable sources this week that there was only faint possibility that Congress would consider new broadcasting legislation this year.

The arrival of hot weather has, as usual, spurred adjournment talk. The calendar is still so crowded with legislation in which both Congress and the administration appear to be vitally interested that any major reform of broadcasting regulation probably will be left over for the session starting next January.

Of course, there remains the danger that the bill to prohibit beer and liquor advertising might slip through in the last-minute rush. The International Copyright Treaty also remains on the Senate calendar.

Extension of the normal broadcasting license period to three years was advocated by the NAB during argument on exceptions to the FCC committee report on new rules and regulations. Philip G. Loucks, appearing for the NAB as special counsel, commended the committee for recommending an increase in the license period from six months to one year, but added that "far greater stability is needed."

It is now understood that the FCC, in calling the industry's attention recently to Section 317 of the Communications Act, had in mind particularly sponsored talks, and not spot announcements and participating programs.

Both the Code and Copyright Committees met in New York on Thursday. The Code Committee was expected to make the final draft of program standards to be presented to the Atlantic City convention July 10-13. The Copyright Committee was to review the progress to date of ASCAP negotiations and to consult with Neville Miller on future steps.

### FCC CONFIRMS INTERPRETATION OF SECTION 317

When the FCC recently called the attention of the broadcasting industry to Section 317 of the Communications Act, a number of broadcasters were concerned about the industry's general practice with regard to spot announcements and participating programs.

It was understood that the Commission, in calling the industry's attention to the Act's requirement that sponsors be identified, had in mind particularly sponsored talks. It is also understood that the industry's present general practice with regard to spot announcements and participating programs was not involved, and that this present general practice is considered to meet the intent of the Act.

With regard to sponsors, it is understood that their identification does not mean that the complete name of the advertiser must be given if the advertiser is identified by the name commonly recognized by the public as referring to that advertiser.

The following letters were exchanged between the NAB and the FCC:

May 23, 1939

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

Dear Mr. Slowie:

Please permit me to refer to the Commission's release No. 34075 of May 16, which called attention to the requirements of Section 317 of the Communications Act of 1934, reading as follows:

"Sec. 317. All matter broadcast by any radio station for which service, money, or any other valuable consideration is directly



THE NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NA tional 2080

Neville Miller, *President*

Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel*; Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*

### FCC CONFIRMS INTERPRETATION OF SECTION 317

(Continued from page 3513)

or indirectly paid, or promised to or charged or accepted by, the station so broadcasting, from any person, shall, at the time the same is so broadcast, be announced as paid for or furnished as the case may be, by such person."

It is my understanding this release was occasioned by reports from the Commission's field representatives that in several instances a few stations had neglected to sufficiently identify sponsors, particularly in connection with time purchased for talks.

Heretofore we have interpreted the provisions of Sec. 317 as follows: "The station is required to announce the sponsor of the program in such language as will acquaint the listener with the fact that the program is being broadcast as an advertisement if such is the case. The Federal Radio Commission ruled that advertising must be presented as such and not disguised, applying the same principle which has been applied to newspapers to prevent an advertisement from appearing on the surface to be a news item (see Third Annual Report, Federal Radio Commission, page 35). The plain intent of the Section is to prevent a fraud being perpetrated on the listening public. Therefore, reference to the sponsor in such manner as to indicate to the listener that the program is paid for by the sponsor should be sufficient without the necessity of specifically using the words "paid for." An announcement of the fact that the program is presented by the "X" company or that it is sponsored by the "X" company would appear to satisfy the provisions of the statute, since these terms have been publicized to such an extent by radio that the public understands such programs are paid for and are for the purpose of advertising the product of the sponsor. On the other hand, if the name of the sponsor is mentioned in such manner that it might be construed as an editorial comment on the part of the station or as an item of news, it would be contrary to the provisions of the Section."

In view of the number of requests for information received as a result of the Commission's release, it will be greatly appreciated if you will advise whether the foregoing interpretation is in accord with that of the Commission.

Sincerely,

ANDREW W. BENNETT, *Counsel*.

Mr. Andrew W. Bennett  
Counsel, National Association of Broadcasters,  
1626 K Street, N. W.,  
Washington, D. C.

Dear Sir:

This will reply to your letter of May 23, 1939, inquiring as to whether an interpretation given by you of Section 317 of the

### ENGINEERING CONFERENCE

The informal engineering conference on the Proposed Standards of Good Engineering Practice will be held as scheduled on June 5, 1939, in Room 1411 of the New Post Office Building beginning at 9:30 a. m., E.S.T.

R. M. Wilmotte, acting NAB engineer, and several members of the engineering committee will represent the NAB.

Communications Act is in accord with that of the Commission.

The statute does not specify the exact language of the required announcement. You are informed that the Commission regards an announcement that a particular program is sponsored as in substantial compliance with Section 317 when the name of the sponsor is given. The interpretation given in your letter would seem to properly reflect the purpose and spirit of the section.

Very truly yours,

T. J. SLOWIE, *Secretary*.

### FLORIDA PASSES NEW MONOPOLY AND LIBEL BILLS

Both houses of the Florida legislature unanimously passed a new law seeking to curb the activities of pools controlling public performance of copyrighted music, and the new statute now is before the Governor for approval.

The new statute substantially is the same as that enacted in North Dakota (NAB REPORTS, March 10, p. 3335) and supersedes the objectionable features of the 1937 Florida law. However, the new statute expressly provides that it shall not be construed as modifying any of the provisions of the state law with respect to the monopolies and restraints of trade. It leaves on the statute books those provisions of the Florida 1937 statute which Associate Justice Black of the United States Supreme Court held in his minority opinion, April 17, to be violated by ASCAP (NAB REPORTS, April 21, pp. 3429-3431). Attorneys regard this action by the state legislature as removing the objectionable features of the 1937 law and as leaving the pending Florida-ASCAP suit open for a decision on the monopoly question unencumbered by sections of the statute believed by attorneys to be unconstitutional.

In addition, both houses of the legislature by a unanimous vote enacted a statute protecting broadcast stations against liability for defamation. Details of this statute are not available at the time of going to press.

### NAB URGES LONGER LICENSE AT FCC ARGUMENT

Extension of the normal broadcasting license period to three years was advocated by the NAB this week during argument on exceptions to the FCC committee report on new rules and regulations.

Philip G. Loucks, appearing for the NAB as special counsel, commended the committee for recommending an increase in the license period from six months to one year, but added:

"However, far greater stability is needed than that which will be supplied by extending the normal license period to one year. Perhaps, in the future, it may become necessary for Congress to provide for a much longer term. The Association considers the committee's recommendation as a step in the direction of greater stability from which will flow improved service to the public; but it is respectfully suggested, however, that further study in the future will reveal that the same reasons for extending the term for a period of one year may be applied with equal or greater force for a longer period."

The NAB Engineering Committee will deal with the engineering phases at an informal conference at the Commission on June 5.



Mr. Louck's statement as to other NAB exceptions to the proposed rules (see NAB REPORTS, p. 3481) follows in part:

Exception 1 relates to Rule 31.04 (3) in so far as that rule proposes to prescribe the amount of money required to construct stations of different classes; in so far as the rule distinguishes or recognizes a distinction between stations supported by sponsored programs and stations otherwise supported; and in so far as it makes mandatory a showing that "adequate commercial support is available" for one class of stations and that "adequate finances are available" to support stations of another class. The principal objection here goes to giving expression in the regulations to a distinction between stations commercially supported and stations otherwise supported. In the first place, the law recognizes no such distinction, but even if it did, this particular part of the rule would be unnecessary. It would seem to be sufficient for all regulatory purposes under the act to limit paragraph (3) of the rule to the first sentence which provides that the applicant shall make a satisfactory showing that he is "financially qualified to construct and operate the proposed station."

There is no doubt but that Congress intended that the Commission should investigate the financial ability of applicants to construct and operate the stations for which they make application but nowhere in the Act is there even the slightest implication that a station must be self-supporting. The regulation as proposed uses the language "adequate commercial support" without defining what will constitute such support. But that is not the evil. In most cases evidence of commercial support is either flimsy or totally worthless. Conditional contracts, oral promises to buy time, speculation as to available advertising revenue, census data—all of these might be evidence—but in most cases constitute little value as proof. Whether or not any particular community is entitled under the law to receive transmission service should not be dependent upon the questionable ability of any particular applicant or applicants to produce satisfactory evidence of adequate support. Under such a rule an economic depression might prevent the licensing of new stations and it is a recognized fact that throughout the last depression new stations were continually licensed. Whether a station can make or lose money, based upon testimony nebulous at its best, should not be the sole criterion upon which the Commission decides whether or not a community requiring service shall have that service supplied. The ability of a clever salesman to induce prospective advertisers to sign questionable agreements to use the facilities of a station that does not exist should not by regulation constitute a limitation upon the application of the statutory standard of public interest, convenience and necessity. The prospective advertiser under such arrangements buys nothing; the salesman has nothing to sell. Yet such agreements—in nearly every case worthless—constitute the best evidence available of commercial support. It is respectfully submitted that the two last sentences of paragraph (3) of Rule 31.04 be deleted as unnecessary, impracticable and of questionable legal validity.

Exception 3 relates to the prohibition of commercial or sponsored programs or commercial announcements during additional hours utilized for experimentation and prohibits additional charges by reason of transmission with facilities granted for experimental purposes which occurs in paragraph (b) of Rule 31.12. Objection was made to this provision during the hearing on the grounds that such prohibition will retard rather than encourage experimentation. The Committee had recommended that a footnote be added to the rule as follows:

"Special authorizations which do not involve experimental operation may be granted pursuant to Rule 15.15 of the Rules of Practice and Procedure."

The addition of the footnote adds nothing to the rule. It is difficult to understand how the inclusion of sponsored matter in programs broadcast during periods of experimentation or how the imposition of charges for the use of facilities experimentally granted can have any bearing of any nature whatsoever upon the prosecution and accomplishment of a program of technical research, especially since the entire research program is under the control of the Commission. Indeed, it is a general rule that the conduct of experimentation adds to the cost of station operation. This restrictive provision, it seems, is of far greater importance to the Commission than it is to licensees since it will undoubtedly tend to discourage stations from going forward with experimental work. We confidently hope that that will not happen. But if it does—if the effect of the rule in actual operation limits rather than encourages experimental use of broadcast frequencies—then

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it is submitted that it is repugnant to Section 303 (g) of the Act which makes mandatory the

"study of 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."

This provision of the act—and it is assumed that it is under this provision that the experimental rule is promulgated—says nothing about rates or commercial sponsorship. It is a mandate to the Commission that experimentation be encouraged. A rule discouraging experimentation, it is submitted, contravenes the intent of this provision of the law.

Exception 4 relates to Rule 31.14 in so far as that rule does not provide for a license period which corresponds with the maximum period provided in the Communications Act of 1934. At the time of the hearing the Association asked that the license period be lengthened to the full statutory period of three years but in any event for a period of not less than one year. The Committee has recommended that the normal license period be increased from six months to one year and has set forth as the principal reason for its recommendation the need for greater stability in the industry. We urge the Commission to adopt the Committee's recommendation if it is deemed inadvisable to grant greater extension of the license term at this time. However, far greater stability is needed than that which will be supplied by extending the normal license period to one year. Perhaps, in the future it may become necessary for Congress to provide for a much longer term. The Association considers the Committee's recommendation a step in the direction of greater stability from which will flow improved service to the public; but it is respectfully suggested, however, that further study in the future will reveal that the same reasons for extending the term for a period of one year may be applied with equal or greater force for a longer period.

Exception 6 relates to Rule 32.05 (e) in so far as it prohibits the simultaneous use of a common antenna where two licensees are owned or controlled by the same person or corporation, or where two licensees have an agreement between them which is satisfactory to the Commission. It was the feeling of the Association that the rule should be omitted entirely or, if retained, that there should be language permitting the simultaneous use of a common antenna by separate licensees provided such use is in conformity with an agreement approved by the Commission. The reasons given at the time of hearing were that in some instances the police department of a given city has requested the use of a broadcast antenna for police transmissions. That would not interfere with the broadcast operations and would aid the police department, although the licensees are different. Another instance cited was where one licensee was conducting experimental work on the premises of another licensee, the two licensees probably being under the same control. In such instances, it seems to the Association, the rule should not prohibit such simultaneous use of a common antenna provided a satisfactory agreement is reached between the licensees and the Commission.

Exceptions 11 and 12 relate to certain provisions of Rule 34.21 (1) (a) and (b). This rule governs entries to be made on the program and operating logs. The first objection relates to the use of the language "with an indication of the type of announcement" in paragraph (a) under Section 1 of the rule. The language is indefinite. The rule would seem to provide that an entry of the time each station identification announcement is made, that is, the call letters and location, shall be made on the program log. But it is difficult to understand what is meant by the language "with an indication of the type of announcement." I presume



that this language is intended to require that where a station has several types of identification announcements, or where words other than the mere call letters and location of the station are included in such announcements, then the log entry must show which of the several types is used. If this is what is intended, the language ought to be more specific. As it now stands, it is left to each station to place its own interpretation on this language.

In Exception 12 reference was made to a possible conflict between the provisions of Rule 34.20 (1) (b) and Rule 34.23. Upon further study of the rules and the testimony I do not see that there is any conflict here since the first rule relates to entries to be made upon the program log and the latter governs announcements actually to be made. However, 34.30 (1) (b) and (c) present difficult problems both to the licensee charged with making the entry upon the log and to the Commission in interpreting these entries. The principal difficulty grows out of the use of the words "by whom presented." It is difficult to understand whether the Commission desires that the entry show the names of the artist or artists actually presenting the program in the studio, if it be a studio program; the name of the network, if it be a network program; the name of the recording company, if it be a recorded program. Some of the practical problems which grow out of the construction of Section 317, relating to the identifying of sponsored matter are presented by this Rule. The difficulty of framing a regulation which will accomplish the purposes of the Act and at the same time square itself with the practical aspects of the problem are recognized and the purpose of raising objection here is simply to point out the need for clarification. Perhaps, as a result of the Commission's recent release calling attention of broadcasters to the provisions of Section 317, additional information will be obtained which will be of assistance in reframing parts of the rule which will aid both the Commission and the industry. If the rule is permitted to become effective without change, it is respectfully suggested that at some time in the near future, in the light of information obtained through its application, that the rule be reviewed with a view to making such clarification as may be necessary to remove all trace of ambiguity and misunderstanding. Generally speaking, there is no difference between the Commission and the broadcasters as to the objective to be achieved but if the rule is to be strictly enforced consideration ought to be given to its practical application during day to day operation.

The next exception is Exception 14 which relates to Rule 36.04 in so far as that rule requires every licensee to permit *public inspection* of a complete record of all requests for broadcast time made by or on behalf of candidates for public office. This is the present Rule 36 A 4 which was adopted after the hearings were closed, and therefore has not been the subject of testimony. It is the view of the Association that it will be sufficient for all purposes of the law if the record of requests for political time be open to the Commission rather than to the public. It is difficult to understand how any useful purpose can be served by requiring the licensees to permit members of the public to inspect these records. Furthermore, the rule does not prescribe the length of time such records must be retained by the station nor does it presume to limit the time for their inspection. Would it be a violation of the rule to deny some mere curiosity-seeking member of the public to inspect these records after the business offices of the station were closed for the day? It is believed that all proper purposes of the rule will be subserved if the records are kept available for inspection by the Commission or its representatives.

In closing, I want to point out that the Engineering Committee of the Association has given further study to the rules as recommended by your Committee and these views will be presented at the June 5 conference which I understand has been provided for that purpose. Let me express to you on behalf of the Association its appreciation for the opportunity to come before your Committee and present its views on the proposed regulations and to come before you with the observations I have made. It is the hope of the Association that in the future the same procedure will be followed in any revision of existing rules and in the promulgation of new ones.

### FREE OFFERS

The American Hotel Association, New York City, has asked broadcasters to give free plugs for National Hotel Week, June 11-17. The NAB has advised the Association that this would constitute violation of the NAB

Code and suggested that the Association cooperate with broadcasters in obtaining local sponsorship.

The Milk Industry Foundation, New York City, has sent out suggested announcements for "June Dairy Month." The NAB also has suggested cooperation to obtain local sponsorship.

In both of these cases, broadcasters might do well to approach their local dairies and hotels for accounts.

Caxton House, New York, and the Philatelic Banking Service, Boston, have been advised that acceptance of their commission propositions would constitute violation of the NAB Code.

Similar notice went to "The Winning Post," New York City, which offered to supply race results to stations which would plug the magazine on a commission basis.

The NAB has suggested a regular radio advertising campaign to the Angelus-Camp Fire (marshmallow) Company, Chicago, which has been offering prizes to domestic science script writers for program ideas, presumably with the intention of interesting these script writers in the use of marshmallow recipes.

The Stocking House (perfume), Noroton, Connecticut, has advised the NAB that it was not suggesting cost-per-inquiry advertising in its recent proposal, but merely wanted information as to what stations could produce a large number of mail returns.

### COPYRIGHT QUESTIONNAIRES

Since the mailing of the copyright questionnaires on Monday, May 22, several stations have written in to inquire whether their responses will be held as confidential. In the first paragraph on the second page of Mr. Miller's letter the following statement is made: "Your individual response will be held strictly confidential and will not be disclosed in any way beyond the NAB Research Department without your expressed permission." In replying to one of the letters which have come in on the subject, Mr. Miller stated as follows: "In reply to your recent letter, I can assure you that the figures which you will send will be kept confidential. They will be handled by Paul Peter, our Director of Research, and at most two employees working under his direction. The compilations only will be shown to the Committee, but no breakdowns of individual stations will be made available for the Committee."

Program Logs were sent out from NAB headquarters May 24. A question on network programs has arisen because some stations feel they cannot reliably report musical numbers played. If member stations feel it too burdensome to list the titles of musical numbers played on network shows it is suggested that the program title be entered with a notation that there are musical numbers played so that in final tabulation logs furnished by the networks can be used to complete the individual station record.



Every station is urged to complete the questionnaire and the Program Logs as soon as possible so that the work of compiling the needed basic information on the broad subject of copyright can be gotten under way. Your cooperation is essential.

### FCC STANDARD APPLICATION FOR RENEWAL OF LICENSE

Headquarters has received inquiries from stations with respect to the meaning of question numbered 17 (g) of the FCC's standard application for renewal of license. This question reads: "(g) Average number of hours per month of sponsored programs is —, of which direct advertising programs is — hours."

The word "programs" in the last portion of the question appears to have caused considerable misunderstanding. The Commission advises that the objective of the question is to develop the average number of sponsored broadcast hours per month and the amount of time in those hours devoted to advertising continuity.

### PROMOTIONAL MATERIAL

If members desire to be represented in the display at the convention in Atlantic City, July 10 to 13, they should send material to headquarters at once, as final plans are being made for the display. All material must be at Headquarters Office no later than June 15.

### HOTEL RESERVATIONS

If you have not already made hotel reservations for the annual convention to be held at the Ambassador Hotel, Atlantic City, July 10 to 13, be sure to write today. Reservations are being made and to secure the type of accommodation you desire at the price you want to pay, it is necessary to make them in advance. Do it today!

### KIRBY TO ADDRESS BETTER BUSINESS BUREAU MEETING

Ed Kirby, NAB public relations director, will speak at the business-consumer relations conference to be held by the National Association of Better Business Bureaus June 5-6 in Buffalo, N. Y. Mr. Kirby is scheduled to discuss "What American Radio Means to the Consumer and to the Citizen" at the June 6 afternoon meeting.

### BUREAU OF RADIO ADVERTISING

The announcement of the formation of the Bureau of Radio Advertising and its first contribution—"Radio Reaches People"—has been well received by NAB member stations. Approximately one hundred members have sent in the return post card included in the mailing of the announcement and the visual presentation. The orders for copies of future studies and bulletins is encouraging to the Bureau.

It is essential that all stations interested in progressing the objectives of the Bureau of Radio Advertising send in the return post card to give an estimate of the number of copies of bulletins, special studies and binders desired, so that the work of the Bureau can be gotten under way.

## Legal

### NEW LEGISLATION

#### STATE

##### CONNECTICUT:

S. 134 (Rich) LIQUOR—FALSE ADVERTISING—Prohibiting false advertising of liquor. Referred to Judiciary Committee. Passed by Senate 5-27.

##### FLORIDA:

H. 1913 (Committee on Finance and Taxation) TELEPHONE AND TELEGRAPH TAX—Imposing a tax upon all persons, firms or corporations receiving payment charges or tolls for use of telephones and telegraph, and for telephone and telegraph messages and communications and excluding any tax upon telephone or telegraph messages in interstate commerce. Referred to Calendar.

##### ILLINOIS:

S. 535 (Ward) BROADCASTING TRIALS—Prohibits broadcasting of court trials. Referred to Second Reading.

##### NEW HAMPSHIRE:

H. 358 (Committee on Rules) AERONAUTICS—Creating a State Aeronautics Commission and regulating the operating of aircraft. Referred to Judiciary Committee. Passed by House 5-2.

##### TEXAS:

H. 340 (Morris, et al) TAXES FOR PENSIONS—To redefine "need" in the Old Age Pension Act, and to change the administration of the Old Age Pension. Provisions for taxes of 5¢ per barrel on oil, 5% on natural gas, \$2 per thousand on small cigarettes, \$3.60 per thousand on heavy cigarettes and \$1.50 per ton on sulphur are included. House Committee substitute of 5-12 adds inter alia firearms tax amendments to inheritance and corporate franchise taxes, luxury taxes. Passed by House 5-23.

S. R. 86 SOCIAL SECURITY TAXES—Resolution endorsing the principle of writing taxes to pay for social security benefits into the State Constitution, and requesting the cooperation of the minority members of the House in passing S. J. R. 12. Passed by Senate 5-22.

## FEDERAL COMMUNICATIONS COMMISSION

### DECISIONS OF COMMISSION

The Federal Communications Commission has granted the application of KRFO, Longview, Texas, to change its frequency from 1370 to 1340 kilocycles, to change its power and hours of operation from 250 watts daytime only, to 1000 watts, unlimited time, employing a directional antenna during nighttime. The station was also granted permission to change its transmitter site, and to install a new transmitter.

The Commission stated in its decision that the operation of the station as proposed "will not cause increased

interference to the operation of any other existing station or to any station proposed in any application pending at the date the instant application was designated for hearing." The Commission said that the granting of the application "will enable the station to render a better service in practically all the service area of the station than is now available."

Chairman McNinch and Commissioner Brown did not participate in this decision.

The application of Leonard E. Wilson for voluntary assignment of license of Station KGIW of **Alamosa, Colorado**, to E. L. Allen, has been granted by the Commission. The station operates on **1420 kilocycles**, with 100 watts power.

Chairman McNinch and Commissioner Brown did not participate in this decision.

The Commission also granted the application of Charles C. Robinson to assign the license of Station KCRJ, **Jerome, Arizona**, to Central Arizona Broadcasting Company. The station operates on **1310 kilocycles**, 100 watts night, 250 watts LS, unlimited time.

Chairman McNinch and Commissioner Brown did not participate in this decision.

The application of the KTSA Broadcasting Company, **San Antonio, Texas**, for consent to assign the license of Station KTSA from the present licensee to the Sunshine Broadcasting Company has been granted by the Commission. The station operates on **550 kilocycles**, 5000 watts LS, 1000 watts night, unlimited time.

Chairman McNinch and Commissioner Brown did not participate in this decision.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases beginning the week of June 5. They are subject to change.

### June 6

KUSD—University of South Dakota, Vermillion, S. Dak.—Renewal of license, **890 kc.**, 500 watts, 500 watts LS, shares KFNF.  
WNBC—State Broadcasting Corp., New Britain, Conn.—Modification of license, **1380 kc.**, 1 KW, unlimited time (DA). Present assignment: **1380 kc.**, 250 watts, 1 KW LS, unlimited time (DA).

### June 7

WBNX—WBNX Broadcasting Co., Inc., New York, N. Y.—Renewal of license, **1350 kc.**, 1 KW, 1 KW LS, shares WAWZ (DA day and night).

June 2, 1939

## Hearing Before the Committee

In the Matter of Amendment of Rules 177 and 177.1 on Petition of Mayor LaGuardia of the City of New York.

### June 9

NEW—Neptune Broadcasting Corp., Atlantic City, N. J.—C. P., **1420 kc.**, 100 watts, 250 watts LS, unlimited time.

## FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

### June 26

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—C. P. to install new antenna and move transmitter and studio locally; **1290 kc.**, 100 watts, daytime.

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, **1290 kc.**, 100 watts, daytime.

NEW—Catawba Valley Broadcasting Co., Inc., Hickory, N. C.—C. P., **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

WCBA—B. Bryan Musselman (Assignor), Lehigh Valley Broadcasting Co. (Assignee), Allentown, Pa.—Voluntary assignment of license, **1440 kc.**, 500 watts, 500 watts LS, shares WSAN.

WSAN—WSAN, Inc. (Assignor), Lehigh Valley Broadcasting Co. (Assignee), Allentown, Pa.—Voluntary assignment of license, **1440 kc.**, 500 watts, 500 watts LS, shares WCBA.

### July 6

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—C. P., **1120 kc.**, 1 KW, 1 KW LS, unlimited except from 8 to 9 p. m. Monday. Present assignment: **1120 kc.**, 500 watts, unlimited except 8 to 9 p. m. Monday.

WAPO—W. A. Patterson, Chattanooga, Tenn.—C. P., **1120 kc.**, 500 watts, 1 KW LS, unlimited time. Present assignment: **1420 kc.**, 100 watts, 250 watts LS, unlimited time.

### September 5

KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—C. P., **1270 kc.**, 1 KW, unlimited time (DA night) (requests facilities of KWLC and KGCA). Present assignment: **1210 kc.**, 100 watts, 250 watts LS, unlimited time.

KGCA—Charles Walter Greenley, Decorah, Iowa.—Renewal of license, **1270 kc.**, 100 watts, daytime, shares KWLC.

KWLC—Luther College, Decorah, Iowa.—Renewal of license, **1270 kc.**, 100 watts, daytime, shares KGCA.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

KWJB—Sims Broadcasting Company, Globe, Ariz.—Granted renewal of license for the period June 1 to December 1, 1939.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted authority to transfer control of North Side Broadcasting Corp., licensee of station WGRC, from Charles Lee Harris to Charles Lee Harris and S. A. Cisler, Jr. (station operates on **1370 kc.**, 250 watts, daytime).

KHBC—KGMB—Pacific Theatres and Supply Co., Ltd., Honolulu, T. H.—Granted authority to transfer control of the Hawaiian Broadcasting Co., Ltd. (licensee of stations KHBC, Hilo, and KGMB, Honolulu), to the Consolidated Amusement Company, Ltd. (KGMB operates on **1320 kc.**, with 1 KW, and KHBC operates on **1400 kc.**, with 250 watts, unlimited time).

WGRM—P. K. Ewing, Grenada, Miss.—Granted renewal of license for the period June 1 to December 1, 1939.

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Present license extended upon a temporary basis only for the



period ending July 1, 1939, pending determination upon the application for renewal.

- KRBA—Red Lands Broadcasting Assn., Lufkin, Tex.—Granted renewal of license for the regular period.
- WDAH—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Granted renewal of license for the regular period.
- WEXL—Royal Oak Broadcasting Co., Royal Oak, Mich.—Granted renewal of license for the regular period.
- WIBU—Wm. C. Forrest, Poynette, Wis.—Granted renewal of license for the regular period.
- WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Granted renewal of license for the regular period.

### DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

- NEW—Clyde E. Wilson and Howard A. Shuman, d/b as Hot Springs Broadcasting Co., Hot Springs, Ark.—C. P. for new station to operate on frequency 1310 kc., with 100 watts night, 250 watts day, unlimited time. The exact transmitter and studio sites and type of antenna to be determined with Commission's approval.
- WCNW—Arthur Fasse, Brooklyn, N. Y.—Modification of license application, already in hearing docket, amended so as to request unlimited time of operation (requests facilities of WMBQ and WWRL).
- KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, Calif.—C. P. to move transmitter site locally about three miles, near Culver City, Calif.; install new equipment and increase night power from 500 watts to 1 KW and day power from 500 watts to 5 KW; increase time of operation from limited to unlimited. Exact transmitter site and type of antenna to be determined with Commission's approval. To be heard before the Commission. (Application designated for hearing because the request violates Rules 116 and 117; also because of possible interference to existing stations and pending applications involve increase in service.)
- NEW—Yetta G. Samford, G. S. Shealy, Thomas D. Samford, Jr., J. H. Orr, d/b as Opelika-Auburn Broadcasting Co., Opelika, Ala.—C. P. for new broadcast station to operate on 1370 kc., 100 watts night, 250 watts day, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.
- KSD—The Pulitzer Publishing Co., St. Louis, Mo.—C. P. to move transmitter site locally from northeast corner 12th and Olive Sts., St. Louis, to St. Clair and Warren Avenues, Nameoki, Ill.; install DA system for day and nighttime operation; change frequency from 550 kc. to 630 kc., and time of operation from S-KFUO to unlimited time.
- KXOK—Star-Times Publishing Co., St. Louis, Mo.—C. P. to move transmitter site locally approximately 2 miles east of previously approved site, from ½ mile northwest of Venice, Ill., to near National City, Ill.; install new equipment and make changes in DA system; change frequency from 1250 kc. to 630 kc., and increase day power from 1 KW to 5 KW, employing DA system for both day and nighttime operation.

### MISCELLANEOUS

- KBPS—Benson Polytechnic School, Portland, Ore.—Granted special temporary authority to remain silent from 12:30 p. m., June 2, to 3 a. m., EST, July 1, in order to observe regular school vacation.
- KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from local sunset (June 7:30 p. m., CST) to 11:05 p. m., using 100 watts power, on Sundays, June 4, 11, 18 and 25, in order to broadcast church services.
- WMFO—James R. Doss, Jr., Decatur, Ala.—Granted special temporary authority to operate from 6:45 p. m. until 9 p. m., CST, on May 26, 27, and 28, in order to broadcast programs of local interest from FHA Better Homes Show, using 50 watts only.
- WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted extension of special temporary authority for daytime operation of new WFBR plant, using DA and daytime power as authorized by C. P. modified February 23, 1939, 5 KW, in order to collect field data essential to proof of performance report, for the period May 25 to June 23.

- W8XWJ—The Evening News Assn., Detroit, Mich.—Granted special temporary authority to rebroadcast program material over high frequency broadcast station W8XWJ to be received from relay broadcast station W8XHV in connection with Police Field Day activities on May 25.
- KFRO—Voice of Longview, Longview, Tex.—Denied special temporary authority to operate from local sunset (June 7:30 p. m., CST) to 11 p. m., using 100 watts power, on June 2, 6, 7, 8, 9, 14, 15, 19, 20, 21, 26, 27, 28, 29, in order to broadcast baseball games.
- KOME—Harry Schwartz, Tulsa, Okla.—Denied special temporary authority to operate from 8:30 to 10:30 p. m., CST, nightly, for the period May 29 to June 27, in order to broadcast Texas League baseball games, using 100 watts only.
- KODN—R. C. Hoiles, Pampa, Tex.—Denied special temporary authority to operate unlimited time on May 26, 27, 28, 29, 30 and 31, in order to broadcast local baseball games.
- KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted special temporary authority to operate with two 500-watt vacuum tubes for high level modulation (RCA 833) as authorized in modification of C. P. granted May 8, 1939, instead of four 250-watt tubes for high level modulation (RCA 204-A), until new directional antenna completed but not to exceed 30 days.
- NEW—Vincennes Newspapers, Inc., Vincennes, Ind.—Ruling of March 31, 1939, affirmed, and denied motion to strike proposed findings and conclusions submitted by Samuel M. Emison, and to set aside the intervention granted S. M. Emison on March 31, 1939.
- NEW—Catawba Valley Broadcasting Co., Inc., Hickory, N. C.—Granted motion for order to take depositions except as to alternative place of taking and alternative notary, in re application for C. P. to use 1370 kc., 100 watts, 250 watts LS, unlimited time.
- KVOS—KVOS, Inc., Bellingham, Wash.—Denied petition for (1) continuance for from 30-60 days from June 28, 1939; (2) permission to take depositions 30 days after depositions or hearing relative to Bellingham Broadcasting Co., Inc. (Docket 5478), application; (3) permission to examine complaints against applicant; (4) denial of Bellingham Broadcasting Co., Inc.; (5) order requiring Bellingham Broadcasting Co., Inc. to clarify its respondent's appearance. (KVOS application involves renewal of license.)
- KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Referred to the Commission en banc, the motion to dismiss and return application of KOAC for C. P. to install new transmitter and antenna, move transmitter and increase power.
- NEW—Clarence H. Frey & Herbert O. Greever, Logan, W. Va.—Denied, with permission to withdraw without prejudice and file a new application, the petition for leave to amend application to change frequency from 1200 kc. to 1310 kc.
- KVOX—KVOX Broadcasting Co., Moorhead, Minn.—Dismissed motion to deny as in default application of KOVC, for C. P. to change frequency from 1500 kc. to 1340 kc., and power from 100 watts, 250 watts LS, to 500 watts, 1 KW LS, unlimited time.
- NEW—Milton Edge & Hobart Stephenson, Jacksonville, Ill.—Referred to Commission en banc petition for leave to amend application by substitution of party (Edgar J. Korsmeyer) for Sherman V. Coultas, deceased, in re application for C. P. to use 1310 kc., 100 watts, unlimited time.
- KGLO—Mason City Globe Gazette Co., Mason City, Ia.—Granted alternative request for continuance of hearing, new date to be fixed by Secretary's Office, in re applications of KGLO to change frequency and power, and the application for renewal of license of KWLC, Decorah, Ia., now scheduled for June 27.
- KOAC—Oregon State Agricultural College, Corvallis, Ore.—Denied petition to accept amendment to amend Section 19(b) of applicant so as to request 1 KW night power instead of 5 KW, with permission to withdraw application without prejudice and file a new application.
- WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority to operate from local sunset (May, 6:45 p. m., and June, 7:15 p. m., CST), to 9:30 p. m., CST, on June 1 and 2, in order to broadcast selection and crowning of Strawberry Queen and on May 28, June 4, 11 and 18, in order to broadcast church services.
- KLO—Interstate Broadcasting Corp., Ogden, Utah.—Granted special temporary authority to operate daytime with power of 1 KW using new directive antenna, for a period not to



- exceed 10 days, in order to make proof of performance measurements of directive antenna as authorized by permit granted November 28, 1939.
- WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 2 to 3 p. m., EST, on June 10 and 17, and from 8:30 to 10 a. m. and 2 to 3 p. m., EST, on June 11 and 18, and unlimited time for the period June 23 to July 1, in order to broadcast programs as described in letter of May 20, 1939.
- WCBN—Columbia Broadcasting System, New York City—Granted special temporary authority to operate relay broadcast station WCBN aboard aircraft *Yankee Clipper*, owned by Pan American Airways Co., on frequencies 2400, 4800, 6430, 8655, 12862.5, 17310 and 23100 ke., in addition to normal licensed frequencies for a period not to exceed 30 days, in order to relay broadcast special programs during second trans-Atlantic flight of the *Yankee Clipper*.
- KBPS—Benson Polytechnic School, Portland, Ore.—Granted extension of special temporary authority to remain silent for the period July 1 to September 11, in order to observe regular school vacation.
- WIEW—National Broadcasting Co., Inc., New York City, Portable-Mobile.—Granted C. P. for new transmitter and increase in power of an existing relay broadcast station from 20 to 25 watts.
- WDZ—WDZ Broadcasting Co., Tuscola, Ill.—Granted license to cover C. P. authorizing installation of new equipment and increase in day power from 250 watts to 1 KW.
- W8XSC—Mich. State College, E. Lansing, Mich.—Granted license to cover C. P. authorizing changes in equipment and increase in power to 50 watts in relay broadcast station. The license is granted on an experimental basis only, conditionally.
- WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted modification of C. P. to install new equipment and extend commencement date to 60 days after grant and completion date to 60 days thereafter.
- KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Granted license to cover C. P. authorizing change in frequency from 1370 to 1450 ke., and increase in power from 100 watts, unlimited time to 1 KW, unlimited employing directional antenna for nighttime operation.
- NEW—World Peace Foundation, Oakland, Cal.—Denied as in cases of default application for C. P. for new international broadcast station at Oakland, Calif., because applicant failed to file a written appearance.
- KPDN—R. C. Hoiles, Pampa, Tex.—Denied special temporary authority to operate unlimited time on May 17, 18, 19, 20, 26, 27, 28, 29, 30, 31, in order to broadcast baseball games.
- WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate from 9 to 11 a. m., and from 1 to 3 p. m., EST, on May 30 (provided WOSU remains silent), in order to broadcast programs of a holiday character.
- WCAT—So. Dak. State School of Mines, Rapid City, S. Dak.—Granted special temporary authority to remain silent from June 1 to September 11, in order to observe summer vacation.
- WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Granted license to cover C. P. authorizing changes in composite equipment for 250 watts.
- KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Granted authority to determine operating power by direct measurement of antenna input in accordance with Rule 137, and subject to the following power specifications: antenna current—2.95 amperes for 1 KW day; antenna resistance—115 ohms; type of antenna—vertical wire supported between two 200-foot insulated base towers spaced 340 feet; height of vertical lead 192 feet. Towers detuned by grounding for non-directive operation (non-directional). Transmission line current—3.98 amperes; resistance at common point of input to antenna system—63.0 ohms; type of antenna—3-element directional; height of vertical east and west elements, 200 ft.; overall height 204 ft.; and center element height of vertical lead 192 ft., supported from messenger cable between 2 main elements. Towers insulated with adequate ground system (directive antenna nighttime operation).
- WBLK—The Exponent Co., Clarksburg, W. Va.—Granted license to cover C. P. authorizing changes in equipment and increase in day power from 100 to 250 watts.
- W2XAX—Columbia Broadcasting System, Inc., New York City.—Granted modification of C. P. to extend completion date from June 16 to December 16, 1939.
- KGMB—Honolulu Broadcasting Co., Honolulu, T. H.; KHBC: Hilo, T. H.—Granted petition to reconsider and grant without a hearing the applications for renewal of licenses for KGMB and KHBC. (Cause of objection removed.)
- KNEL—G. L. Burns, Brady, Texas.—Denied petition to reconsider and grant without a hearing, the application requesting authority to increase time of operation from 250 watts daytime to 100 watts night, 250 watts day, unlimited time.
- WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Granted petition to reconsider and grant without a hearing the application requesting authority to increase daytime power of station from 1 KW to 5 KW.
- WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Denied petition to reconsider and grant without a hearing, the application for renewal of license of station WBAX.
- NEW—Black River Valley Broadcasts, Inc., Watertown, N. Y.—Denied petition for special relief requesting the Commission to vacate its order of December 2, 1936, in which the applications of the Black River Valley Broadcasts, Inc. was granted and the application of Watertown Broadcasting Corp. was denied, and ordered these two applications be heard *de novo* before an Examiner, together with the applications of WCAD for voluntary assignment of license and C. P. to move station from Canton to Watertown.
- NEW—Clinton Broadcasting Corp., Clinton, Ia.; and NEW—Burlington Broadcasting Co., Burlington, Ia.—Ordered that applications of Clinton Broadcasting Corp. and Burlington Broadcasting Co., be designated for further hearing on questions of interference with existing stations and related questions.
- NEW—The Courier Post Publishing Co.; and NEW: Hannibal Broadcasting Co., Hannibal, Mo.—Denied petition of Courier Post Publishing Company requesting grant of application for a new local broadcast station at Hannibal, and designated for further hearing in a consolidated proceeding, on the question of possible interference with existing stations and pending applications for broadcast facilities and related questions, the application of the Hannibal Broadcasting Co.
- W8XVA—Brown Radio Service and Lab. (Gordon P. Brown, owner), Rochester, N. Y., Portable-Mobile.—Granted modification of C. P. extending completion date from July 1 to November 10, 1939.
- WRNL—WLBG, Inc., Richmond, Va.—Granted modification of license to change name from WLBG, Inc., to Richmond Radio Corporation.
- W9XXT—KCMO Broadcasting Co., Kansas City, Mo. (Portable-Mobile).—Granted modification of license to reduce the power of high frequency relay broadcast station from 5 watts to 0.5 watts, without new construction. This license is granted on an experimental basis only, conditionally.

## APPLICATIONS FILED AT FCC

### 780 Kilocycles

- KWLK—Twin City Broadcasting Corp., Longview, Wash.—Modification of license to change hours of operation from daytime to unlimited time, using 250 watts power.

### 1120 Kilocycles

- WISN—Hearst Radio, Inc., Milwaukee, Wis.—Construction permit to make changes in transmitting equipment.

### 1200 Kilocycles

- WSKB—McComb Broadcasting Corp., McComb, Miss.—Modification of construction permit (B3-P-2002) for approval of antenna, studio site at Main St., McColgan Hotel, McComb, Miss., and transmitter site as U. S. Highway 51, McComb, Miss. Amended: Give transmitter site as Berthadale Road, at Highway 24, McComb, Miss., and make changes in antenna.

### 1210 Kilocycles

- KANS—The KANS Broadcasting Co., Wichita, Kans.—Authority to transfer control of corporation from Charles C. Theis to stockholders (to Herb Hollister, 48 shares common stock).



### 1310 Kilocycles

KOME—Harry Schwartz, Tulsa, Okla.—Modification of license to change hours of operation from daytime to unlimited time, using 100 watts power nighttime.

### 1340 Kilocycles

KGNO—Dodge City Broadcasting Co., Inc., Dodge City, Kans.—Construction permit to make changes in transmitting equipment, install vertical antenna, increase power from 250 watts to 500 watts. Amended to make changes in equipment, change requested power to 250 watts night, 1 KW day.

### 1370 Kilocycles

KIUN—Jack W. Hawkins and Barney H. Hubbs, Pecos, Tex.—C. P. to increase power from 100 watts to 100 watts, 250 watts LS; make changes in equipment and give studio site as 306 S. Cedar St., Pecos, Tex. (no move, corrected address).

### 1410 Kilocycles

KMED—Mrs. W. J. Virgin, Medford, Ore.—Modification of construction permit (B5-P-1892) for increase in power and new transmitter, requesting authority to make changes in type of transmitting equipment.

### 1420 Kilocycles

WPRP—Julio M. Conesa, Ponce, P. R.—Construction permit to install new transmitter, vertical antenna; change frequency from 1420 kc. to 1480 kc.; increase power from 100 watts, 250 watts day, to 5 KW day and night; change hours of operation from specified hours to unlimited time. Amended: Specify transmitter site to be determined, Ponce, P. R.

### 1430 Kilocycles

KINY—Edwin A. Kraft, Juneau, Alaska.—Construction permit to make changes in transmitting equipment; increase power from 250 watts to 1 KW.

### 1500 Kilocycles

KVWC—R. H. Nichols, W. H. Wright and Stewart Hatch, a partnership, d/b as The Northwestern Broadcasting Co., Vernon, Tex.—License to cover construction permit B4-P-2356 for equipment changes and increase in power.

## MISCELLANEOUS

WDAJ—Tampa Times Co., Portable-Mobile, area Tampa, Fla.—License to cover B3-PRY-146 for new low frequency relay station.

NEW—Head of the Lakes Broadcasting Co., Superior, Wis.—Construction permit for a new high frequency broadcast station on 26300 kc., 1000 watts power.

W9XSN—The Champaign News-Gazette, Inc., Portable-Mobile, area of Champaign, Ill.—Construction permit for change in equipment and request frequencies 30820, 33740, 35820, 37980 kc., in accordance with new rules.

W2XBF—William G. H. Finch, New York, N. Y.—Modification of license to change class of station from experimental broadcast to facsimile broadcast, and change frequency to 43740 kc.

NEW—Stromberg-Carlson Telephone Mfg. Co., Rochester, N. Y.—Construction permit for a new high frequency broadcast station on 40300, 41200, 41600, 41800 kc., 2 KW power, unlimited time, located at 89 East Ave., Rochester, N. Y. Amended to request frequency 43200 kc., power 1 KW.

NEW—Larus & Brother Co., Inc., Portable-Mobile, area of Richmond, Va.—Construction permit for a new portable-mobile relay broadcast station on 1646, 2090, 2190 and 2830 kc., 25 watts power, A-3 emission.

W9XXL—Ashland Broadcasting Co., Ashland, Ky.—C. P. for reinstatement of portable-mobile relay broadcast station on 31100, 34600, 37600, 40600 kc., 10 watts power, A-3 emission. Amended to specify 30820, 33740, 35820, 37980 kc.

WBTM—Piedmont Broadcasting Corp., Danville, Va.—Authority to transfer control of corporation from S. C. Ondarcho, W. P. Heffernan, C. A. Barker, J. A. Herman, L. R. Wyatt, E. J. Wyatt, A. B. Carrington, Jr., F. B. Leggett, W. E. Gardner, Jr., Harry Spencer, and L. N. Dibrell to L. N. Dibrell, 225 shares common stock.

NEW—Earle C. Anthony, Inc., Los Angeles, Calif.—Construction permit for new television station on 42000-56000 kc., 1 KW

power, A-3 and A-5 emission, site to be determined, Los Angeles, Calif. Amended to request frequency band 50000-56000 kc.

NEW—The May Department Stores Co., Los Angeles, Calif.—Construction permit for a new television station on 60000-86000 kc., 1 KW power, A-3 and A-5 emission, at Wilshire Blvd. and Fairfax St., Los Angeles, Calif. Amended: Specify frequency band 50000-56000 kc.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

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

**Barbara Gould Sales Corporation**—See Bourjois, Inc.

**Bourjois, Inc.**—Amended complaints have been issued charging two New York organizations selling cosmetics and toilet preparations with violation of the Federal Trade Commission and Robinson-Patman Acts in connection with furnishing the services of demonstrators of their products to merchant customers, and with violation of the Robinson-Patman Act through granting price discriminations.

Respondents are (1) Bourjois, Incorporated, Bourjois Sales Corporation, Barbara Gould Sales Corporation, Bourjois Sales Corporation of California, and Bourjois Sales Corporation of New Jersey, and (2) Richard Hudnut, a corporation, Hudnut Sales Co., Inc., and William R. Warner & Co., Inc., all of New York.

Violation of the Federal Trade Commission Act is alleged because the respondents' demonstrators, while appearing to be employed by the respective merchants in their stores as disinterested salespersons qualified to give impartial advice and counsel regarding the use of various cosmetics, are in fact employed and placed therein by the respondent cosmetic companies and are able to further the sale of the respondents' preparations. The respondents' personnel plan is alleged to deceive purchasers and to have a tendency to lend itself to misrepresentation of competitors' commodities and substitution of respondents' products therefor.

Violation of the Robinson-Patman Act is alleged to occur through granting to some customers the services of demonstrators when such services are not granted to other competing customers on proportionally equal terms.

In violation of the same act the respondents are alleged to differentiate in price between different purchasers of commodities of like grade and quality sold for resale by allowing certain purchasers varied price discounts more favorable than those granted to others. The Bourjois respondents are alleged to allow such discounts from retail list prices and the Hudnut respondents from their "per dozen" wholesale list prices. (2972-2973)

**Bourjois Sales Corporation**—See Bourjois, Inc.

**Elite Publishing Company**—Steven V. Gimino and Anthony V. Gimino, doing business under the name of Elite Publishing Company, with offices at 214 Grand St., New York, have been ordered to cease and desist from misrepresentations in the sale and distribution of books advertised in magazines and other periodicals as describing "107 plans for making \$20.00-\$100.00 weekly in home or office, business of your own."

A "free booklet" advertised as descriptive of the plans, sent to inquirers, the Commission found, did not describe the plans in any practical detail and was merely suggestive of the general nature of each plan and some of its salient features. The plans themselves were incorporated in the larger books sold and distributed by respondents under the names "Collection of Successful Business Plans" and "The Elite Collection of Successful Business Plans."

Findings of the Commission are that all the plans involve the sale of articles or services. Many of them are adapted essentially to peddling or house-to-house sales. Although by following the respondents' proposals personal direct selling by the operator of the plan may frequently be avoided, in many cases such selling is necessary. (3521)

**Richard Hudnut**—See Bourjois, Inc.

**Hudnut Sales Company, Inc.**—See Bourjois, Inc.

**William R. Warner & Company, Inc.**—See Bourjois, Inc.

### CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Brinkler School of Eating**—George Henry Brinkler, 458 Ocean Drive, Miami Beach, Fla., has been ordered to discontinue misleading representations in the sale of correspondence courses in diet and health. Brinkler formerly operated as Brinkler School of Eating and as Brinkler School of Food Science.

The Commission's order is based on findings that the respondent, among other representations, advertised that congestion or waste matter in the blood is the cause of all diseases; that his courses comprise competent and adequate treatment for the cure and elimination of all diseases.

Brinkler was found to have represented that persons following his courses will achieve improved memory and eyesight, normal circulation, doubling of brain or muscle power, dependable health and activity in old age, increased creative talent and energy, a body system restored to normal functioning, and other benefits.

Findings are that congestion or waste matter in the blood is not the cause of all diseases and that the respondent's method or diet are not competent or adequate treatment for all diseases, except for a restricted number such as scurvy, beri-beri and rickets, caused by diet deficiency. (2693)

**Brinkler School of Food Science**—See Brinkler School of Eating.

### STIPULATIONS

The Commission has entered into the following stipulations:

**Hellige, Inc.**, 3718 Northern Blvd., Long Island City, N. Y., wholesaler of hospital and laboratory supplies, including cover

glasses for use in microscopic work, has entered into a stipulation to desist from certain misrepresentations.

In the sale of its "Checker Brand" cover glasses, the respondent corporation will discontinue use, in price lists or on labels affixed to containers or in any other way, of the phrase "Made in U. S. A." or of any other words of similar inference so as to imply that the glass or the products in their entirety are of domestic origin, when such is not a fact. (2472)

**Journal Printing Company**—Trading as The Journal Printing Company, Max L. Hill, 415 Missouri Ave., East St. Louis, Ill., has entered into a stipulation to discontinue misleading representations in the sale of advertising layouts containing colored drawings or pictures of merchandise.

The respondent, a job printer, agrees to desist from representing that either the photographing or the engraving involved in the production of the finished advertising he offers for sale is done in his own plant, or that a plant owned, operated or controlled by him is equipped to do and does perform either the colored photography or the photoengraving work, when such are not the facts. (2470)

**Kristee Products Company**, Akron, Ohio, agrees that in the sale of the Kristee Fog-Lite, it will cease representing that an amber beam generally, or that the amber beam resulting from use of its product, has a greater degree of penetration or provides a clearer or better or more lengthy vision than ordinary beams. The respondent admits in its stipulation that amber light does not penetrate more than unmodified light, and that it will not improve revealing power or enable a person to see farther. (02379)

**Penn-Crest Refining Company, Inc.**, a dealer in motor oils and other lubricants, with headquarters in Long Island City, N. Y., has entered into a stipulation to cease using the word "refining" in its corporate name, as it is not an oil refiner, and to discontinue indicating that it is located in Oil City, Pa., oil producing and refining center, when in fact it has no place of business there. (2471)

**C. I. Todstad Company**—Vera P. Williams, proprietor, and L. O. Williams, attorney in fact for Vera P. Williams, trading as The C. I. Togstad Company, Kokomo, Ind., stipulate that they will cease representing that sales persons, regardless of their age, residence, experience or business qualifications, can "make big money," "earn steady incomes" or "get into a business of their own" by selling the respondents' household merchandise. The respondents also agree to cease advertising that an "\$8.00 free sample display" is furnished agents, so long as agents are required to make a cash deposit in order to obtain such outfits. (02380)



# FCC Assignments For June

Duties of Commissioners, Secretary, and Chief Engineer of the FCC as allocated by Order No. 28, dated November 29, 1937, which provides "That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon:

**ASSIGNMENT FOR  
MONTH OF  
June**

"All applications for aeronautical, aircraft, geophysical, motion picture, airport, aeronautical point to point, municipal and state police, marine relay, marine fire, and emergency and special emergency radio facilities.

**Commissioner  
T. A. M. Craven**

"All applications for licenses following construction which comply with the construction permit; applications for extensions of time within which to commence and complete construction; applications for construction permit and modification of construction permit involving only a change in equipment; applications to install frequency control; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for special temporary authorization; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter site; and applications for relay broadcast stations.

**Commissioner  
George Henry Payne**

"All radio matters of every character (except broadcast, operator licenses and amateur and ship stations) within the territory of Alaska.

**Commissioner  
Frederick I. Thompson**

"All uncontested proceedings involved in the issuance of certificates of convenience and necessity; and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act.

**Commissioner  
Thad H. Brown**

"All matters arising in connection with the administration of tariff circulars of the Commission adopted pursuant to Section 203 of the Act, including the waiver of notice for the filing of tariffs.

**Commissioner  
Paul A. Walker**

"All matters arising under the Rules of Practice and Procedure of the Commission relating to withdrawals, dismissals, or defaults of applications or other proceedings, subject to the statutory right of appeal to the Commission; and to hear and determine all interlocutory motions, pleadings and related matters of procedure before the Commission.

**Commissioner  
Norman S. Case**

"That the Secretary of the Federal Communications Commission is hereby authorized to determine, order, certify, report or otherwise act, with the advice of the General Counsel and the Chief Engineer, upon:

**Secretary  
T. J. Slowie**

- (a) all applications for operator licenses, and
- (b) all applications for amateur and ship stations.

"That the Chief Engineer of the Federal Communications Commission is hereby authorized to determine upon all applications and requests, and to make appropriate order in letter form for the signature of the Secretary in the following matters:

- (a) operation without an approved frequency monitor;
- (b) operation without an approved modulation monitor;
- (c) operation without thermometer in automatic temperature control chamber;
- (d) operation without antenna ammeter, plate voltmeter or plate ammeter;
- (e) operation with substitute ammeter, plate voltmeter or plate ammeter;
- (f) operation with temporary antenna system;
- (g) operation with auxiliary transmitter as main transmitter;
- (h) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application;
- (i) where formal application is not required, application for new or modified equipment or antenna system;
- (j) where formal application is not required, change of specifications for painting and lighting of antenna towers;
- (k) operation to determine power by direct method during program test periods;
- (l) relocation of transmitter in the same building;
- (m) operation with reduced power or time under Rules 142 and 151;
- (n) approval of types of equipment;
- (o) where it appears that terms of construction permit have been complied with, authorization for equipment and program tests or extensions thereof;
- (p) denial of requests for equipment and program tests where specifications of construction permit have not been met;
- (q) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorization it appears that the terms of the construction permit have not been met;
- (r) extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission;
- (s) changes in equipment necessary to comply with technical requirements specified in authorizations, orders, rules or releases (except formal applications);
- (t) representations of compliance with technical requirements specified in authorizations, orders, rules or releases (except formal applications);
- (u) operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location."

**Chief Engineer  
Ewell K. Jett**







## Miller Asks Hearing on "Censorship" Rules

Threatened government censorship of radio programs drew fire this week from Neville Miller.

The FCC on May 23 promulgated new Rules and Regulations for the operation of international broadcast stations which included a requirement that these stations "shall render only an international broadcast service which will reflect the culture of this country and which will promote international goodwill, understanding and cooperation".

"If the Commission has the authority to promulgate this character of regulation in the international field, it must have equal authority with respect to domestic broadcasting, as the same provisions of law govern both classifications", Mr. Miller pointed out in a letter to the FCC Chairman Frank R. McNinch, asking for a hearing before the rules became effective.

"If licensees of international broadcast stations can be required to restrict their programs to any regulatory authority's concept of American culture, it would seem clear that the licensees of domestic broadcasting stations could be required to limit their programs to some 'official' definition of culture, education and entertainment.

"That this would constitute a violent transgression of the basic principles of American democracy is self-evident.

"We further submit that the proposed regulations would establish the precedent for such transgression and surely no such dangerous prerogative is contemplated by the Communications Act of 1934 and is in direct conflict with Section 326 of the Act which expressly prohibits any type or character of censorship or any condition or regulation 'which shall interfere with the right of free speech by means of radio communication'."

The press joined the NAB in condemning the new rules. Editorially, the New York Herald-Tribune said the rules should be reviewed and rescinded—"unless, that is, the Administration has decided that in violation of the express provisions of the Act of Congress establishing the powers of the FCC this body is to become a board of censorship". Immediate reaction came, too, from Congress where Representative McLeod (R-Mich.) said that the Commission's action "completely destroys" the broadcasting industry's freedom and "makes it the slave of a bureaucratic government". Representative Hinshaw (R-Calif.) had Mr. Miller's letter printed in the Congressional Record June 7.

Meantime President Roosevelt notified Mr. McNinch that he was expected to continue his service with the FCC. Mr. Roosevelt sent this word to Mr. McNinch in reply to the



NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NA tional 2080

Neville Miller, President Edwin M. Spence, Secretary-Treasurer

Andrew Bennett, Counsel; Edward M. Kirby, Director of Public Relations; Joseph L. Miller, Director of Labor Relations; Paul F. Peter, Director of Research

MILLER ASKS HEARING ON "CENSORSHIP" RULES

(Continued from page 3525)

Chairman's letter expressing hope that he would not be reappointed to the Federal Power Commission.

The tentative draft of the Program Standards Code, to be revised again if necessary before it is presented to the NAB convention July 10-13 in Atlantic City, will be mailed to all members this week for their study and criticism.

Censorship

MR. MILLER'S LETTER

June 3, 1939.

The Honorable Frank R. McNinch, Chairman Federal Communications Commission Washington, D. C.

Dear Mr. McNinch:

On May 23, 1939, the Commission promulgated new rules and regulations for the operation of international broadcast stations. These rules included new and unprecedented restrictions and requirements as to program content and were issued without prior public hearing. Of the nine licensees operating fourteen international broadcast stations, the majority are members of the National Association of Broadcasters. This organization has a committee for the study and coordination of international broadcasting and is now accumulating more comprehensive information in this field than has been available. Meanwhile, however, these new rules and regulations precipitate certain fundamental questions which are a matter of vital concern to broadcasting generally and to the entire American public. It is to these more fundamental matters that we address ourselves.

Paragraph (a) of Section 42.03 of the new regulations provides that "A licensee of an international broadcast station shall render only an international broadcast service which will reflect the culture of this country and which will promote international goodwill, understanding and cooperation." It is submitted that the question as to whether a specific program reflects the culture of this country or promotes, at any given moment, international goodwill, understanding and cooperation, is a matter upon which there may be sharp differences of opinion. A literal interpretation of this regulation would, for example, require a licensee to suppress spokesmen for minority groups if either the licensee or the Commission thought their views would not promote "international goodwill, understanding and cooperation." Freedom of speech as an integral part of the culture of this country not only is a cherished tradition, but a living reality. Any requirement that international broadcast stations suppress a speaker because his remarks might not promote "international goodwill, understanding and cooperation" would, therefore, seem to be in conflict with the requirement that the service rendered by an international broadcast station "reflect the culture of this country."

June 9, 1939

We are advised by several licensees of international broadcast stations that foreign listeners rely upon stations in the United States as a source for unbiased and uncensored news of the world. This reliance is based upon the fact that these listeners know that in the United States there is no governmental supervision or control over the matter to be broadcast. In many other countries, broadcasting is an instrument of the government and listeners to their stations are aware of the fact that their programs, including news reports and information on current events, are colored to fit the philosophy and views of the government. The consequent distortion of news into self serving propoganda has evoked a growing resentment toward the countries from which it emanates, and such resentment has reacted to enhance foreign respect for the present impartial dissemination of programs from the United States. We, therefore, feel that the confidence that has been developed in the independent operations of American short-wave stations will be destroyed when it becomes known that an agency of the government of the United States has laid down requirements to control the program content of these stations.

Moreover, it is respectfully submitted that the existence of this regulation (42.03-a) needlessly places this government in a position which we believe to be contrary to our traditional policy in the field of foreign relations. There are abundant examples of instances in which some citizen of the United States has made certain utterances by radio or through the press which have aroused the antagonism of the representatives of foreign powers. It has been the customary reply of our State Department to the protests by offended powers that this country is one in which freedom of speech is an actuality and the government has no power to abridge this fundamental right. The regulation which we are discussing definitely implies official responsibility for all matter broadcast over international stations. This we believe is unsound policy and incompatible with the operation of broadcast stations by private enterprise in a democracy. It would seem equally appropriate to require government supervision and censorship of all matter contained in American newspapers circulated abroad which use the facilities of the American Merchant Marine or the second class mail for delivery. This analogy, we believe, clearly demonstrates the errors and the immediate dangers of the policy which this new regulation embodies.

We likewise desire to invite your attention to paragraph (b) of Section 42.03 which places further restrictions upon program content to the extent that it limits and prescribes the type of commercial advertisement which can be made, the type of commodity which can be advertised and then excludes all commercial or sponsored programs that "are not consistent with the purpose or intent of this section." Such regulations are neither desirable nor necessary nor susceptible to sufficient clarity of interpretation or agreement as to meaning to permit them to be practically applied. If international broadcasting is to be continued as an instrument of private enterprise, we feel that the regulatory authority should confine its functions to questions of technical efficiency, allocation and general performance in the public interest.

It seems appropriate to emphasize that the record of licensees in the international broadcast field has been one of greatly increasing service to foreign listeners. During the past two years, there has been a marked development of facilities and personnel by the various private licensees. Their programs are being exclusively designed for international audiences. The responses that have been received indicate that foreign listeners appreciate the fact that these programs, reflecting as they do, a living pattern of our democracy, have not undertaken to propogandize any political ideology. This should be continued, because the most effective way to develop and foster international goodwill by the United States is to avoid copying the tactics of totalitarian governments who supervise and direct all broadcasting.

Finally, we have been unable to find a legal basis for the regulations which we have discussed. It need only be pointed out that the authority for all powers exercised by the Commission must be found in the Act itself and that such authority must be expressly conferred or follow by necessary implication from powers expressly conferred. In this case, we can find neither. While the Communications Act of 1934 clothes the Commission with extremely broad powers on matters of allocation and the technical and physical operations of broadcast stations, we can find nothing in the Act or in the several decisions of the court which have been based upon this Act to support this character of regulation. We have been unable to find any provision of the Act or decision of the court which would authorize the Commission to pass upon the content of programs broadcast either directly by prior examination of the program material or indirectly by imposing requirements which will have the same effect.



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The Federal Communications Act of 1934 is silent on the subject of program content. Not only does this absence of language support our conclusions that the Commission is without authority to regulate program content as such, whether in the international or domestic broadcasting field, but it should be particularly noted that the statutes expressly prohibit censorship in any form. We desire to emphasize the language in Section 326, which states:

"Nothing in this Act shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication."

If the Commission has the authority to promulgate this character of regulation in the international field, it must have equal authority with respect to domestic broadcasting, as the same provisions of the law govern both classifications. If licensees of international broadcast stations can be required to restrict their programs to any regulatory authority's concept of American culture, it would seem clear that the licensees of domestic broadcasting stations could be required to limit their programs to some "official" definition of culture, education and entertainment. That this would constitute a violent transgression of the basic principles of American democracy is self-evident. We further submit that the proposed regulations would establish the precedent for such transgression and surely no such dangerous prerogative is contemplated by the Communications Act of 1934 and is in direct conflict with Section 326 of the Act which expressly prohibits any type or character of censorship or any condition or regulation "which shall interfere with the right of free speech by means of radio communication."

In view of the importance of the subject itself and in further view of the necessary implications to which the adoption of such regulations give rise, we request that the Commission follow the same course selected by it in the adoption and promulgation of rules and regulations governing the domestic operation of broadcast stations and that it conduct hearings on these regulations. We further request that the Commission reconsider its action of May 23, 1939, and postpone final action until such time as an opportunity may be given for the conduct of a hearing upon the questions above referred to and others which are necessarily involved in the consideration of this subject.

Very respectfully yours,

NEVILLE MILLER.

### REPRESENTATIVE McLEOD'S SPEECH

Mr. Chairman, a few days ago the Federal Communications Commission issued regulations governing the broadcasting of international programs by radio stations in the United States which should alarm Congress, the press, and every person in this country.

These regulations order radio stations to broadcast only international progress of good will. In effect it gives to the Commission the power to tell radio stations what they shall or shall not say over the radio. The Commission uses the term "good will," which signifies that something has to be defined or determined; in other words, censorship of the radio and censorship of speech.

It has long been apparent that the Commission has sought greater control of the air waves, but such a brazen attempt to say what shall or shall not be broadcast—in effect censorship of radio programs—most certainly was not anticipated.

When the F. C. C. attempts to tell the broadcaster what programs he shall broadcast internationally, it knows that if it can get by with this dictation there is just one short step remaining to the control of standard broadcasts or domestic programs, and when that hurdle is cleared radio is under the domination of bureaucracy and ceases to be free.

Mr. Chairman, a little more than two decades ago this Nation had sufficient belief in democratic principles to engage in a horrible and destructive war to protect and preserve what we believed to be the inalienable rights granted by God to man. Our struggles and battles during the past 150 years present additional proof of our determination to combat any attempt to destroy or change the rights extended to our people by the Constitution and the Bill of Rights.

Fortunately it is not always necessary that we conduct a war to prevent encroachments upon these natural rights. Most of these attempts to verge away from our democratic principles are adjudicated by the Supreme Court. Our forebears in creating this

Court realized, as we must realize, that there are bound to be differences of opinion with respect to the various phases of our Constitution. There has been little or no uncertainty, however, regarding certain of the rights granted to us by the Constitution. Among these are religious liberty, freedom of speech and of the press, and others.

These are the natural rights and require limited explanation. We have come to take them as a matter of course. Only when they are in danger of being destroyed do we arise to defend and protect them. Needless to say, there are a few limitations on each of them. Bigamy, for instance, is prohibited, irrespective of religious belief, and freedom of speech and the press does not signify a right to libel, slander, or indecency.

When the Federal Communications Commission was created by this body it was not intended that censorship was to be part of the Commission's functions. The primary duties of the Commission are to prevent confusion in the air by allocation of wave lengths and to guard against libel or indecency. But here we have a creation of Congress, suddenly turned a Frankenstein, ignoring the will of Congress, and determining just what American radio stations shall or shall not say during international broadcasts. To carry out their purposes, violation of this fascistic principle will warrant revocation of a radio station's license and thereby force it out of business.

Gentlemen, I cannot say to you too strongly that without freedom of opinions, thoughts, and ideas this Nation has no right to entertain any hope for the survival of Democratic principles. This regulation is but a small cancer now, but unless it is cut out at the start it will spread like any unattended malignant growth, until finally free speech will be throttled, the press will be a mouthpiece for the few, and radios will blare forth only the ideas of the F. C. C.

Gentlemen, no matter how you view this regulation, you can reach no other conclusion than that this is the most flagrant attempt yet made to stifle and kill the right of free speech. In all the history of our Nation no more audacious or tyrannical step has been taken to destroy a vested right. If not corrected immediately, this regulation can mean the beginning of a Fascist censorship of the press as well as of the radio.

The Supreme Court, speaking through Chief Justice Hughes, has made it clear in a unanimous decision that the scope of Federal regulation over radio relates only to the allocation of facilities. Congress, moreover, in section 326 of the 1934 Federal Communications Act, has specifically prohibited such censorship by the Commission in the following language:

Nothing in this act shall be understood or construed to give the Commission the power of censorship of the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication. No person within the jurisdiction of the United States shall utter any obscene, indecent, or profane language by means of radio communication.

The danger of the unadulterated censorship as imposed by the Commission only last week must be apparent to all of you. It is a real threat against the newspaper and the freedom of the individual. It is something abhorrent to every American to whom freedom of speech is a precious heritage.

This action of the Radio Commission is undemocratic control of radio, and we have only to look at some of the countries of the Old World where broadcasting has been converted into the most powerful weapon of dictatorship to fully appreciate the significance of such control.

Heretofore, radio has taken its place with freedom of religion, speech, and the press, but this action completely destroys that freedom and makes it the slave of a bureaucratic government.

Mr. Chairman, the amazing predicament in which we find ourselves today calls for immediate remedial action. The President of the United States, in view of this serious situation, should forthwith demand the resignation of the entire Commission.

### THE HERALD-TRIBUNE EDITORIAL

It was a foregone conclusion that the National Association of Broadcasters would protest the latest ruling of the Federal Communications Commission which restricts the broadcasting of international programs to material that "reflects the culture of the country and will promote international good will, understanding and co-operation." This, as others had already pointed out, is a form of censorship, and as such is to be resisted and rejected. As the National Association of Broadcasters is interested not only to see all efforts to impose censorship nipped in the bud, but also to see the standards of broadcasting maintained at their highest, it has naturally taken up the fight against the FCC ruling.

As a matter of fact this ruling deserves the widest possible attention on the part of every one interested in freedom of speech. Whether or not the FCC intended that the ruling should serve as an entering wedge for censorship is not the question. No matter how well intentioned the Commission's motives, the fact remains that the ruling can be interpreted so broadly that it implies drastic powers of interference in and control of broadcasting programs by the government, and that, coupled with the existing provision whereby the licenses of broadcasting stations are renewable every six months at the pleasure of the Commission, what is in effect a form of censorship is thus established.

The experience in Europe has shown very plainly that control of the air is the first objective of those who wish to see freedom of speech curtailed. The next is control of the press. These things are inseparable, and they are in defiance of the guaranties in the Constitution. For this reason the FCC ruling concerns not only the radio broadcasters but also the country at large. It should be reviewed and rescinded—unless, that is, the Administration has decided that in violation of the express provision of the act of Congress establishing the powers of the FCC this body is to become a board of censors. If this is what is intended the country has a right to know—and to act accordingly.

### COPYRIGHT COMMITTEE

The Copyright Committee was in session in New York for two days (June 5-6) and gave very serious consideration to all angles of the copyright problem. Although no definite announcement can be made at this time, there were several significant developments all of which augur well.

All the various elements of the industry were represented by members who were well versed in the problems facing each particular class of station and all problems were carefully analyzed. Definite detailed information collected in various surveys, from FCC records and from questionnaires and letters from stations were presented to the committee for study.

It is the intention of the committee to know the possible effect of all plans and to select a plan which will be fair to all and which will work when adopted.

The most significant thing is that all elements of the industry are united and determined to approach copyright on an industry-wide basis, and to obtain a solution which will be both acceptable and fair to all elements. It was definitely agreed that all elements were represented

on the committee and that the committee would be the sole negotiating agency for the industry, and that no negotiations would be carried on with ASCAP except through the committee.

The negotiating committee consisting of Messrs. Klauber, Lohr, Rosenbaum, Elmer and Miller met June 7 for further discussion. This committee has made an appointment with ASCAP officials for Thursday, June 15, for further discussion.

It is the object of the committee to push the negotiations as rapidly as possible so the industry may know what the final proposal of ASCAP is in the near future and long before the expiration of the present contracts.

At the meeting were:

Edwin W. Craig, WSM, Nashville, Tenn.; Walter J. Damm, WTMJ, Milwaukee, Wis.; John Elmer, WCBM, Baltimore, Md.; Gregory Gentling, KROC, Rochester, Minn.; Edward Klauber and Joseph Ream, CBS, New York City; Lenox Lohr and Mark Woods, NBC, New York City; I. R. Lounsbury, WGR, Buffalo, N. Y.; Ed Cranny, KGIR, Butte, Mont.; Sam Rosenbaum, WFIL, Philadelphia, Pa.; Clair McCollough, WGAL, Lancaster, Pa.; John Shepard, 3rd, Yankee Network, Boston, Mass.; Theodore C. Streibert, MBS, New York City; and Harold Wheelahan, WSMB, New Orleans, La.

Headquarters was represented by Neville Miller, President; Paul Peter, Research; Andrew Bennett, Legal Department; and Edwin M. Spence, Secretary-Treasurer.

### TENTATIVE, PROPOSED CODE RELEASED TO MEMBERS TOMORROW

The proposed and tentative Code and new Standards of Practice which have been in the process of development since last December will be mailed tomorrow to all members.

Members are asked to examine and study it carefully and thoroughly during the intervening thirty days between now and the opening of the Annual Convention when the adoption of a code in final form will be the first order of business.

President Miller has asked every member to make comment, criticism and to advance suggested revisions between now and the time of the next meeting of the Code Committee, which will hold its final session two days prior to the convention to consider changes and recommendations made by NAB members.

The Committee has earnestly endeavored to bring forth a Code under which all might live, which protects the interests of both the listening public and the industry. It is a Code *voluntarily* imposed by member stations who will pledge *mutually* to comply with its provisions to the ultimate advance of the radio art itself in the service and acceptance of the American people. It is regarded as one of the most forward-looking steps undertaken in democratic, industrial self-regulation.

Committee members present at the New York meeting:

Edgar L. Bill, WMBD, Peoria, Ill.; E. B. Craney, KGIR, Butte, Mont.; Walter J. Damm, WTMJ, Milwaukee, Wis.; Earl J. Glade, KSL, Salt Lake City, Utah; Gilson Gray, CBS, New York City; William S. Hedges, NBC, New York City; Herbert Hollister,



KANS, Wichita, Kans.; Paul W. Morency, WTIC, Hartford, Conn.; Theodore C. Streibert, MBS, New York, N. Y.; Mark Woods, NBC, New York City; and Karl O. Wyler, KTSM, El Paso, Tex. Messrs. Neville Miller, Edward M. Kirby, and Edwin M. Spence, of Headquarters Office were also in attendance.

## McNINCH TO STAY AT FCC

The following letters between Chairman Frank R. McNinch of the FCC and President Roosevelt were exchanged this week:

### FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C.

June 7, 1939

My dear Mr. President,

You will recall that some time ago we discussed your reappointment of me to the Federal Power Commission, from which I had resigned to take up the work as Chairman of the Federal Communications Commission, at such time as my work at the latter Commission had been completed. I then expressed doubt as to whether or not I would feel like undertaking the responsibility of another five year term on the Federal Power Commission. You were gracious enough to leave this matter for my further consideration.

Now that the term of office on the Federal Power Commission expires June 22, 1939, I deem it my duty to call this fact to your attention and to advise you that, after most careful consideration, I must regretfully tell you that I hope you will not further consider me in that connection.

With assurances of my appreciation for your generous consideration and of my continuing high regard of and loyalty to you, I am

Faithfully yours,

FRANK R. McNINCH, *Chairman,*  
Federal Communications Commission.

To the President  
The White House.

THE WHITE HOUSE  
WASHINGTON

June 8, 1939

Dear Frank:

Please accept my thanks for your thoughtful note of June seventh, reminding me that the term for which you were appointed as a member of the Federal Power Commission expires on June twenty-second and that you do not feel like returning to the responsibilities which a reappointment would entail.

I received word of your decision with less misgiving because it means that you can continue your service as Chairman of the Federal Communications Commission and devote all of your time to the exacting duties of that difficult post. I cannot, however, allow this opportunity to pass without expressing my sincere thanks for the splendid work you did as Chairman of the Federal Power Commission. Your industry, your skill in the elucidation of complex problems and your faithful stewardship of the public interest at all times, have made your services invaluable. You will be interested to know that I have decided to nominate Mr. Leland Olds of New York as your successor.

I do hope you will have a care for your health and with all good wishes remain, as always,

Very sincerely yours,

/s/ FRANKLIN D. ROOSEVELT.

Honorable Frank R. McNinch,  
Chairman,  
Federal Communications Commission,  
Washington, D. C.

## RADIO TO BE SPOTLIGHTED AT ADVERTISING CONVENTION

With Mayor Fiorello LaGuardia of New York as guest speaker, the NAB Sales Managers' Committee, in con-

junction with the new NAB Bureau of Radio Advertising, will occupy the spotlight at the Advertising Federation of America's annual convention at a luncheon to be attended by leading advertisers and agency executives, at the Hotel Waldorf-Astoria in New York, on June 20 at 12:30 P. M.

Neville Miller, president of the NAB, will introduce Mayor LaGuardia and act as toastmaster. Mr. LaGuardia will speak on "Radio By the American Plan." Entertainment throughout the luncheon will be made possible by the cooperation of the networks.

During the morning of June 20, the Sales Managers' Committee, under the chairmanship of Craig Lawrence, KSO-KRNT, will meet with advertising and sales managers, agency principals, account executives and radio time buyers from eastern, midwestern and far western points, for a discussion of mutual problems and for an informal analysis of the proposed new NAB Code and Standards of Practice. Mr. Miller will be present at this meeting and will be assisted by Paul Peter, Director of Research, and Ed Kirby, Director of Public Relations, who have the joint responsibility for the creation and development of the new Bureau of Radio Advertising.

Representatives of international short-wave stations will discuss the problems of international advertising by short-wave which has recently been permitted by FCC ruling. Curtis Mitchell, editor of RADIO GUIDE, will deliver an analysis of some of the shortcomings of commercial program promotion and publicity under the title "Sacred Cows of Broadcasting."

Following the luncheon there will be a closed meeting of all Sales Managers in attendance. This meeting is scheduled at 2:30.

Station owners, managers and sales managers are urged to be present at these important advertising conferences where leaders in advertising will take part in a discussion of mutual problems vital to the welfare of radio.

## MILLER TO ADDRESS RMA

President Neville Miller will address the annual convention of the Radio Manufacturers Association to be held in the Hotel Stevens, June 13. His subject will be "Teamwork between RMA and NAB."

It is expected that he will outline new plans for the extension and intensification of the year-round NAB-RMA campaign.

## KIRBY ADDRESSES BETTER BUSINESS MEETING IN BUFFALO

Speaking at the Business-Consumer Relations Conference, held under the auspices of the National Association of Better Business Bureaus in Buffalo this week, Ed Kirby, Director of Public Relations, told the critics of advertising that advertising furnishes the economic foundation of both a free press and a free American radio, and as such "bears a profound social importance in our democracy."

He stated further that honest merchants and manufacturers, engaged in the production, distribution and advertising of legitimate commerce through established avenues not only "welcome such consumer-relations gatherings, but encourage them." "Only the back-alley manufacturer, the fly-by-night vendor have anything to fear from a searching inquiry into the truth of advertising claims and statements," he stated.

Among those present at the gathering were Mr. John Benson, president of the AAAA; Mr. Walter D. Fuller, president of the Curtis Publishing Company; representatives from the Federal Trade Commission, the Department of Agriculture, the Consumer-Relations Division of the Securities and Exchange Commission, and various organized women's consumer study and cooperative groups.

It was the feeling of those representing advertising media that one of the new developments in the field of public relations would be in the inauguration of special studies in "consumer relations."

### ACCOUNTING COMMITTEE

At a meeting of the Accounting Committee held at the Ritz Tower Hotel, New York City, June 1 and 2, the proposed questionnaire to be sent to all licensees by the FCC Accounting Department was thoroughly discussed. Mr. William J. Norfleet, FCC Chief Accountant, and Mr. de Quincy Sutton, of the FCC, attended the two day conference. Messrs. Norfleet and Sutton, on behalf of the department, were very cooperative. As a result of information obtained at previous meetings and the agreements reached at this meeting, the NAB hopes that the form of the questionnaire will be simplified so that information desired may be more easily obtained from the records as kept by station licensees. Members of the Committee present were: Chairman Harry C. Wilder, and N. L. Kidd, WSYR, Syracuse, New York; E. E. Hill, WTAG, Worcester, Massachusetts; Frank White, CBS; S. R. Dean and Harry F. McKeon, NBC; and Edwin M. Spence of NAB Headquarters Office.

## Legal

### TRANSCRIPTIONS AND RECORDS

Congressman James P. McGranery (D-Penna) on June 6 introduced a new bill (H. R. 6695) in Congress to amend the Communications Act so as to prohibit and penalize the recording or other mechanical reproduction of "music or other program material" without the consent in writing of the performers. This bill is similar to that introduced by Congressman Schulte (H. R. 5791) at the instigation of the Musicians' Union. It is understood that Mr. McGranery's bill is sponsored by Maurice J. Speiser,

attorney for the National Association of Performing Artists. This Association is patterned after ASCAP and has been conducting a campaign for some time with the objective of preventing the use of phonograph records by stations without a license from the Association.

The McGranery bill is a word-for-word copy of the Schulte bill, with the exception that the following sentence is included in the McGranery bill: "This act is not to apply to any case of recording for private, personal, civic, or political use, or to any recording of any address or talk on subjects of a public nature." The proposed statute provides that the consent in writing of all performers of music or other program material must be obtained before the program can be recorded or otherwise mechanically reproduced for profit or gain. This includes each member of an orchestra and each participant in a program, including announcers. The penalty for violation is a fine of not more than \$10,000 or imprisonment for a term of not more than two years, or both. Unless the written consent of each performer is obtained, the proposed law may prevent: (1) recording for audition purposes; (2) recording network program for subsequent rebroadcast when conditions prevent a broadcast at the time the program is delivered by the network; (3) rebroadcast of programs originating in foreign countries; (4) broadcasting of transcriptions or phonograph records; (5) the recording or rebroadcast of all addresses or speeches except those on subjects of a public nature, whether originating in this country or in a foreign country. The bill does not define what constitutes an address or talk of "a public nature."

The attention of all broadcasters is called to the NAB special mimeographed bulletin dated May 4 with respect to the Schulte bill. If you have not already advised Headquarters of the effect this bill will have on your station, it is urged that you do so immediately. The McGranery bill as introduced reads:

#### "A BILL

"To amend the Communications Act of 1934 so as to prohibit and penalize the unauthorized mechanical reproduction of music and other wire and radio-program material.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Communications Act of 1934 is hereby amended by adding after section 505 a new section reading as follows:

"Sec. 506. It is hereby declared to be unlawful for any person, without the consent in writing of the performer or performers of said music or other program material, (a) to record or otherwise mechanically reproduce or cause to be recorded or otherwise mechanically reproduced within the United States, for profit or gain, any music or other program material of any kind transmitted in any manner mentioned or described in section 2 (a); or (b) to offer for sale, sell, lease, or license, or to have in his possession for the purpose of sale, lease, or license, any record or other mechanical reproduction of music or other program material of any kind transmitted as aforesaid. This Act is not to apply to any case of recording for private, personal, civic, or political use, or to any recording of any address or talk on subjects of a public nature. Any person violating this section shall, upon conviction thereof, be punished as provided in section 501; and all records or other mechanical reproductions made in violation of this section may be seized on warrant issued by or under the direction of Attorney General of the United States, and the appropriate district



court of the United States or any judge thereof may on proper cause shown order the destruction of such records or other mechanical reproductions.'"

## BILLS AFFECTING BROADCASTING CONGRESS

H. R. 6695 (Mr. McGranery, D.-Penna.) COMMUNICATIONS ACT—To prohibit recording for profit or gain any program without consent in writing of the performers. Referred to Interstate and Foreign Commerce Committee.

### STATE LEGISLATION

#### CONNECTICUT:

S. 167 (Fraser) FOOD AND DRUGS—FALSE ADVERTISING—Uniform State Food, Drug and Cosmetic Act, prohibiting adulteration, false advertising, mislabeling, etc., with penalty of not more than six months in jail or not more than \$500 fine for violation. Prepared by the State Food and Dairy Department in line with federal regulations. Referred to Public Health and Safety.

#### FLORIDA: (Adjourned Sine Die June 2)

H. 2038 (House Committee on Finance & Taxation) GROSS RECEIPTS TAX—Amending Sections 1, 2, 3, 4, 6, 7, 8, 10 and 15 of Chapter 16848 of 1935 relating to the relief of public free schools, imposing a tax upon the privilege of operating stores, etc., by decreasing a license or flat tax and by increasing the tax on gross receipts to be collected thereunder and by levying a gross receipts tax on other businesses and providing for penalties. Killed in Senate 6-1.

S. 1199 (Committee on Finance and Taxation) RACING REGULATION—Prohibiting any person, firm or corporation, operating a race track in this state, to maintain or to allow any other person, etc., to maintain and operate any telephonic or telegraphic facilities for the transmission of any information concerning racing from such track, without first obtaining permit to do so from the racing commission, etc. Referred to Calendar without reference.

#### PENNSYLVANIA: (Adjourned Sine Die 5-30.)

H. 389 (Atkins et al) PENAL LAWS—Revision of the penal laws of the Commonwealth. Passed House 4-27 and Senate, as amended, 5-23.

#### SOUTH CAROLINA:

S. 858 (Bates) HOSPITAL DISTURBANCE—Makes it unlawful to annoy or disturb hospital or sanatorium patients by the use of radios or other musical instruments. Referred to Medical Affairs Committee.

## Engineers, FCC Discuss New Rules and Regulations

Following the oral argument held before the FCC June 1, an informal engineering conference was held to discuss all the engineering questions involved in the proposed new rules and standards of good engineering practice. The conference was started by Chief Engineer Jett who had to leave early and turned the chairmanship of the conference over to Andrew Ring.

The conference lasted from June 5 to June 6. R. M. Wilmotte represented the NAB Engineering Committee. There were present of the Engineering Committee O. B. Hanson (NBC), William Lodge (CBS), E. J. Content (Mutual and WOR), John DeWitt, Jr., (clear channel group), G. P. Houston (WCBM). There were also present among others, representatives of WLW, WCAU and several consulting engineers.

The conference was ably led by the Chairman who clarified many regulations, the purpose of which had not been clear to broadcasters generally. Mr. Ring was receptive to many suggestions made and, although he explained that his report based on information that he gathered at the conference, would be reviewed by the FCC, it appeared likely that most of the suggestions of the NAB Engineering Committee had a good chance to be adopted.

Much of the discussion dealt with highly technical matters but

on the whole, the Chairman seemed to react favorably to many suggestions which tended to make some of the regulations less rigid. Many such points were in themselves of minor importance but the trend on the whole seemed desirable. For instance, on page 12.3a of the Standards of Good Engineering Practice, it was originally proposed to require "proper bleeder resistors" to be installed across all condenser banks so as to reduce the danger of shock. It was suggested and accepted that bleeder resistors be changed to "effective automatic means." With this change, the broadcaster is at liberty to use any reasonable means that is suitable.

Another example in the same direction was the suggestion by Mr. Wilmotte that there should be some leeway between the required standards of performance of equipment under laboratory tests and the required standard of performance under normal operating conditions. That is when passing on the acceptability of a transmitter, for instance, the FCC should require a higher standard than it should require from the performance of the same transmitter under normal operating conditions in the field. The proposed standards did not differentiate between these two conditions. The suggested principle seemed to be accepted.

Many of these technical standards are difficult to establish and it was indicated that it might be desirable to continue studying them even after their adoption with a view of improving the engineering requirements to fit in with reasonable standards of operation.

Some of the broad problems and principles which had been brought up by Mr. Hogan at the original hearing on June 6, 1938 on behalf of the Engineering Committee of NAB were presented again by Mr. Wilmotte with the suggestion that the present Rules and Standards should not be held up for any major modification which might cause delay, and that committees be set up to study the possibility of amending the Proposed Rules and the Standards of Good Engineering Practice to fit in more closely with the broad principles suggested by Mr. Hogan.

Of special interest to broadcasters were the following amendments to the Proposed Standards of Good Engineering Practice which seemed likely to be adopted.

In the Proposed Standards the adjacent channel interference to the secondary service of clear channel stations were not protected from the adjacent channel interference. The Proposed Amendment was to give consideration to the protection of this service based on the merits of each case.

On page 1.3a, it is indicated that in certain cases protection may be granted beyond the normally protected contour of a station. "When it is shown that primary service is rendered beyond the normally protected contour, and when primary service of 90% of the population of the area between the normally protected contour and the contour to which such station actually serves, is not supplied by any other station or stations carrying the same general program service, the contour to which protection may be afforded in such cases will be determined from the individual merits of the case under consideration."

It was suggested that the figure 90% be deleted, but Mr. Ring pointed out that, if no standard were used, there would be danger of abuse developing and of considerable variations existing between decisions in individual cases. He also stated that the figure of 90% was not to be interpreted as a rule but only as a guide and that in certain cases it might be possible to consider much smaller percentages than 90%. He was in favor of retaining the figure 90% but thought that it was reasonable to change the wording to read "approximately 90%."

Mr. Ring suggested that it might be desirable that the measurements of power be made uniform and that the direct method of measurement be used in all cases. Owing to the increased efficiency of low powered transmitters, many 100 watt stations would have to reduce their power if it was measured by the direct method. Mr. Ring pointed out in the new Rules, local stations could apply for 250 watts of power and considered that there would be no hardship in this case. Representatives of the local stations who were present agreed.

In conclusion, it was stated that the Standards of Good Engineering Practice particularly as they affect the allocation of stations were to be interpreted as guides. In all cases special consideration would be given by the FCC to special conditions and requirements for the service of areas that were not properly served. In other words, broadcasters and applicants will have the right to present evidence indicating that the Standards of Good Engineering Practice should not be applied strictly in certain cases where they can show that deviation from these standards would be for the benefit of the listening public.

R. M. WILMOTTE.

The FCC during the month of May issued an operating license to one new station and granted a permit for the construction of one new station. A comparative table by months is given below:

|                                | Jan. 1 | Feb. 1 | Mar. 1 | Apr. 1 | May 1 | Jun. 1 |
|--------------------------------|--------|--------|--------|--------|-------|--------|
| Operating stations . . . . .   | 722    | 727    | 729    | 732    | 734   | 735    |
| Construction permits . . . . . | 42     | 39     | 37     | 37     | 38    | 38     |
| Total . . . . .                | 764    | 766    | 766    | 769    | 772   | 773    |

## FEDERAL COMMUNICATIONS COMMISSION

### PROPOSED FINDINGS OF FACT

The Federal Communications Commission, in a Proposed Findings of Fact, proposes to grant the application of WJAC, **Johnstown, Pennsylvania**, to change its assignment from sharing time with WFBG on **1310 kilocycles**, 250 watts day, 100 watts night, to unlimited operation on **1370 kilocycles**, using the same power.

In its Proposed Findings, the Commission stated that the granting of the application will result in a "more fair, efficient, and equitable distribution of radio service to a population of more than one hundred thousand persons." The Commission stated also that the operation of the station as proposed will not cause objectionable interference.

The application of Richland, Inc., for a new broadcast station at **Mansfield, Ohio**, to use **1370 kilocycles**, 250 watts power, daytime only, is proposed to be granted in a Proposed Findings of Fact of the Commission.

It is stated by the Commission that the applicant is in all ways qualified to construct and operate the proposed station and that a public need exists for the service which the applicant seeks to render. It is stated also by the Commission that the availability of economic support and of program talent "has been shown to a degree which gives reasonable assurance of operation in the public interest."

### DECISION OF COMMISSION

The Federal Communications Commission has granted the application of the Sunbury Broadcasting Corporation, licensee of WKOK, **Sunbury, Pennsylvania**, to operate unlimited time instead of specified hours on its frequency of **1210 kilocycles**, 100 watts power.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of June 12. They are subject to change.

June 9, 1939

### Further Argument Before the Commission

Examiner's Report No. I-664:

NEW—King-Trencle Broadcasting Corp., Grand Rapids, Mich.—C. P., **1010 kc.**, 250 watts, unlimited time.  
WSBT—The South Bend Tribune, South Bend, Ind.—C. P., **1010 kc.**, 1 KW, unlimited time (DA night). Present assignment: **1360 kc.**, 500 watts, shares WGES.

Thursday, June 15

Further Hearing

Broadcast

NEW—Central Broadcasting Corp., Worcester, Mass.—C. P., **1500 kc.**, 100 watts, 250 watts LS, unlimited time.

Friday, June 16

KRKO—Lee E. Mudgett, Everett, Wash.—C. P., **1370 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1370 kc.**, 50 watts, shares KEEN.

KRKO—Lee E. Mudgett, Everett, Wash.—Renewal of license, **1370 kc.**, 50 watts, shares KEEN.

KRKO—Lee E. Mudgett, Everett, Wash.—Voluntary assignment of license to The Everett Broadcasting Co., Inc. (Assignee); **1370 kc.**, 50 watts, shares KEEN.

NEW—Cascade Broadcasting Co., Inc., Everett, Wash.—C. P., **1420 kc.**, 100 watts, 250 watts LS, unlimited time.

### FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

July 7

KUSD—University of South Dakota, Vermillion, S. Dak.—Renewal of license, **890 kc.**, 500 watts, 500 watts LS, shares KFNF.

July 11

WCOV—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—Modification of license, **1210 kc.**, 100 watts, unlimited time. Present assignment: **1210 kc.**, 100 watts, daytime.

KNEL—G. L. Burns, Brady, Tex.—Modification of license, **1500 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1500 kc.**, 250 watts, daytime.

July 14

KRLH—Clarence Scharbauer, Midland, Tex.—C. P., **1420 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1420 kc.**, 100 watts, daytime.

September 6

KUTA—Jack Powers, David G. Smith, Frank C. Carman and Grant Wrathall, d/b as Utah Broadcasting Co., Salt Lake City, Utah.—C. P., **570 kc.**, 1 KW, unlimited time (DA night and day). Present assignment: **1500 kc.**, 100 watts, unlimited time.

September 11

In the Matter of Amendment of Rules 177 and 177.1 on Petition of Mayor LaGuardia of the City of New York.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

KSAL—R. J. Laubengayer, Salina, Kans.—Granted assignment of license of KSAL from R. J. Laubengayer to KSAL, Inc.



W8XKA—Westinghouse E. and M. Co., Pittsburgh, Pa.—Granted C. P. to install a new transmitter in high frequency broadcast station; change frequency to **42600 kc.** on an experimental basis conditionally; increase power to 1 KW; move to new transmitter location in Springfield, Mass., and change emission to special for frequency modulation on an experimental basis in accordance with Sec. 40.01-40.11 and Sec. 44.01-44.07 of high frequency broadcast station W8XKA.

W1XKB—Westinghouse E. and M. Co., East Springfield, Mass.—Granted C. P. to install a new transmitter and change frequency to **42380 kc.**, and increase power to 1 KW on an experimental basis in accordance with Sec. 40.01-40.11, of high frequency broadcast station W1XKB.

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—Granted voluntary assignment of license of WBNO from Coliseum Place Baptist Church to WBNO, Inc.

### RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KABC, San Antonio, Tex.; KBST, Big Spring, Tex.; KCMC, Texarkana, Tex.; KDB, Santa Barbara, Calif.; KELD, El Dorado, Ark.; KEUB, Price, Utah; KERN, Bakersfield, Calif.; KFAM, St. Cloud, Minn.; KFGQ, Boone, Iowa; KFJZ, Fort Worth, Tex.; KGFF, Shawnee, Okla.; KFKL, San Angelo, Tex.; KGKY, Scottsbluff, Nebr.; KLUF, Galveston, Tex.; KMAC, San Antonio, Tex.; KNEL, Brady, Tex.; KONO, San Antonio, Tex.; KORE, Eugene, Ore.; KOVC, Valley City, N. Dak.; KPLC, Lake Charles, La.; KPLT, Paris, Tex.; KPQ, Wenatchee, Wash.; KRBC, Abilene, Tex.; KSAM, Huntsville, Tex.; KTOK, Oklahoma City, Okla.; KIJ, Walla Walla, Wash.; KUTA, Salt Lake City, Utah; WAGM, Presque Isle, Maine; WBNY, Buffalo, N. Y.; WCB, Springfield, Ill.; WDAS and auxiliary, Philadelphia; WDWS, Champaign, Ill.; WELL, Battle Creek, Mich.; WGPC, Albany, Ga.; WHBB, Selma, Ala.; WHLB, Virginia, Minn.; WJMS, Ironwood, Mich.; WKBZ, Muskegon, Mich.; WMBC, Detroit, Mich.; WMBH, Joplin, Mo.; WMBR, Jacksonville, Fla.; WMAS, Springfield, Mass.; WNB, Binghamton, N. Y.; WNLC, New London, Conn.; WOMI, Owensboro, Ky.; WPAR, Parkersburg, W. Va.; WPR, Mayaguez, P. R.; WRGA, Rome, Ga.; WRTD, Richmond, Va.; WSLI, Jackson, Miss.; WWSW, Pittsburgh, Pa.

### DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

NEW—Dr. Willard Craver, Thomas B. Williams and Byrne Ross (a partnership), Lawton, Okla.—C. P. for new station at Lawton, Okla., to operate on frequency **1420 kc.**, 100 watts night, 100 watts day, unlimited time, exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

WSPR—Quincy A. Brackett, Lewis B. Breed, Edmund A. Laport, co-partners as Conn. Valley Broadcasting Co., Springfield, Mass.—Modification of license to change frequency from **1140 kc.** to **1240 kc.**, and power from 500 watts, limited time, to 250 watts night, 500 watts day, unlimited time. Application designated for hearing because pending applications involve increase in service and interference.)

KGHF—Curtis P. Ritchie, Pueblo, Colo.—C. P. to move transmitter site locally from 111 Broadway to corner Lake and Maryland Avenues; make changes in composite equipment and increase power from 500 watts to 1 KW. (Application designated for hearing on the following issues: to determine whether the interests of any other stations may be adversely affected by reason of interference, particularly stations KID and KRNT; because of the pendency of other applications with which a conflict may be had by reason of interference, i.e., Yuba-Sutter Broadcasters and F. W. Meyers; to determine whether the equipment which applicant proposes to use will comply in all respects with the rules and regulations of the Commission, particularly Rules 131 and 139, and will render proper service.)

### MISCELLANEOUS

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted extension of special temporary authority to operate

simultaneously non-synchronously with station KFAB commencing 4:45 a. m., CST, for the period June 10 to July 9, in order to conform to Daylight Saving Time.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—To operate as above except simultaneously non-synchronously with station WBBM.

WILM—Delaware Broadcasting Co., Wilmington, Del.—Granted special temporary authority to operate simultaneously with station WAZL from 8:30 p. m., EDST, to conclusion of National and American League teams games on June 15, 16, 20, 26 and July 6 and 13.

W8XUM—WBNS, Inc., Columbus, Ohio.—Granted special temporary authority to operate a test transmitter for a period not to exceed 10 days, alternately on frequency **25.25 megacycles** and frequency **43.54 megacycles**, with power of 50 watts, in order to determine which of these frequencies would be most satisfactory for operation of facsimile broadcast station W8XUM.

In re: Amendment of Rules 177 and 177.1 on Petition of Mayor LaGuardia of the City of New York.—Granted request filed by counsel for Mayor LaGuardia for continuance of hearing heretofore scheduled for June 7, and continued same until September 11, 1939.

W9XUY—Central States Broadcasting Co., Lincoln, Nebr.—Designated application for renewal of high frequency broadcast station for hearing and granted temporary license pending hearing and decision. (Application was designated for hearing to determine technical and financial qualifications, equipment, and program service.)

WGST—Georgia School of Technology, Atlanta, Ga.—Granted special temporary authority to reduce power 15 minutes earlier than specified in license when necessary to prevent interruption of continuous programs during month of June.

W9XA—Commercial Radio Equipment Co., Kansas City, Mo.—Granted special temporary authorization to rebroadcast over high frequency broadcast station W9XA programs originating from standard broadcast station KCMO, for the normal license period of high frequency broadcast stations expiring April 1, 1940.

WKRC—Columbia Broadcasting System, Inc., Cincinnati, Ohio.—Granted special temporary authority to rebroadcast the program material to be received from American Air Lines Plane NC-14966, operating on frequency **2790 kc.**, from 12:30 to 12:45 p. m., EST, on June 4, in connection with the flood control program sponsored by the Ohio Chamber of Commerce.

KROY—Royal Miller, Sacramento, Calif.—Granted extension of special temporary authority to rebroadcast Naval Observatory time signals over station KROY from NAA-NSS at Washington, D. C., for the period June 1 to December 1, 1939.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Denied special temporary authority to operate from 8:30 p. m. to approximately 11 p. m., CST, or to end of game, on May 31, June 1, 2, 5, 6, 7, 8, 9, 12, 13, 14 and 15, in order to broadcast night games of Northern Baseball League.

KRLH—Clarence Scharbauer, Midland, Tex.—Granted motion to accept late appearance in re application for C. P. to change power and time of operation.

WPAX—H. Wimpy, Thomasville, Ga.—Granted request for order to take depositions in re application of John F. Arrington, Jr., for a new station in Valdosta, Ga., to use **1230 kc.**, 250 watts, unlimited time.

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted motion for postponement of hearing now scheduled for July 12, new date to be fixed by Secretary's Office, in re application of KUTA for C. P. to install new transmitter and antenna, and change frequency, power, and time of operation.

NEW—Samuel M. Emison, Vincennes, Ind.—Granted motion for order to take depositions in re application for new station to operate on **1420 kc.**, 100 watts, unlimited time.

KUSD—University of South Dakota, Vermillion, S. Dak.—Granted petition to postpone hearing now scheduled for June 6, new date to be fixed by Secretary's Office, in re application for renewal of license.

KMAC—W. W. McAllister and Howard W. Davis, d/b as The Walmac Company, San Antonio, Tex.—Granted motion for leave to amend application so as to request change in frequency from **630 kc.** to **930 kc.**

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted petition to vacate order to take depositions in re application



- for C. P. to install new transmitter, change frequency, power, and time of operation.
- NEW—Roy E. Martin, Opelika, Ala.—Denied petition for leave to dismiss without prejudice application for C. P. to operate on **1310 kc.**, 100 watts night, 250 watts LS, unlimited time.
- WSAJ—Grove City College, Grove City, Pa.—Granted special temporary authority to remain silent for the period June 15 to September 20, in order to observe college vacation.
- WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Granted extension of special temporary authority to operate with 5 KW at night, for the period June 4 to July 3, in order to overcome interference from Cuban Station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency **780 kc.**, or reduces power so that additional interference is not involved.
- WHP—WHP, Inc., Harrisburg, Pa.—Granted C. P. to install new type transmitter.
- WHDV—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 9:30 to 10:30 a. m., CST, on June 13, in order to broadcast Soumi College Dedicatory Services.
- WSAL—Frank M. Stearns, Salisbury, Md.—Granted special temporary authority to operate with power of 100 watts, from 7:30 p. m., June 6, to 1 a. m., EST, on June 7, in order to broadcast congressional election returns.
- KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from local sunset (June 7:30 p. m., CST) to 11:05 p. m., using 100 watts power, on June 3, 10, 17, 24, in order to broadcast Fair programs; on June 5 and 12, in order to broadcast Legion programs; on June 16, 23, 30, in order to broadcast Community Jamboree.
- WKRC—Columbia Broadcasting System, Inc., Cincinnati, Ohio.—Granted special temporary authority to rebroadcast program material to be received from the American Air Line Plane No. 66, NC-14966, operating on frequencies **1622, 2058, 2150 and 2790 kc.**, from 10 a. m. to 1 p. m., EST, on June 4.
- WDAY, Inc., Fargo, N. Dak.—Granted special temporary authority to operate a relay broadcast station on June 6, 7, 8, 9 and 10, on frequencies **30820, 33740, 35820, 37980 kc.**, 25 watts power, in connection with visit of Norwegian Crown Prince and Princess and Shrine Convention on June 7.
- RCA Mfg. Co., Inc., New York City.—Granted extension of special temporary authority to operate general experimental station W3XDS, using frequency **950 kc.**, with 1 KW, to conduct a comprehensive field survey to study the effects of fading on amplitude modulated facsimile emission during the hours 2 to 7 a. m., DST, on Sundays, midnight to 5 a. m., DST, on Mondays, and 1 to 5 a. m., DST, from Tuesday through Saturday, for the period June 9 to July 8.
- In re: Frequency Monitors Required by Sec. 40.02.—The Commission approved a notice to be sent to all licensees of relay, international, high frequency, non-commercial educational, facsimile, television and developmental broadcast stations, relative to the extension of the effective date of Sec. 40.02 (old Rule 981).
- WBNX—WBNX Broadcasting Co., Inc., New York City.—Granted petition for reconsideration and grant of application for renewal of license, which was heretofore designated for hearing.
- WCBA—B. Bryan Musselmann, Allentown, Pa., Assignor, and Lehigh Valley Broadcasting Co., Assignee, Allentown, Pa.; and WSAJ—WSAJ, Inc., Allentown, Pa., Assignor, and Lehigh Valley Broadcasting Co., Assignee, Allentown, Pa.—Denied motion of these parties to strike the issues, quash the hearing notice, and reconsider the applications for consent to assignment of licenses of stations WCBA and WSAJ (Commissioner Craven voting "No").
- KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Denied motion requesting that the Commission dismiss and return the application of Oregon State Agricultural College (KOAC) for authority to increase its power from 1 KW to 5 KW, on frequency **550 kc.**, unlimited time.
- NEW—Marion C. McCabe, Atlantic City, N. J.—Dismissed motion to set aside Order Granting Motion to Strike Protest and Petition for Rehearing that the said Marion C. McCabe has any legal interest in or is aggrieved or adversely affected by the action of the Commission involving the application of Press Union Publishing Co. for a new station in Atlantic City, N. J.
- WJBL—Commodore Broadcasting, Inc., Decatur, Ill.—Dismissed petition of WJBL for denial of the application of Sherman V. Coultas, Milton Edge and Hobart Stephenson, because of dissolution of the applicant partnership, and denied petition of Edge and Stephenson for leave to amend their application by substitution of Edgar J. Kormsmeier as a member of the partnership for Sherman V. Coultas, deceased, and the application of the aforesaid applicant partnership was dismissed without prejudice to the right of the partners Edge and Stephenson to participate in the filing of a new application for the same or similar facilities.
- WMBG—Havens & Martin, Inc., Richmond, Va.—Dismissed the petition of WMBG for severance of its application (Docket 4846) from that of WBNX Broadcasting Co., Inc. (Docket No. 4406) for the purposes of decision.
- NEW—WDAY, Inc., Fargo, N. Dak., Portable-Mobile.—Granted C. P. for new relay broadcast station to operate on **1606, 2022, 2102, 2758 kc.**; power 100 watts, unlimited time.
- NEW—The Champaign News-Gazette, Inc., Champaign, Ill., Portable-Mobile.—Granted license for new relay broadcast station (utilizing the equipment of high frequency relay broadcast station, W9XSM, owned by the applicant); to operate on **1606, 2022, 2102, 2758 kc.**; power 10 watts, unlimited.
- NEW—The Champaign News-Gazette, Inc., Champaign, Ill., Portable-Mobile.—Granted license for new high frequency relay broadcast station (utilizing the equipment of relay broadcast station WAHJ, owned by the applicant), to operate on **30820, 33740, 35820, 37980 kc.**; power 25 watts, unlimited.
- WNYL—City of New York, Municipal Broadcasting System, New York, N. Y., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station to operate on **1622, 2058, 2150 and 2790 kc.**; power 50 watts, according to Section 41.04.
- WNYK—City of New York, Municipal Broadcasting System, New York, N. Y., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station to operate on **1622, 2058, 2150 and 2790 kc.**; power 50 watts, according to Section 41.04.
- W2XVP—City of New York, Municipal Broadcasting System, New York, N. Y.—Granted modification of C. P. for extension of time of completion date from June 15 to December 15, 1939, conditionally.
- WGKV—Kanawha Valley Broadcasting Co., Charleston, W. Va.—Granted modification of C. P. for approval of transmitter and studio sites, at Coal Branch Heights, near Charleston and 1016 Lee St., Charleston; changes in equipment and installation of vertical radiator.
- WSGN—The Birmingham News Co., Birmingham, Ala.—Granted special temporary authority to make transmitter site tests, using 100 watts portable transmitter between the hours of 12 midnight and 6 a. m., CST, for the period June 15 to July 7, 1939.
- KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 7:30 p. m. to 9:30 p. m., CST, on June 5, 1939, in order to broadcast Commencement exercises of South Dakota State College.
- WHBY—WHBY, Inc., Green Bay, Wis.—Granted application for renewal of license for the period ending November 1, 1939.
- KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted extension of special temporary authority to operate from 5 to 6 a. m., CST, with 1 KW only, for the period June 8 to July 7, in order to conduct experimental farm programs.
- CKLW—Essex Broadcasters, Inc., Detroit, Mich.—Granted special temporary authority to pick up Man on the Street program daily from 5 to 5:15 p. m., EST, for the period June 7 to June 17.
- WQDM—Regan and Bostwick, St. Albans, Vt.—Granted special temporary authority to operate from 8:45 to 10 p. m., on June 15, in order to broadcast graduation exercises of St. Mary's High School in St. Albans.
- W2XWC—Kolorama Labs., Inc., Irvington, N. J.—Granted extension of special temporary authority to operate a television transmitter for test and experimental purposes only, for radio television transmitter in the **2000-2100 kc.** band, for operation between the hours of 12 midnight and 6 a. m., on a non-interference basis, with power of 500 watts, for the period June 7 to July 6.

## APPLICATIONS FILED AT FCC

560 Kilocycles

- KWTO—Ozarks Broadcasting Company, Inc., Springfield, Mo.—Modification of license to change hours of operation by adding time from 5 to 6 a. m., using 1 KW power. (In



addition to present licensed time of daytime with 5 KW power.)

#### 680 Kilocycles

WPTF—WPTF Radio Co., Raleigh, N. C.—Extension of special experimental authority to operate with 5 KW power, using directional antenna, from sunset at KPO to 11 p. m., EST, for period 8-1-39 to 2-1-40.

WLAW—Hildreth & Rogers Co., Lawrence, Mass.—License to cover construction permit B1-P-2363, for equipment changes.

#### 700 Kilocycles

WLW—The Crosley Corp., Cincinnati, Ohio.—Construction permit to make changes in transmitting equipment.

#### 850 Kilocycles

WWL—Loyola University, New Orleans, La.—Extension of special experimental authority to operate unlimited time, period 8-1-39 to 2-1-40.

#### 930 Kilocycles

KMAC—W. W. McAllister & Howard W. Davis, d/b as Walmac Co., San Antonio, Texas.—Construction permit to make changes in equipment, antenna, change frequency from 1370 to 630 kc., increase power from 100 watts, 250 watts LS, to 1 KW, change hours of operation from S-KONO to unlimited. Amended: Antenna changes and change requested frequency to 930 kc.

#### 1040 Kilocycles

KRLD—KRLD Radio Corp., Dallas, Texas.—Modification of construction permit B3-P-2080, for increase in power, new transmitter and directional antenna for day and night use, move of transmitter requesting authority to extend completion date from 7-1-39 to 8-1-39.

#### 1120 Kilocycles

WISN—Hearst Radio, Inc., New York, N. Y.—Modification of license to increase power from 250 watts night, 1 KW day, to 500 watts night, 1 KW day.

#### 1140 Kilocycles

WSPR—Quincy A. Brackett, Lewis B. Breed, and Edmund A. Laport, co-partners, d/b as Connecticut Valley Broadcasting Co., Springfield, Conn.—Voluntary assignment of license from Quincy A. Brackett, Lewis B. Breed and Edmund A. Laport, co-partners, d/b as Connecticut Valley Broadcasting Co., to WSPR, Inc.

#### 1200 Kilocycles

NEW—W. B. Dennis, Plainview, Tex.—Construction permit for a new station on 1200 kc., 100 watts, daytime operation.

WJBW—Charles C. Carlson, New Orleans, La.—License to cover construction permit B3-P-2244 as modified for new equipment and move of transmitter.

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Construction permit to move transmitter locally 150 feet (same address).

#### 1390 Kilocycles

NEW—Hazlewood, Inc., Orlando, Fla.—Construction permit for a new broadcast station to be operated on 1390 kc., 1 KW, unlimited time.

#### 1420 Kilocycles

WAZL—Hazleton Broadcasting Service, Inc., Hazleton, Pa.—Modification of license to change hours of operation from simultaneous day, shares night with WILM, to unlimited time.

WILM—Delaware Broadcasting Company, Wilmington, Del.—Modification of license to change hours of operation from simultaneous day, shares night with WAZL, to unlimited time.

#### 1430 Kilocycles

WHP—WHP, Inc., Harrisburg, Pa.—Modification of construction permit (B2-P-2090) to increase power, install new trans-

mitter and directional antenna for night use, further requesting change in type of transmitting equipment.

#### 1480 Kilocycles

WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Construction permit to change hours of operation from specified hours to unlimited time, employing directional antenna, day and night.

#### 1500 Kilocycles

NEW—Frank R. Pidcock, Sr., Moultrie, Ga.—Construction permit for a new broadcast station to be operated on 1500 kc., 100 watts night, 250 watts day, unlimited time. Amended to request 1370 kc. frequency.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—License to cover construction permit B2-P-2299 to install new antenna and move of transmitter.

#### MISCELLANEOUS

NEW—William G. H. Finch, New York, N. Y.—License to utilize the equipment of W2XBF for high frequency broadcast station to be operated on 42260 and 43400 kc., 1 KW, A3 and Special Emission. Amended to request frequency 42180 kc., and emission A3 for amplitude modulation.

NEW—Joe L. Smith, Jr., area of Beckley, W. Va. (Portable-Mobile).—Construction permit for a new relay broadcast station on 1622, 2058, 2150 and 2790 kc., power 75 watts, A-3 emission.

NEW—Donald C. Treloar, vicinity of Kalispell, Mont.—Construction permit for a new portable-mobile relay broadcast station on 31220 kc., 10 watts power, A-3 emission. Amended to request frequencies 30820, 33740, 35820 and 37980 kc.

NEW—Don Lee Broadcasting System, Inc., Portable-Mobile, Los Angeles and environs.—Construction permit for a new television broadcast station on 156000-162000 kc., 100 watts power, A-5 for Visual Emission only.

NEW—WGN, Inc., Portable-Mobile, area of Chicago, Ill.—Construction permit for a new relay broadcast station on 31620, 35260, 37340, 39620 kc., 1 watt power, Emission A-3.

NEW—Echo Park Evangelistic Association, Inc., Los Angeles, Calif.—Construction permit for a new high frequency broadcast station on 26400 kc., 100 watts power, A-3 emission. Amended to request frequency 25300 kc.

W7XCY—Oregonian Publishing Co., Portland, Ore.—Construction permit for changes in equipment, increase power to 4.5 watts, and request frequencies 31220, 35620, 37020, 39260 kc., in accordance with new rules.

W1XPW—WDRG, Inc., Meriden, Conn.—License to cover construction permit as modified, B1-MPHB-35, for frequency 43.4 mc., in lieu of 40.3 mc., in accordance with revised rules.

## FEDERAL TRADE COMMISSION ACTION

#### COMPLAINTS

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

**American Maize Products Company**—See Anheuser-Busch, Inc.

**Anheuser-Busch, Inc.**—Eight organizations producing finished corn products both for household and industrial use have been served with complaints alleging discriminations in price in violation of Robinson-Patman Act.

Respondents are: (1) Anheuser-Busch, Inc., St. Louis; (2) Piel Brothers Starch Company, Indianapolis; (3) Clinton Company,

Clinton, Iowa, and Clinton Sales Company, Chicago; (4) The Hubinger Company, Keokuk, Iowa; (5) Penick & Ford, Ltd., Inc., New York; (6) A. E. Staley Manufacturing Company and The Staley Sales Corporation, Decatur, Ill.; (7) Union Starch & Refining Co. and Union Sales Corporation, Columbus, Ind., and (8) American Maize-Products Company, New York.

The respondents are alleged to discriminate in price between purchasers of commodities of like grade and quality by selling such commodities to some purchasers at a higher price than sold to other purchasers generally competitively engaged with those receiving the more favorable prices.

It is alleged that the effect of the discriminations may be substantially to lessen competition in the sale and distribution of corn products between the respondents and their competitors and between those who buy corn products from the respondents and receive lower discriminatory prices and others who buy from the respondents but do not receive the favorable prices. It is also alleged that the effect of the discriminations may be to create a monopoly in the lines in which the respondents and those in which the buyers are engaged and to injure and prevent competition between the respondents and their competitors and between the buyers who receive the favorable prices and those who do not.

The allegations of these 8 complaints are similar to those made in an amended complaint recently issued against Corn Products Refining Co., New York.

The mills of the Corn Products Refining Company and of the 8 respondent organizations are alleged to have a corn grinding capacity of approximately 382,000 bushels a day.

Principal products derived from corn, as sold by the respondents, are: (1) starch, both for food and other purposes; (2) glucose or corn syrup, and (3) corn sugar. Starch is first manufactured from the corn, and glucose and grape sugar are made by treating the starch with certain acids, the resulting solid product being sugar and the resulting syrup being glucose. Glucose is largely used in manufacturing candy, jellies, jams and preserves and in mixing syrups. (3798-3805, inclusive)

**Benson Speciality Company**—Pens, jewelry and electric water heaters were misleadingly advertised by Robert H. Benson and Emma Benson, distributors, 251 Plymouth Bldg., Minneapolis, it is alleged in a complaint. The respondents trade as Benson Speciality Company.

Fountain pens allegedly were advertised as being unbreakable and guaranteed for life, and necklaces as being 14-carat gold or silver, set with facsimile diamonds and guaranteed against tarnish or loss of stones, when, according to the complaint, the pens were not unbreakable or guaranteed for life and the jewelry was of cheap grade and quality.

Prices represented by the respondents as customary were in fact fictitiously and greatly in excess of regular prices, according to the complaint, and it is alleged that coupons advertised as having values of \$4.41, \$3.02 or \$2.41 when offered as part payment for articles, actually had no such values or any value, as the prices charged by the respondents in addition to the coupons were the regular and customary prices.

Advertisements implying that the respondents' "Electro Heat Kwick" water heaters have an Underwriters' Laboratories seal of approval and also the approval of the Automotive Test Laboratories of America were misleading, according to the complaint, in that only the cord for attaching the heater has been approved by the Underwriters' Laboratories, and the Automotive Test Laboratories of America has no official standing and lacks the facilities for efficient testing of such a device. Further, the complaint alleges that the respondent's heater has been found unsafe for use by attachment to ordinary household sockets. (3795)

**Clinton Company**—See Anheuser-Busch, Inc.

**Clinton Sales Company**—See Anheuser-Busch, Inc.

**Cravex Company**—Trading as Cravex Company, Sara B. Plant, Burbank, Calif., distributor of an alleged cure for the alcohol habit, has been served with a complaint charging misleading representations.

"Stop Drink Habit," the respondent is alleged to have advertised. "Just put tasteless Cravex in his coffee, tea, liquor or food. \* \* \*

He won't know and soon his craving for whiskey, beer or wine should disappear."

The complaint alleges that the respondent's preparation is not a competent and effective treatment for alcoholism. (3794)

**Hubinger Company**—See Anheuser-Busch, Inc.

**Illinois Nut Products Company**, 613 West Lake St., Chicago, Ill., manufactures candy and distributes it through wholesalers, jobbers and retailers. It is alleged that dealers are furnished with assortments of malted milk balls together with push cards and that they award prizes to purchasers by the following method: Customers purchase discs or pushes on the card concealed beneath which are football terms such as "Touchdown," "Dropkick," "Field Goal" and "Off Side." Each play costs 1 cent and every play is described as a winner although a person drawing a "Touchdown," for instance, receives 20 pieces of candy as a prize, where an "Off Side" play receives only 1, the number of pieces of candy awarded being determined wholly by chance. (3807)

**National Pen Company**—Trading as National Pen Company and Phoenix Sales Company, Louis G. Meyers, Birmingham, Ala., has been served with a complaint alleging unfair trade practices in the sale of specialty merchandise including fountain pens and jewelry.

In advertisements the respondent is alleged to misrepresent retail prices by exaggerating the customary prices and indicating so-called marked-down figures which are in fact the customary prices. He also is alleged to offer worthless coupons represented as having certain values when offered as part payments on the purchase prices of articles.

Meyers also is charged with misrepresenting that he conducts special or introductory offers for a limited time only; that he guarantees the pens and jewelry for a lifetime and against tarnishing, and, by use of the word "facsimile" as descriptive of diamonds, that the cheap grade jewelry he sells is equipped with stones having the general appearance, qualities and brilliance of diamonds and having greater quality and value than imitation diamonds. (3796)

**Penick & Ford, Ltd., Inc.**—See Anheuser-Busch, Inc.

**Phoenix Sales Company**—See National Pen Company.

**Piel Brothers Starch Company**—See Anheuser-Busch, Inc.

**A. E. Staley Mfg. Company**—See Anheuser-Busch, Inc.

**Staley Sales Corp.**—See Anheuser-Busch, Inc.

**Union Sales Corp.**—See Anheuser-Busch, Inc.

**Union Starch & Refining Company**—See Anheuser-Busch, Inc.

**United Factories, Inc.**—A complaint has been issued against United Factories, Inc., 1302 McGee St., Kansas City, Mo., alleging misleading representations in the sale of a product designated as a reconditioner of automotive engines.

This product, "Micaseal," is described by the respondent as a "paste-like substance" which "when put into the motors through the spark plug openings, spreads and works itself around leaky pistons and rings, has an affinity for metal, and is not affected by heat of the motor."

In advertising its preparation the respondent is alleged to represent, contrary to the facts, that its use will effect substantial economies in operating an automobile through lessening of oil and gas consumption, and that it fills scores and scratches on cylinder walls and forms a cushion seal which increases compression, checks excessive carbon formation, and adds speed, power and smoothness. The respondent also is alleged to advertise, contrary to the facts,



that its preparation reconditions a motor at a saving of 95 per cent over the ordinary mechanical methods of reboring cylinders and refitting pistons, and to represent, in effect, that use of its preparation produces the equivalent of a mechanical reconditioning job. (3797)

**Wright Products Company**—Isaac S. Friedman, trading as Wright Products Company, 4303 North Keeler Ave., Chicago, Ill., who sells and distributes hosiery, clocks, pen and pencil and manicure sets, is alleged to furnish his operators with push cards containing feminine names on discs concealing numbers. Customers allegedly purchase chances through selection of the names and the person who gets a name identical with that concealed and finally revealed under a master seal receives wholly by chance an "Animated Spinning Wheel Clock," while the recipients of a certain number also receive a prize. It is alleged that numbers 1 to 19 cost only the amount the participator draws but that any number over 19 costs 19 cents and four numbers are free. (3806)

## STIPULATIONS

The Commission has entered into the following stipulations:

**American Premium House**—Jack Chertow, trading as American Premium House, 269 Canal St., New York, has made a stipulation to desist from the use of lottery methods in the sale of novelty merchandise to ultimate consumers.

The respondents agree to discontinue supplying or placing in the hands of others, pull cards or other lottery devices for the purpose of enabling such persons to dispose of or sell any merchandise by the use thereof and to cease the use of a scheme, plan or method of sale or of promoting the sale of merchandise which involves the use of any lottery, gift enterprise or scheme of chance whereby the identity of an article of merchandise to be purchased or the price to be paid therefor are determined by lot or chance. (2474)

**American Spectacle Company, Inc.**, 136 West 52nd St., New York, has entered into a stipulation to discontinue misleading representations in the sale of sun glasses.

The respondent corporation agrees to desist from representing or from placing in the hands of others the means of representing that its sun glasses bar or exclude 94 per cent of harmful glare or any other percentage which exceeds the actual capacity to exclude glare. (2476)

**American Seed & Plant Company**—Trading as American Seed and Plant Company, A. Otis Arnold, Quincy, Ill., has entered into a stipulation to discontinue misleading representations in the sale of "Golden Seal" and "Ginseng" plant seeds.

The respondent agrees to desist from representing, either directly or by implication, that any one can grow Ginseng or Golden Seal, or that to cultivate these plants is easy or in all instances profitable, and that Golden Seal and Ginseng prices have increased in recent years. (02383)

**Master Laboratories, Inc.**, 2626 West End St., Omaha, Nebr., has signed a stipulation to cease misleading representations in the sale of poultry remedies.

In advertising "Poultone", "Master Capsule" or similar products, the respondent agreed to desist from representing that administration of such remedies to sick poultry will solve all worm problems faced by the poultry raiser or will kill all worms or serve as a treatment and control of worms generally. (2477)

**Milshire Garment Company, Inc.**, 270 West 38th St., New York, has made a stipulation to discontinue misleading representations in the sale of sport coats and suits.

The respondent company agrees to cease representing directly or by implication that a garment is 100 per cent camel's hair when the fiber content is not such and to discontinue indicating directly or by implication or appearance of a product the composition of

a garment of mixed fibers without naming all such fibers, with equal conspicuousness, in the order of their predominance by weight and without giving the percentage of each such fiber present to such extent as is necessary to prevent misunderstanding.

Under its stipulation, the respondent company will also forego the use, in connection with its labels or brands, of pictures or depictions of a camel or other animal in a manner tending to deceive purchasers concerning such merchandise, and the use of the legend "100%" or any representation of similar import in connection with its labels or brands as descriptive of merchandise in a manner tending to deceive the purchasing public as to the quality, composition or character thereof. (2473)

**Ring-Rout, Inc.**, 710 Queen & Crescent Bldg., New Orleans, will discontinue advertising that treatment by means of its product, Ring-Rout, will kill the fungi of athlete's foot, in actual cases of infection, without an appreciable length of time between its application to the infected area and the killing of the fungi, and that laboratory tests indicate Ring-Rout is effective in completely destroying the fungi of athlete's foot. The respondent admitted in its stipulation that its preparation will not kill athlete's foot fungi unless brought into direct contact therewith. (02382)

**Scholl Manufacturing Co., Inc.**, 211 West Schiller St., Chicago, agrees to discontinue representing that arthritic or rheumatic-like foot and leg pains, callouses, fatigue, sore heels and tired feet are always signs or symptoms of weak or fallen arches and that "Dr. Scholl's Scientific Arch Supports" will quickly relieve all foot pains and physical disturbances and will assure the wearer of correction of weak or fallen arches without massage or exercise, or that they will alone restore the arch to normal. The respondent also will cease representing that "Dr. Scholl's Scientific Shoes" will eliminate the possibility of fatigue whether caused by improperly fitting shoes or otherwise, or will eliminate the possibility of strain on muscles, nerves and ligaments. (02381)

**Clifford W. Wells**—Selling information as to "How to Obtain a Job in the American Merchant Marine", Clifford W. Wells, 109 North Front St., Baltimore, has entered into a stipulation.

"Become a seaman. Sail the seven seas", Wells is quoted as advertising in his literature. "You can sail to whatever country you want, simply by waiting for a ship that makes a regular voyage to it. No experience or training is required to fill the jobs that you start in at—advancement is rapid."

The stipulation recites that this type of advertising implies that Wells has particular, exclusive knowledge about available positions in the American Merchant Marine or on sea vessels and is able to inform applicants how to obtain such jobs. He admitted, however, that the information imparted in his "instructions" is general and readily available from sources other than himself. (02385)

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Cotton Belt Mattress Company**—E. E. Phillips, trading as Cotton Belt Mattress Company, Pinetops, N. C., has been ordered to discontinue misleading representations in the sale of mattresses.

Phillips was found to have falsely advertised the constituent fiber and material of certain of his mattresses by use of the terms "All Layer Felt," "100% Layer Felt—Staple Cotton," "Felt-Plated—Cleaned Cotton Motes," and "Felt-Plated—Washed Cotton," when in fact such products were not all layer felt or otherwise as represented.

Pointing out that the word "felt," when used in connection with mattresses, is recognized in the trade as meaning a product made of fibers of cotton or wool which have been garnetted together into a mat or web, the Commission ordered the respondent to cease and desist from using the term "felt" alone or in connection with other terms to describe mattresses not made in accordance with this definition. (3781)

**Monarch Stove Top Company**—An order has been issued prohibiting misleading representations in the interstate sale of the "Monarch Stove Top," an appliance for use on open top gas

ranges or stoves, by W. K. Honbaum, Hamburg, Mich., trading as Monarch Stove Top Company.

The order directs the respondent to cease and desist from representing that use of his appliance will prevent soiling of windows, walls or curtains by open top gas stoves or ranges; that the appliance is properly ventilated or insures proper combustion and is safe or harmless, and that its use will reduce gas consumption and increase the cooking capacity of a stove or range.

Bureau of Standards tests show and the Commission finds that the respondent's representations are not according to facts; that use of the appliance may be dangerous because of a possibility of producing carbon monoxide gas, and that the device is not a perfect sanitary system for gas ranges and open top gas stoves. (3383)

**Publix Printing Corporation**, 633 South Plymouth Court, Chicago, manufacturer of sales promotion cards, has been ordered to cease and desist from selling or distributing its cards or any other devices so made that their use by retail dealers may constitute the operation of a gift enterprise or lottery in the sale of products to ultimate consumers.

The Commission also has served Mason, Au & Magenheimer Confectionery Manufacturing Company, 22 Henry St., Brooklyn, with an order prohibiting the use of lottery methods in connection with the sale of candy to ultimate consumers. Findings are that the respondent company distributed to dealers candy assortments packed in a manner involving use of lottery plans. (3742-3477)

**Technical Laboratories**—Misrepresentation of the healing properties of a preparation for treating nasal catarrh, hay fever

and asthma, is prohibited under an order issued against H. F. Allen, trading as Technical Laboratories and as Technical Products Company, 24 Bridge Road, Berkeley, Calif.

The order directs that Allen cease representing that his preparation, designated as "Aratone" and "Sinozone," is a competent and safe remedy, cure or treatment for nasal catarrh, hay fever, asthma or colds; that it is healing, will prevent or cure nasal irritation, and will aid in preventing poisons being carried from the nasal passage into other parts of the body; that its use is harmless and that it has any medicinal or therapeutic value in treating the diseases named other than as a palliative remedy to afford temporary relief. (3435)

**Technical Products Company**—See Technical Laboratories.

## FTC CLOSES CASE

The Federal Trade Commission has closed its case against A. L. Hilkemeyer and R. J. C. Tricou, trading as Louisiana Hatcheries, 822 Poydras St., New Orleans. The respondents had been charged with unfair competition in the interstate sale of baby chicks.

The case, in so far as it referred to Hilkemeyer, was dismissed, it appearing that he is not a partner in the business. The case against Tricou, sole owner of the business, was closed without prejudice to the Commission's right to reopen it, should future facts so warrant.

Tricou agreed to observe and abide by the trade practice rules for the baby chick industry promulgated by the Commission December 31, 1938. The rules were held to regulate the practices with which the respondent had been charged.



## FCC Orders Hearing on "Censorship" Rule

Expressions from the NAB, Congress, the press and the American Civil Liberties Union led the FCC this week to order a public hearing on its "censorship" rule for international broadcasting stations.

Technically, the Commission acted upon a petition from the American Civil Liberties Union requesting withdrawal or amendment of the rule stating that international stations "shall render only an international broadcast service which will reflect the culture of this country and which will promote international good will, understanding and cooperation".

The hearing was set for July 12—the third day of the NAB convention in Atlantic City. The NAB promptly called the Commission's attention to this, feeling that the coincidence must have been an oversight.

Before the Commission ordered the hearing, Senator Wheeler (D-Mont), Chairman of the Interstate Commerce Committee, called the Senate's attention to the rule, saying it was "a form of censorship which the Congress of the United States never contemplated when it passed the law".

"On the contrary, Congress specifically provided that there should be no censorship", Senator Wheeler added.

"I think anybody who is interested in the subject agrees that the radio must be free from censorship. I am told that the broadcasting companies and the National Association of Broadcasters are asking for a hearing upon this particular matter. The rule was adopted without any hearing. I sincerely hope the Commission will grant a hearing to the broadcasting companies, and I sincerely hope that they will modify a rule which would tend to bring about censorship in the United States over national and international broadcasting".

After Senator Wheeler had inserted in the Record Neville Miller's letter asking for a hearing and more than a dozen newspaper editorials condemning the "censorship" rule,

*(Continued on page 3540)*

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**Make Your Reservations Now to Attend the Seventeenth  
Annual NAB Convention**

**Ambassador Hotel—July 10, 11, 12 & 13—Atlantic City, N. J.**

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1626 K St., N. W.

WASHINGTON

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Neville Miller, *President*

Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel*; Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*

THE FCC ORDER

34571

Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C.

In re:  
Rule 42.03(a)

ORDER

The Commission having under consideration the Petition for the Withdrawal or Amendment of Rule 42.03(a) filed on behalf of the American Civil Liberties Union;

It Is Ordered, that a hearing be held before a quorum of the Commission at 10:00 A. M. on the 12th day of July, 1939, at the Commission's offices in Washington, D. C., on the question of whether Rule 42.03(a) reading as follows, shall be modified, revised, or amended:

"A licensee of an international broadcast station shall render only an international broadcast service which will reflect the culture of this country and which will promote international goodwill, understanding and cooperation. Any program solely intended for, and directed to an audience in the continental United States does not meet the requirements for this service."

Any persons desiring to participate and be heard shall on or before the 5th day of July, 1939, file a notice of such appearance with the Secretary of the Commission. A copy of this Order shall be released to the Press for general distribution, and a copy mailed to each licensee of a radio broadcast station.

Federal Communications Commission,  
(S.) T. J. Slowie,  
Secretary.

FCC TO NEVILLE MILLER

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C.

June 15, 1939.

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

My dear Mr. Miller:

This will reply to your letter dated June 3, 1939, addressed to Chairman McNinch, in which you refer to and discuss the rules and regulations promulgated by the Commission on May 23, 1939, pertaining to international broadcast stations.

A Petition in proper and customary form, requesting the withdrawal or amendment of Rule 42.03(a) was filed with the Commission on behalf of the American Civil Liberties Union June 9th. The Commission has ordered that a hearing be held on this matter July 12, 1939, and directed that anyone desiring to participate shall file a notice of appearance on or before July 5th. If your organization desires to be heard on the questions involved an appropriate notice of appearance should be filed.

Very truly yours,  
T. J. SLOWIE,  
Secretary.

FROM THE "CONGRESSIONAL RECORD"

Mr. WHEELER. Mr. President, I desire to call attention to and to have inserted in the RECORD a letter from the National Association of Broadcasters, together with several editorials from various newspapers throughout the country. I wish in particular to call attention to the fact that the Federal Communications Commission on May 23 adopted some new rules and regulations respecting international broadcasting. Among the rules which they adopted was the following:

A licensee of an international broadcast station shall render only an international broadcast service which will reflect the culture of this country and which will promote international good will, understanding, and cooperation.

I call the attention of the Senate to the fact that if that rule should stand, it would give the Commission the right to censor the broadcasting of speeches by Members of the United States Senate. In other words, if I or some other Senator desired to make a speech on international questions over an international radio, the rule would give the Commission the right to say that

FCC ORDERS HEARING ON "CENSORSHIP" RULE

(Continued from page 3539)

Senator Johnson (R-Calif.) arose to say that he was "in hearty accord with the remarks of the Senator from Montana".

"We want no censorship of any sort in this country", Senator Johnson added. "If it is begun in one particular, it is only a step to another particular. So, as the subject is first broached let us take care of and take care of it as it ought to be taken care of."

Representative Celler (D-New York) sent a letter to Chairman Frank R. McNinch of the FCC saying he was "disturbed" by the rule; that he did not think that the Commission "was on firm ground" and that he hoped "earnest reconsideration will be given the regulation in question".

The FCC, after it had ordered the hearing, notified the NAB and said that "an appropriate notice of appearance should be filed" if the NAB desired to be heard.

The texts of the various statements and communications follow:

THE CIVIL LIBERTIES PETITION

Roger N. Baldwin, a director of the American Civil Liberties Union has filed the following with the Federal Communications Commission asking for the withdrawal or amendment of Rule 42.03(a) dealing with international broadcasting.

The petition states:

"Whereas Rule 42.03(a) of the Rules and Regulations of the Federal Communications Commission states:

'A licensee of an international broadcast station shall render only an international broadcast service which will reflect the culture of this country and which will promote international goodwill, understanding and cooperation. Any program solely intended for, and directed to an audience in the continental United States does not meet the requirements of this service.'

"And whereas the above mentioned rule tends to deprive the American public, including the petitioner, of the right of free speech by means of radio communication;

"And whereas the enforcement of the above mentioned rule will tend to constitute censorship of the radio communications of the American public, including the petitioner;

"And whereas the above mentioned rule conflicts with the provisions of Section 326 of the 1934 Communications Act;

"And whereas the petitioner is vitally interested in the preservation of freedom of speech by radio communication in the United States;

"Now, therefore, your petitioner prays that Rule 43.03(a) be reconsidered and withdrawn, or amended to remove the restrictions concerning the type of program material that may be broadcast by international broadcast stations."



the speech which was about to be made did not reflect the culture of the country, and might possibly stir up bad feelings in some other country. It is a form of censorship which the Congress of the United States never contemplated when it passed the law. On the contrary, Congress specifically provided that there should be no censorship.

I think everybody who is interested in the subject agrees that the radio must be free from censorship. I am told that the broadcasting companies and the National Association of Broadcasters are asking for a hearing upon this particular matter. The rule was adopted without any hearing. I sincerely hope the Commission will grant a hearing to the broadcasting companies, and I sincerely hope they will modify a rule which would tend to bring about censorship in the United States over national and international broadcasting.

I have here a number of clippings from various newspapers throughout the country. They are from Ohio, Indiana, Boston, Omaha, and various other States and cities throughout the United States. I ask unanimous consent that both the letter and the clippings be included in the body of the RECORD as part of my remarks.

Mr. JOHNSON of California. Mr. President—

Mr. WHEELER. I yield to the Senator from California.

Mr. JOHNSON of California. Have any steps been taken to secure a hearing upon this matter?

Mr. WHEELER. There was no hearing at the time the rule was promulgated. I understand that it was adopted without the matter really being given very serious consideration by the Commission.

In fairness to the Commission, I think it should be said that they inadvertently adopted the rule without appreciating what they were doing. The Chairman of the Commission, Mr. McNinch, was not present. He was away, ill; but the rule was taken up and adopted. I understand that some of the broadcasting companies, and perhaps the National Association of Broadcasters, have asked for a hearing. Certainly they should be given a hearing, and the matter should be thrashed out.

If the Commission has sought to impose censorship by radio, whether international radio or national radio, I think the Congress of the United States ought to pass a more stringent law against censorship of any kind or character in radio.

Mr. JOHNSON of California. Mr. President, I rose simply to say that I am in hearty accord with the remarks of the Senator from Montana. I hope the hearing will be accorded the companies that may wish it; or, if they do not ask for a hearing, I hope the committee itself will take the matter in hand and determine just what should be done. We want no censorship of any sort in this country. If it is begun in one particular, it is only a step to another particular. So, as the subject is first broached, let us take care of it, and take care of it as it ought to be taken care of.

Mr. WHEELER. I thank the Senator.

I may say, for instance, that we have the question of neutrality before the Senate. Senators take different views with reference to neutrality. If the Senator from California and the Senator from Nevada [Mr. PITTMAN] should take different views with reference to neutrality, as they probably would, it might be said that the Senator from Nevada would be permitted to make a speech over the radio, because there would be in it nothing which would be detrimental to any foreign country; and, on the other hand, the Commission might very easily say that what the Senator from California was going to say should not be sent out over the international radio.

Mr. JOHNSON of California. Quite so; and the word "cultural" has a peculiar meaning according to the State Department. We might say something that was not in accord with the cultural views of somebody in the State Department, and then we would either be required to retract it or we would not be permitted to say it at all. So the subject is of sufficient importance that I am very, very glad the Senator from Montana has raised the question today. Let us continue our consideration of it until we find just what the situation is; and, if it be such as we suspect, let us remedy it.

Mr. WHEELER. I thank the Senator.

#### REPRESENTATIVE CELLER'S LETTER

The Honorable Frank R. McNinch,  
Chairman, Federal Communications Commission,  
Washington, D. C.

Dear Mr. McNinch:

This letter is written to you as Chairman of the Federal Communications Commission, in all kindness and good will.

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I am disturbed with one of the regulations recently promulgated by your Commission, which provides as follows: "A licensee of an international broadcast station shall render only an international broadcast service which will reflect the culture of this country and which will promote international good will, understanding, and cooperation." What is "international good will" to one, may be international ill will to another. Furthermore, what is meant by "understanding;" and what is meant by "cooperation?" There is no common definition of these words, and therefore the language used is somewhat vague.

If I were scheduled to speak on one of the four international broadcasting stations, and were suddenly stopped on the score that I was not promoting "international good will, understanding, and cooperation," I would be deeply resentful against the broadcasting company that sought thus to interrupt or scotch my efforts.

Whether or no there is involved in this regulation a degree of censorship, I will not state at this juncture. But if there is censorship, then the regulation would be without force and effect, because the Federal Communications Act of 1934, (section 326), denies the Commission the right to exercise power of censorship over radio communication. That section, likewise, denies the Commission any right to interfere with freedom of speech.

Frankly, I do not think the Commission is on firm ground. I do hope therefore that earnest reconsideration will be given the regulation in question.

Let me also point out another significant fact. The Judiciary Committee, of which I am Acting Chairman, is now considering a bill which provides that no rule or regulation can be promulgated by any department or agency of the Government unless or until public hearings can be held; that any one aggrieved by such rule or order shall have the right to appeal to the Courts; and that such regulation must be supported by substantial evidence in its consideration by the Courts.

This bill puts into a common mold practically all of the agencies of the Government, with but few exceptions. Most of the departments and agencies have voiced protest on the score that their activities are so different from each other that they cannot be placed in a common pattern. However, public opinion as reflected in the Congress is growing impatient with some of the departments and commissions which make rules and regulations that at times go far beyond, as it is alleged, their basic statutes. It is thus charged in many quarters that the agencies are legislating.

You would indeed be giving great comfort to the proponents of this bill,—you would be giving them great ammunition for argument,—if your regulation concerning international broadcasting were not properly founded upon, or could not be deemed justified by the basic Communications Act of 1934. It may be that you have information not known to the public or to the Members of Congress which would clear up the situation. I repeat, in all kindness, I ask for enlightenment.

Cordially yours,

Emanuel Celler,  
Representative,  
Tenth New York District.

#### MILLER URGES CONTINUED TEAMWORK BETWEEN NAB AND RMA

Speaking at the annual membership luncheon of the Radio Manufacturers Association at the Hotel Stevens,

Chicago, Neville Miller, NAB President, last Tuesday declared that "anything which affects one branch of radio directly or indirectly affects the other. If the broadcaster did not continue to provide the finest radio service in the world, the radio dealer would find very little market for new sets and parts. On the other hand, if the manufacturers attempted to foist inferior receivers on the public, if parts and tubes did not give the fine reception to which the American listener is accustomed, we broadcasters would find little audience for our programs, no matter how fine they were. There is a vital need of continued teamwork, therefore, between NAB and RMA."

Mr. Miller stated that with television on the horizon and with facsimile broadcasting already here, the broadcasting industry was going through a "period of technological transition" and there was greater need than ever before for mutual understanding and cooperation.

He further pointed out that the present size of the radio industry has been made possible through the private and competitive system of American broadcasting. He declared that wholehearted cooperation of the broadcasting industry in the NAB-RMA campaign was manifested in Open House Week of April 17, when the goodwill promotional drive was inaugurated. He prophesied that forthcoming plans for fall and winter promotion would meet with the widespread approval and support of both branches of radio.

Ed Kirby, Director of Public Relations, who accompanied Mr. Miller to the RMA meeting, announced that through Joe Marty, executive secretary, the active participation of the Radio Servicemen of America has been obtained and that from now on "shoulder to shoulder" cooperation of servicemen is available to every NAB member station.

Already several members, he reported, have worked out plans wherein servicemen, calling on hundreds of homes a week to service sets, also undertake surveys on program preferences and listener reactions. Radio Servicemen's Association estimates that its members call on 350,000 homes a week and are in personal contact with listeners the year round, so that much valuable information may be uncovered for the benefit of the industry through this RSA cooperation.

#### LARGER NUMBER EXPECTED TO ATTEND AFA-NAB MEETING

A crowd larger than first anticipated is now expected at the NAB radio panel of the Advertising Federation of America Convention next Tuesday at the Waldorf-Astoria in New York, Craig Lawrence, KRNT, Chairman of the Sales Managers' group announced today.

Invitations have been issued to principal advertising men and women in Chicago, Detroit, New York, and to all NAB members to attend the morning and the luncheon

meeting where Mayor Fiorello LaGuardia will address the group on the subject "Radio By the American Plan".

In the morning session, the proposed NAB Code will be discussed by President Miller. Frank Mason, vice president in charge of international radio for NBC will discuss the problems of international broadcasting and new problems brought on by the recent action of the FCC in permitting commercial advertising on international short-wave stations. Curtis Mitchell, editor of *Radio Guide* will review some observations he has made on shortcomings in publicity promotion of commercial programs.

The afternoon session will be given over to a meeting of the NAB Sales Managers for a round-table discussion, "How To Sell More Radio". Headquarters will be represented by President Miller, who will introduce Mayor LaGuardia at the luncheon; Paul Peter, Director of Research; and Ed Kirby, Director of Public Relations. The latter two will discuss the organization and projected work of the new Bureau of Radio Advertising.

#### FREE OFFERS

A flood of contingent advertising propositions has streamed into broadcasting stations during the last few weeks.

The number of these sent to Headquarters indicated, however, that few, if any, stations were interested.

The NAB has notified every firm suggesting a cost-per-inquiry or commission deal that it undertake a regular radio advertising campaign. Stations, networks and agencies might well follow up with literature, rate cards, and so forth. These firms appreciate the value of radio advertising or they would not be trying to use it on any basis.

Among the firms which have approached stations for contingent deals recently were the Philatelic Banking Service, the "Southern Sportsman", the International Associates' Press, the Radio Advertisers Company, the Radio Traveling Corporation, the Imperial Chemical Company and Farjoe and Company.

The American Spice Trade Association is still trying to chisel free time.

The National Highway-U. S. 40 Association is asking for free time to promote the use of that road.

The Waldorf-Astoria Hotel, New York, sent out a "news release" about how cheap it was to dine and dance there.

The National Hotel Association bluntly refused to try to help obtain local sponsorship for the National Hotel Week announcements they sent out.

Any member considering the use of programs offered by the American Civil Liberties Union or the National Association of Manufacturers should write to Headquarters for information about these.



## CRAVEN ADDRESSES RMA ON TELEVISION PROBLEMS

Declaring that "it is surprising that the Radio Manufacturers Association should request the Commission to approve standards at such an early stage of development in television," Commissioner T. A. M. Craven of the FCC, told manufacturers at the RMA convention that he personally has "always felt that in this country private enterprise should be given the utmost freedom consistent with the interest of the public as a whole."

"It appears that the spectre of television, remote as it may be, has already begun to affect the economic stabilization of not only the existing radio manufacturing industry but also the existing industry involved in the broadcasting of regular voice and music programs to the public," he said.

"There is no need for an adverse effect. If the effect is adverse it must be the result of a lack of logical thinking and coordinated planning. Jobbers and others who sell broadcast receivers to the public should know that while television is here in the early stages of practical technical development, it is not here and cannot be here for several years from the standpoint of stabilized operation of a real service on a nation-wide scale.

"Thus, television is still in the experimental phase of development and while it is necessary for the public to participate in this phase to a limited degree, it would be foolhardy for the industry to lead the public into the belief that television is here as a practical reality as a stable service to the public on a national or even on a regional scale. The very fact that television has developed so rapidly in the past very few years should indicate that with the same intensive research in the future as in the past the public can expect greater improvements both in quality, simplicity, and cost. However, credit should be given for the wonderful strides in technical development achieved by the industry to date. The fact that you have already developed the technical phases of television to such an extent is a marvelous achievement. For this, the industry deserves the meritorious acclaim of every thinking person.

"The further development of television requires not only courage on the part of this industry but also the will to proceed. It is necessary for this industry to foster the development of television. Unless they do this they will be in no position to cry for protection when someone else undertakes the job. The public, having tasted the fruits of the inventions of modern genius, organized and financed by your industry, will not be denied the promise of the service which transmits over a distance not only the voice but also vision, in the form of culture, news, and entertainment."

## MUSICIANS CONVENTION

No mention of terms for new contracts between the A. F. and M. and broadcasting stations was made during the first four days of the six-day union convention in Kansas City this week. A full report on the convention will be sent to all members after its close.

## SENATE PASSES BARBOUR BILL

The Senate approved and sent to the House the Barbour Bill to permit transportation in interstate commerce of prize fight movies. The NAB endorsed the bill since it would permit television transmission of the fights.

## MONITOR STATION BILL

Senator Wheeler (D-Mont), Chairman of the Senate Interstate Commerce Committee, introduced the following bill this week at the FCC's request:

That the Federal Communications Commission be, and it is hereby, authorized to purchase for the United States a suitable site in the State of Massachusetts, provided a suitable site now owned by the Government is not available for the purpose, and cause to be erected thereon, according to plans and specifications to be approved by it, a suitable building or buildings, for use as a radio monitoring station, or to modify or reconstruct existing buildings or facilities on such site for such purpose, and to provide the necessary associated antenna systems, roadways, power, water, and sanitary facilities, including the construction and installation of geometric apparatus and including necessary outfits, apparatus, and equipment at a total cost of said site, buildings and equipment of not to exceed Thirty Thousand Dollars (\$30,000).

## MONITORS ORDERED

The FCC has sent to all licensees of relay, international, high frequency, non-commercial educational, facsimile, television and developmental broadcast stations the following announcement dealing with the requirement of frequency monitors:

The attention of all licensees of relay, international, high frequency, non-commercial educational, facsimile, television and developmental broadcast stations is specifically called to the provisions of Section 40.02 of the rules and regulations governing broadcast stations listed above. This section requires that each such station shall have installed at the transmitter a frequency monitor having accuracy of one-half the allowed tolerance of the station. This section becomes *effective September 15, 1939*, and all stations must have a monitor by that time.

The attention of the licensee is also called to the fact that all of these stations except relay stations must install the monitor at the transmitter. An external standard or remotely located measuring equipment, though it may be common to several stations, *does not* meet the requirements of a frequency monitor. Relay stations must be checked by means of a monitor of the required accuracy at the beginning of operation and as frequently thereafter as necessary to maintain the operating frequency within the required tolerance.

Two frequency monitors, which will meet the requirements of Section 40.02 (old Rule 981) have been inspected by the Commission. The Commission has been advised that these frequency monitors or frequency measuring devices may be supplied by the manufacturers in sufficient quantities to meet the demand.

Section 40.02 was originally effective September 15, 1936, but this date has been extended from time to time due to the lack of commercially available equipment which will fulfill the requirements of this rule. The monitors required by this rule *are not approved by the Commission*, but shall have an accuracy of one-half of the allowed tolerance of the class of station with which

used. It is the responsibility of the licensee to see that the monitor will meet the frequency accuracy and operate in accordance with good engineering practice.

## RADIO MEASUREMENTS

During the month of May, broadcast measurements were made by the Federal Communications Commission of 722 stations with 43 not measured.

The measurements showed that 646 stations had a maximum deviation within 0-10 cycles; 64 stations with a deviation of 11-25 cycles; 9 stations with a deviation of 26-50 cycles; and 3 stations with a maximum deviation of over 50 cycles.

## LICENSE APPLICATIONS HELD UP

The Federal Communications Commission has announced that final action on nine applications pending before the Commission was being withheld because the facilities requested conflict with or involve the North American Regional Broadcasting Agreement. This Agreement, which was drawn up at the Havana Conference in December, 1937, allocates frequencies for standard broadcast stations on the North American Continent. The Agreement has already been ratified by the Governments of the United States, Canada, and Cuba and awaits only ratification by the Government of Mexico to become effective.

The nine applications on which action is being withheld are as follows:

Evening News Press, Port Angeles, Wash.  
KVL, Inc. (KEEN), Seattle, Wash.  
Michael J. Mingo, Tacoma, Wash.  
Tacoma Broadcasters, Inc., Tacoma, Wash.  
Radio Service Corp. (KSEI), Pocatello, Idaho.  
St. Lawrence Broadcast Co., Ogdensburg, N. Y.  
Cuyahoga Valley Broadcasting Co., Cleveland, Ohio.  
South Bend Tribune (WSBT), South Bend, Ind.  
King-Trendle Broadcasting Corp., Grand Rapids, Mich.

## EXPERIMENTAL RULE CHANGED

The FCC has announced that Section 51.22 of the Rules and Regulations Governing Experimental Services, was amended by deleting the word "April" and inserting in lieu thereof the word "October."

## FCC REPORT

The FCC's report to Congress on its investigation of the A. T. and T. included the following suggestion affecting broadcasting:

*Fourth*, amend Section 202(b) so as to make it clear by specific language rather than by implication that practices, classifications, regulations and facilities, as well as services and charges, in connection with the use of wires in chain broadcasting shall be subject to regulation by this Commission and so that this section of the Act will correspond to the preceding half of the section, 202(a).

## Legal

## FLORIDA'S NEW MONOPOLY LAW

Florida's new copyright monopoly law (NAB REPORTS, June 2, p. 3514), seeking to curb the activities of pools controlling the public performance of copyrighted music, became the law of the State Tuesday, June 12. The complete text of the law follows:

AN ACT relating to public performing rights in copyrighted musical compositions and dramatico-musical compositions; defining the same; regulating licensing of same; prescribed filing fees; making provisions for a resident agent in the state; levying a tax on the gross receipts from the licensing of such rights within the State of Florida; providing for the enforcement of this Act; the promulgation of rules and regulations, governing the enforcement of this Act; appropriating the proceeds of the tax and fees levied herein and repealing certain laws in conflict herewith.

Be it Enacted by the Legislature of the State of Florida:

Section 1. As used in this Act, "person" means any individual, resident or non-resident, of this state, and every domestic or foreign or alien partnership, society, association or corporation; the words "performing rights" refer to "public performance for profit"; the word "user" means any person who directly or indirectly performs or causes to be performed musical compositions for profit; the term "blanket license" includes any device whereby public performance for profit is authorized of the combined copyrights of two or more owners; the term "blanket royalty or fee" includes any device whereby prices for performing rights are not based on the separate performance of individual copyrights.

Section 2. It shall be unlawful for any person to sell, license the use of, or in any manner whatsoever dispose of, in this state, the performing rights in or to any musical composition or dramatico-musical composition which has been copyrighted, and is the subject of a valid existing copyright, under the laws of the United States, or to collect any compensation on account of any such sale, license or other disposition, unless such person:

(a) Shall first have filed with the Comptroller on forms prescribed by the Comptroller a list describing each such musical composition and dramatico-musical composition, the performing rights in which said person intends to sell, license or otherwise dispose of in this state, which description shall include the following: The name and title of the copyrighted composition, the date of the copyright, the number or other identifying symbol given thereto in the United States copyright office, the name of the author, the name of the publisher, the name of the present owner of the copyright to said composition, and the name of the present owner of the performing rights thereto. Additional lists of such copyrighted compositions may be filed by any such person from time to time, and shall be subject to all the provisions of this Act. A filing fee of two cents a composition shall be required by the Comptroller for filing any list under this Act.

(b) Shall simultaneously file an affidavit which shall describe the performance rights to be sold, licensed or otherwise disposed of and shall state that the compositions so listed are copyrighted under the laws of the United States, that the facts contained in the list to which said affidavit relates are true, that affiant has full authority to sell, license or otherwise dispose of the performing rights in such compositions; and the affidavit shall set forth the name, age, occupation and residence of the affiant; and if an agent, the name, occupation and residence of his principal.

Section 3. The list provided for in the preceding section shall be made available by the Comptroller to all persons for examination, and taking of copies, in order that any user of such compositions in this state may be fully advised concerning the performing rights therein, and avoid being overreached by false claims of ownership of said performing rights, and also avoid committing innocent infringements of said works. The Comptroller may, in his discretion he deems it necessary, in order to prevent such overreaching and to protect the citizens of this state from committing innocent violations of the copyright laws of the United States, cause a list of all such copyrighted material filed with him to be published once a year or oftener in a form and medium which he shall deem suitable for said purpose. A duplicate of any list so filed by any such person shall at his request be certified by the



Comptroller and shall by the Comptroller be given or delivered to such person, who shall exhibit the same on demand of anyone to whom such person seeks to sell, license or otherwise dispose of said performing rights.

Section 4-A. It shall be unlawful for two or more owners of the copyrights of musical compositions or dramatico-musical compositions to associate or combine together in any manner, directly or indirectly, for the purpose of issuing blanket licenses for the public performance for profit of their compositions upon a blanket royalty or fee covering more than one, or all, of such compositions owned or controlled by the members of such association unless each individual copyright owner included in such association, or such association in behalf of each individual copyright owner, also shall make available to each user of such compositions within the state, at the option of the user, the right to perform publicly for profit each such copyrighted musical composition owned by him or it at a price established for each separate performance of each such composition. To this end, there shall be filed with the Comptroller, either as a part of the list required by Section 2 hereof or as a separate document by such copyright owner, or by such association in behalf of such owner, a schedule of prices for the performing rights to each separate performance for profit of each such composition contained in such list, together with an affidavit of the copyright owner of such compositions that the price so stated has been determined by such copyright owner acting for himself and not either directly or indirectly in concert or by agreement with the owner or owners of any other copyrights. Such schedule of prices may contain reasonable classifications determined by use and function, or either, of the users of said compositions, with separate price for each classification, provided that there is equal treatment of all persons within each classification and that there is no unreasonable discrimination between classifications. Any copyright owner may at his election fix one price which shall be applicable to each rendition of each of such compositions owned by him except to the extent that he elects to name specific compositions and to fix other prices for each rendition thereof; and said prices shall remain in force and effect until a new schedule of prices with respect to the performing rights to such compositions has been similarly filed in the office of the Comptroller, at any time, at the election of such owner changes in prices to become effective seven days from the date of filing thereof. The schedule of prices provided for herein shall be made available by the Comptroller to all persons for examination and the taking of copies, and may be published by him in the same manner as provided in Section 3 hereof.

Section 4-B. Any person issuing a blanket license for performance rights shall file with the Comptroller within thirty days from the date such blanket license is issued a true and complete copy of each such license issued or sold with respect to performance within this state, together with the affidavit of such person that such copy is a true and complete copy of the original and that it sets forth each and every agreement between the parties thereto with respect to such performing rights. The Comptroller shall charge for filing such contracts the same fee allowed clerks of the circuit court for similar services.

Section 4-C. It shall be unlawful for any person selling, licensing the use of or in any manner whatsoever disposing of or contracting to dispose of, in this state, the performing rights in or to any musical composition or dramatico-musical composition, to make any charge or to contract for or collect any compensation as a condition of using said performing rights based in whole or in part on any program not containing any such composition, and any such charge or contract for compensation shall be valid and enforceable only to the extent that it is based and computed upon a program in which such composition is rendered.

Section 4-D. It shall be unlawful for any person selling, licensing the use of or in any manner whatsoever disposing of or contracting to dispose of in this state public performing rights in or to any musical composition or dramatico-musical composition to make any charge or to contract for or collect any compensation for the use or performance of any such composition that has not been listed with the Comptroller as provided in Section 2.

Section 5. At the time of filing the information required in Sections 2 and 3, the owner of said performing rights shall execute and deliver to the Secretary of State on a form to be furnished by the Secretary of State, an authorization empowering the Secretary of State to accept service of process on such person in any action or proceeding, whether cognizable at law or in equity, arising under this Act, and designating the address of such person until the same shall be changed by a new form similarly filed; and service of process may thereafter be effected in this state on such person in any such action or proceeding by serving the

Secretary of State with duplicate copies of such process; and immediately upon receipt thereof the Secretary of State shall mail one of the duplicate copies by registered mail to the address of such person as stated on authorization last filed by him. A filing fee of \$5.00 shall accompany this notice and the Secretary of State shall deposit same in the General Revenue Fund of the State of Florida.

Section 6. No person shall be entitled to commence or maintain any action or proceeding in any court with respect to such performing rights, or to collect any compensation on account of any sale, license or other disposition of such performing rights, in this state, except upon pleading and proving compliance with the provisions of this Act.

Copies, certified by the Comptroller as such, of each or all of the lists, license agreements, affidavits and other documents filed with the Comptroller pursuant to the requirements of this Act, shall be furnished by the Comptroller to any person upon request at the prices regularly charged by a clerk of the circuit court for such work. Such certified copies shall be admitted in evidence in any action or proceeding in any court to the same extent as the original thereof.

Section 7. From and after the effective date of this Act there is hereby levied, and there shall be collected, a tax, for the act or privilege of selling, licensing, or otherwise disposing of performing rights in such compositions in this state, in an amount equal to three per cent of the gross receipts of all such sales, licenses or other dispositions of performing rights in this State, payable to the State Comptroller on or before the fifteenth day of March, 1940 with respect to all such gross receipts for the portion of the calendar year 1939 after the effective date of this Act, and annually thereafter, on or before the fifteenth of March of each succeeding year, with respect to the gross receipts of the preceding calendar year. A return on a form prescribed by the Comptroller shall be made by all persons subject to this tax on or before the 15th day of March every year which shall accompany a remittance of the tax due.

The Comptroller shall have authority through his authorized agents to examine and audit the books and records of any person he may deem subject to the tax or fees under this Act and may require such persons to appear before him at his office in the Capitol in the City of Tallahassee, Florida with such records and papers as may be necessary after giving thirty days notice to such person through said person's authorized agent, the Secretary of State.

The Comptroller shall also have authority through his authorized agents to examine and audit the books, records and accounts of any licensee or user making payments for use of public performing rights in the State of Florida to any person in order that the Comptroller may determine or check on gross receipts of those selling or licensing public performing rights in the State of Florida. Any person refusing the Comptroller or his duly authorized agents access to such books, records and accounts shall be subject to penalties prescribed in Section 9 hereof and may be required to appear in person with all books, papers and accounts required by the Comptroller at the Comptroller's office in the Capitol, Tallahassee, Florida within ten days after receipt of notice which the Comptroller shall send by "registered mail, return receipt requested".

Should the Comptroller determine that any person liable for any tax or fees under this Act has made an incorrect return or has made no return at all, or has failed to pay any tax or fees due, the Comptroller shall after determining the amount of such tax or fees due the State of Florida, from the best information at his command, certify such claim for delinquent taxes to said person through his duly designated agent, the Secretary of State, and unless payment of such delinquent tax is received within thirty days of delivery of said notice to the Secretary of State the Comptroller shall apply to a Circuit Judge in Leon County for the appointment of a receiver to take over and administer all assets of said delinquent tax payer in the State of Florida.

The Circuit Judge upon the Comptroller's application properly authenticated, shall appoint some agent of the Comptroller as receiver, to serve without further compensation, but who shall be allowed all actual expenses. After posting such bond as the judge may determine proper, the said receiver shall take over and administer the affairs of said delinquent taxpayer within the State of Florida, collect accounts and do all things necessary to protect the interests of both the State of Florida and the said delinquent taxpayer and from such collections as he may make, he shall first pay the expenses of the receivership and any litigation incident thereto and the tax plus interest at the rate of 2% per month or



fraction thereof from the last day of the year for which the tax was due.

After having satisfied the claims of the State and paid all costs of the receivership the receiver shall make a return to the court who shall order all assets returned to the taxpayer.

Section 8. It shall be unlawful for any person, without the consent of the owner thereof, if said owner shall have complied with the provisions of this Act, publicly to perform for profit, in this state, any such composition, or for any person knowingly to participate in the public performance for profit of such composition, or any part thereof.

Section 9. Any violation of this Act shall constitute a misdemeanor, to be punished as provided elsewhere in the laws of this state.

Section 10. Any person or persons who negotiates or collects or attempts to collect license fees or other exactions or acts in any capacity whatsoever as a representative or agent for any person owning public performing rights of any copyrighted composition shall be subject to all the penalties in this Act provided for violations thereof.

Section 11. Any person in this State aggrieved by reason of any violation of this Act may sue thereof in the circuit court in which he resides or in the circuit in which the violation took place to recover any damages as the result of the violation of the terms of this Act or to require specific performance under the provisions of this Act and shall be entitled to recover his costs including reasonable attorneys fees to be fixed by the court.

Section 12. The several Circuit Courts of this State shall have jurisdiction to prevent and restrain violations of this Act, and, on the complaint of any party aggrieved because of the violation of any of the terms of this Act anywhere within this State, it shall be the duty of the State's attorney in their respective circuits, under the direction of the Attorney-General, to institute proceedings, civil or criminal or both under the terms hereof, to enforce any of the rights herein conferred, and to impose any of the penalties herein provided. In civil actions such proceeding may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of have been duly notified of such petition, the Court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree, the Court may at any time make such temporary restraining order as shall be deemed equitable.

Section 13. In the event of the failure of the State's Attorney and Attorney-General to act promptly, as herein provided, when requested so to do by any aggrieved party, then such party may institute a civil proceeding in his own behalf, or upon behalf of Plaintiff and others similarly situated, as the State's Attorney and the Attorney-General could have instituted under the terms of this Act.

Section 14. After the costs and expenses of enforcing this Act and the collection of the taxes and fees herein levied and imposed are deducted the amount of which costs and expenses are hereby appropriated to be paid from the proceeds of this Act, there is hereby appropriated the entire balance paid into the Comptroller under and by virtue of this Act to the General Revenue Fund of the State of Florida.

Section 15. All laws or portions thereof whether general, special or local, which relate to the same subject matter as this Act and which are inconsistent with the provisions of this Act, are hereby superseded by the provisions of this Act to the extent that such inconsistency exists.

Nothing contained in this Act shall be so construed as to impair or affect the obligation of any contract or license which was lawfully entered into prior to the effective date of this Act.

Provided, however, nothing in this Act shall be construed to repeal, supersede or modify any of the statutes of the State of Florida pertaining to monopoly or restraint of trade, including but not limiting the generalities of the foregoing Sections 1, 2-C, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13 and 14 of Chapter 17807, Laws of Florida 1937. Provided further, the revenue provisions of this Act shall take effect immediately it becomes a law and persons having contracts to sell public performing rights to users in the State of Florida shall file copies of such contracts with the Comptroller within thirty days of the date this Act becomes a law and shall within ninety days of the time this Act becomes a law comply with other provisions of this Act that require filing of any data.

Section 16. If any section in this Act, or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions hereof.

Section 17. This Act shall take effect immediately upon its becoming a law.

Law without Approval, June 12, 1939.

## STATE LEGISLATION

### MASSACHUSETTS:

H. 2259 (Burgess) TANGIBLES—EXEMPTION—Relative to exemption from the payment of local taxes on tangible personal property. Referred to Committee on Taxation.

H. 2402 (Reported on H. 901) RADIO—SLANDER—Relative to slander by radio,

### TEXAS:

HCR. 175 (Bradbury) INVESTIGATE LOBBYING—To provide for a general investigation of lobbying activities with particular emphasis on activities connected with SJR. 12.

## FEDERAL COMMUNICATIONS COMMISSION

### FINDINGS OF FACT

The Federal Communications Commission has announced a Proposed Findings of Fact in which it is proposed to grant the application of WHTT, **Hartford, Conn.**, to permit a power increase from 100 watts day to 250 watts day, to install new equipment, to make antenna changes, and to change transmitter site locally.

The Commission stated in its Proposed Findings that a public need has been shown for the additional service in the Hartford area proposed by the station, and that the operation of the station as proposed will not cause objectionable interference to the operation of any existing station or to any station proposed in any application pending at the time of the hearing of this case.

The Commission in a Proposed Findings of Fact proposed to grant the application of the Saginaw Broadcasting Company, **Saginaw, Michigan**, and Gross and Shields, Saginaw, Michigan, both asking for new stations in that city to operate on **1200 kilocycles**, with 100 watts night, 250 watts LS, specified hours, and **950 kilocycles**, 500 watts power, daytime only, respectively.

The Commission stated that there is a public need in Saginaw for the service and that both of the applications will receive cooperation of local organizations in the city. The Commission stated also that advertising support is available for both of the proposed stations, and the granting of the application in each case is in the public interest.

### DECISIONS OF COMMISSION

The Federal Communications Commission has granted the application of Hugh J. Powell and Stanley Platz for consent to the voluntary assignment of license of KGGF, **Coffeyville, Kansas**, to Hugh J. Powell. The station operates on **1010 kilocycles**, 1000 watts, sharing time with WNAD.



The application of the Eastern States Broadcasting Corporation, licensee of WSNJ, **Bridgeton, New Jersey**, for a construction permit to increase the station's hours of operation from daytime only to unlimited time with 250 watts daytime and 100 watts night, operating on **1210 kilocycles** has been granted by the Commission.

The Commission has granted the application of the M. & M. Broadcasting Company for a construction permit for the erection of a new station at **Marinetta, Wisconsin**, to operate on **570 kilocycles** with 250 watts power, daytime only.

The Commission has granted the application of broadcasting station KTRB at **Modesto, California**, for license renewal. The station operates on **740 kilocycles**, 250 watts, daytime only.

The Commission has denied the application of the Pillar of Fire for a construction permit to erect a new international broadcasting station at **Zarephath, New Jersey**, to operate on **6080, 11830, and 17780 kilocycles**, 5000 watts power, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases beginning the week of June 19. They are subject to change.

### Monday, June 19

- WJBW—Charles C. Carlson, New Orleans, La.—Renewal of license, **1200 kc.**, 100 watts, shares WBNO.  
WJBW—Charles C. Carlson, New Orleans, La.—Modification of license, **1200 kc.**, 100 watts, unlimited time. Present assignment: **1200 kc.**, 100 watts, shares WBNO.

### Tuesday, June 20

#### Further Hearing

- NEW—Neptune Broadcasting Corp., Atlantic City, N. J.—C. P., **1420 kc.**, 100 watts, 250 watts LS, unlimited time.

### Wednesday, June 21

- WSPA—Virgil V. Evans, tr/as The Voice of South Carolina, Spartanburg, S. C.—Modification of license, **1120 kc.**, 500 watts, 1 KW LS, unlimited time. Present assignment: **920 kc.**, 1 KW, daytime.

### Friday, June 23

- WSUI—The State University of Iowa, Iowa City, Iowa.—C. P., **880 kc.**, 1 KW, 5 KW LS, unlimited time (DA day and night). Present assignment: **880 kc.**, 500 watts, 1 KW LS, unlimited time.

### FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

### July 31

- WHA—University of Wisconsin, Madison, Wis.—C. P., **670 kc.**, 50 KW, unlimited time (requests facilities of WMAQ). Present assignment: **940 kc.**, 5 KW, daytime.  
WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Renewal of license, **670 kc.**, 50 KW, unlimited time.  
NEW—Lakeland Broadcasting Co., Willmar, Minn.—C. P., **680 kc.**, 250 watts LS, limited time.

### September 8

- NEW—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—C. P., **1200 kc.**, 100 watts, daytime.

### September 15

- W9XBS—National Broadcasting Co., Inc., Chicago, Ill.—Renewal of license, **31600, 35600, 38600 and 41000 kc.**, 100 watts, 100 watts LS, Emission A-3, unlimited according to Rule 983 (a).  
W9XBS—National Broadcasting Co., Inc., Chicago, Ill.—Modification of license, **42180 kc.**, 100 watts, 100 watts LS, Emission A-3, unlimited according to Rule 983 (a).

### November 1

- NEW—Wm. F. Huffman, Wisconsin Rapids, Wis.—C. P., **580 kc.**, 250 watts, unlimited time (DA night).

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

- NEW—The Louisville Times Company, near Eastwood, Ky.—Granted C. P. for new facsimile broadcast station on an experimental basis, frequency **25250 kc.**, 500 watts.  
WLLH—Merrimac Broadcasting Co., Inc., Lawrence, Mass.—Granted extension of special experimental authority to operate synchronously with station WLLH at Lowell, Mass., on **1370 kc.**, with variable power of 10 to 100 watts, for the period ending January 1, 1940.  
WHK—Radio Air Service Corp., Cleveland, Ohio.—Granted modification of license to increase day power from  $2\frac{1}{2}$  to 5 KW.  
KTKC—Tulare-Kings Counties Radio Associates, Visalia, Calif.—Granted modification of C. P. to make changes in authorized equipment and changes in DA system and to extend commencement date to 30 days after grant and completion date to 180 days thereafter.

### DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

- WTNJ—WOAX, Inc., Trenton, N. J.—Modification of license to increase day power from 500 watts to 1 KW. Application designated for hearing to determine the question of possible interference and because pending applications involve increase in service.

### RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

- KCMO, Kansas City, Mo.; KFIZ, Fond du Lac, Wis.; KGFL, Roswell, N. Mex.; KFRO, Longview, Tex.; KIUN, Pecos, Tex.; KOTN, Pine Bluff, Ark.; KRNR, Roseburg, Ore.; KTEM, Temple, Tex.; KTSW, Emporia, Kans.; KVOE, Santa Ana, Calif.; KVWC, Vernon, Tex.; KXL, Portland, Ore.; WAPO, Chattanooga, Tenn.; WATL, Atlanta, Ga.; WCBM, Baltimore; WCHV, Charlottesville, Va.; WDNC, Durham, N. C.; WFOR, Hattiesburg, Miss.; WGL, Fort Wayne, Ind.; WHBQ, Memphis, Tenn.; WHFC, Cicero, Ill.; WHLS, Port Huron, Mich.; WILM, Wilmington, Del.; WKBB, E. Dubuque, Ill.; WKBV, Richmond, Ind.; WLAP, Lexington,

Ky.; WLEU, Erie, Pa.; WMSD, Muscle Shoals City, Ala.; WOC, Davenport, Iowa; WPAD, Paducah, Ky.; WRAK, Williamsport, Pa.; WSAU, Wausau, Wis.; WRDW, Augusta, Ga.; WSTP, Salisbury, N. C.; WSYB, Rutland, Vt.; WABY, Albany, N. Y.; WAZL, Hazleton, Pa.; WDAN, Danville, Ill.; WEOA, Evansville, Ind.; WGAL, Lancaster, Pa.; WIBM, Jackson, Mich.

### MISCELLANEOUS

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate from 8 to 10 p. m., EST, on July 3, and from 9 to 11 a. m. and 1 to 3 p. m., EST, on July 3 and 4 (provided WOSU remains silent), in order to broadcast holiday programs.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted extension of special temporary authority to operate auxiliary transmitter of station WENR, at Downers Grove, for the period June 14 to July 13, until new antenna can be put up at WBBM's location.

KWLC—Luther College, Decorah, Iowa.—Granted special temporary authority to reduce its broadcasting schedule to 1 hour daily for the period June 12 to August 12, in order to observe summer vacation.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted extension of special temporary authority to operate simultaneously with WTAW from 8 to 9 p. m., CST, the following Mondays: June 12, 19, 26 and July 3, in order to broadcast special programs from Louisiana State University and special addresses by the President and members of the faculty of that University.

WSVS—Seneca Vocational High School, Buffalo, N. Y.—Granted special temporary authority to remain silent on the following dates: July 1 to September 10, inclusive, summer vacation; October 12, Columbus Day; October 27 and 28, State Teachers Convention; November 7, Election Day; November 11, Armistice Day; November 30, December 1 and 2 (noon) to December 31, inclusive, Christmas vacation. To operate from 8:30 to 10 a. m. and from 2 to 3 p. m., EDST, instead of EST, from September 10 to September 23 (provided WBNY remains silent).

W8XUJ-W8XNU—The Crosley Corp., Cincinnati, Ohio.—Granted extension of special temporary authority to use facsimile broadcast experimental station W8XUJ and high frequency station W9XNU at Carew Tower, for the period June 9 to July 8, in order to complete radiation tests to determine whether or not shielding is needed in television rooms and also to make survey of station W8XNU to determine coverage of this frequency from Carew Tower location.

W6XUD—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted special temporary authority to operate an additional portable ultra high frequency Pack transmitter, with construction and technical features similar to the equipment licensed under call letters W6XUC, 1 watt, using frequencies 132260, 134080, 135480, 135760 kc., for the period June 15 to 30.

NEW—WDAY, Inc., Fargo, N. Dak., Portable-Mobile.—Granted C. P. for new high frequency relay broadcast station upon an experimental basis only, conditionally, frequencies 30820, 33740, 35820 and 37980 kc., conditionally, 25 watts.

NEW—Red River Broadcasting Co., Inc., Duluth, Minn.—Granted C. P. for new relay broadcast station, frequencies 1606, 2022, 2102 and 2758 kc., 50 watts.

WDAJ—Tampa Times Co., Tampa, Fla., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station, frequencies 1606, 2022, 2102 and 2758 kc., 40 watts.

KMED—Mrs. W. J. Virgin, Medford, Ore.—Granted modification of C. P. to install new equipment.

W9XXL—The Ashland Broadcasting Co., Inc., Ashland, Ky., Portable-Mobile.—Granted C. P. for new high frequency relay broadcast station, frequencies 30820, 33740, 35820 and 37980 kc., on an experimental basis conditionally, 10 watts.

NEW—Larus & Bros. Co., Inc., Richmond, Va., Portable-Mobile.—Granted C. P. for new relay broadcast station, frequencies 1646, 2090, 2190 and 2830 kc., 25 watts.

KVWC—The Northwestern Broadcasting Co., Vernon, Tex.—Granted license to cover C. P. authorizing changes in composite equipment and increase in day power from 100 to 250 watts.

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Granted license to cover C. P. authorizing changes in transmitter site and installation of vertical radiator.

WCOS—Carolina Advertising Corp., Columbia, S. C.—Granted modification of C. P. approving transmitter and studio sites, changes in equipment, and approval of vertical antenna.

KRLD—KRLD Radio Corp., Dallas, Tex.—Granted modification of C. P. to extend completion date from July 1 to August 1.

WDSM—WDSM, Inc., Superior, Wis.—Granted modification of C. P. approving transmitter site and changes in authorized equipment and extension of commencement date to 10 days after grant and completion date to 90 days thereafter.

National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate experimental relay broadcast stations W2XF, W2XK, W3XEK, W3XPO, W3XPP, W6XDE, W6XDG, W8XUE, W8XB, W9XAP, W9XDV, W9XDW, W9XXD, W9XXG, W10XAH, W10XAL, W10XAK, W10XAM, W10SAN, W10XAP, W10XAX, W10XCG, W10XCH, W10XDX, W10XDY, W10XDZ, W10XEA, W10XEB, W10XED, W10XFQ, W10XFR, W10XCG, W10XN, W10XV and W10XY, on the frequencies 31.22 and 37.02 mc. in lieu of present assignments 31.1 and 37.6 mc., for the period June 19 to July 18, 1939, pending adjustment of relay broadcast frequency assignments above 30 mc., as contemplated by General Order No. 19.

WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 4 p. m. to 5 p. m., CST, on June 11, 1939, in order to broadcast Commencement Services of Purdue University, and from 7:15 p. m. to 10 p. m., CST, on June 17, 1939, in order to broadcast Purdue University Music Festival.

WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Granted extension of special temporary authority to rebroadcast sustaining programs to be received from international broadcast stations W2XE and W3XAU over station WKAQ, on a non-commercial experimental basis only, for the period beginning June 20 and ending in no event later than July 19, 1939.

WPRR—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate from 9 a. m. to 11 a. m. and from 2 p. m. to 6 p. m., AST, on June 11, 18, and 25, 1939, in order to broadcast baseball games.

KFVS—Hirsch Battery & Radio Co., Cape Girardeau, Mo.—Granted special temporary authority to operate from 7:30 to 9 p. m., CST, on June 13, in order to broadcast talk by Dr. L. M. Birkhead.

KGFL—KGFL, Inc., Roswell, N. Mex.—Granted special temporary authority to operate simultaneously with KICA from 7:30 to 9:30 p. m., MST, on July 2 and 9, in order to broadcast evening church services. Also to broadcast same hours June 11, 18, 25, in order to broadcast evening church services.

WINS—Hearst Radio, Inc., New York City.—Granted special temporary authority to operate from 10:15 p. m. to midnight, EST, on June 9, in order to broadcast opening of WINS studio in the Worlds Fair.

W2XDG—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate high frequency broadcast station on the frequency 38.65 mc. pending action on application for modification of license, for the period June 18 to July 17.

WCOV—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—Granted petition for order to take depositions in re application for modification of license to change hours of operation from daytime to unlimited, using 1210 kc., 100 watts night, 100 watts LS.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted petition for order to take depositions in re application for C. P. to install new equipment and increase power.

WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate from 1:30 to 3 p. m. and 4 p. m. to LS (June 7:45 p. m., EST, June 10), in order to broadcast alumni parade and varsity baseball game; to operate from 10:30 a. m. to 12 noon in order to broadcast Commencement Exercises of Theological School, and from 2:30 to 4 p. m., on June 11, Baccalaureate Service of the College of Letters and Science; to operate from 9:30 a. m. to 12:30 p. m. and 1:30 to 3 p. m., June 12, in order to broadcast Graduating Exercises of College of Letters and Science, and Senior Luncheon.

WAID—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Granted special temporary authority to use equipment described in application for low frequency relay station, with



- 20 watts power on 2830 kc., on June 9, from 2 to 7 p. m., EST, in order to broadcast Syracuse University crew races.
- KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted supplemental petition for order to take depositions in re application for C. P. to change frequency, power, and time of operation.
- KUTA—Jack Powers, David G. Smith, Frank C. Carman and Grant Wrathall, d/b as Utah Broadcasting Co., Salt Lake City, Utah.—Granted permission to withdraw motion for order to take depositions in re application for C. P. to install new transmitter and antenna, change frequency and power.
- KSL—Radio Service Corp. of Utah, Salt Lake City, Utah.—Granted petition to intervene in the hearing on the application of KUTA for C. P. to install new transmitter, etc.
- KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted motion to dismiss without prejudice application for modification of license to increase power.
- NEW—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—Granted petition for leave to file appearance in re application for C. P. for a new station to operate on 1200 kc., 100 watts, daytime.
- WPTF—WPTF Radio Co., Raleigh, N. C.—Granted special temporary authority to operate from 11 p. m. to 12 midnight, EST, for a period not to exceed 30 days, in order to broadcast programs as described.
- WPG—City of Atlantic City, N. J.—Denied extension of special temporary authority to operate from 3:15 to 4:30 p. m. Sundays, June 11, 18, 25 and July 2, in order to broadcast major league baseball games; to operate from 2 to 3 p. m., EST, on June 16, 23, 30 and July 7, in order to broadcast programs of the New Jersey League of Municipalities studio recital, featuring Alice Woodlyn and CBS features.
- WLAW—Hildreth & Rogers Co., Lawrence, Mass.—Granted license to cover C. P. authorizing changes in equipment.
- NEW—Donald C. Treloar, Kalispell, Mont., Portable-Mobile.—Granted C. P. for new high frequency relay broadcast station, frequencies 30820, 33740, 35840, 35820 and 37980 kc., experimentally, conditionally, 10 watts.
- W9XSN—The Champaign News-Gazette, Inc., Champaign, Ill., Portable-Mobile.—Granted C. P. for changes in equipment and for frequencies 30820, 33740, 35820 and 37980 kc., on an experimental basis, conditionally, 2 watts.
- WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted license to cover C. P. authorizing local move of transmitter site and installation of vertical radiator.
- WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 8 to 9 p. m., CST, on July 2, 9, 16 and 23, in order to broadcast special educational programs (provided KGGF remains silent).
- KGGF—Powell & Platz, Coffeyville, Kans.—To remain silent from 8 to 9 p. m., CST, on July 2, 9, 16 and 23, in order to permit WNAD to broadcast special educational programs.
- WMIN—WMIN Broadcasting Co., St. Paul, Minn.—Granted special temporary authority to rebroadcast demonstration of two-way communication to be conducted in accordance with Sec. 112.06 to be received from station WPDS, licensed to City of St. Paul, operating on frequency 33940 mc., from 9:25 to 9:30 a. m., CST, June 13.
- W1XOK—The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to operate relay broadcast experimental station W1XOK on frequencies 133030, 134850, 136810, 138630 kc., 250 watts, in accordance with Sec. 40.04, in order to carry out program of experimentation outlined in the application for C. P. granted January 24, 1939, for a period not to exceed 30 days.
- KUSD—University of South Dakota, Vermillion, S. Dak.—Granted petition to reconsider and grant application for renewal of license of station KUSD, which was designated for hearing on February 27, 1939, to determine primarily whether applicant had complied with the provisions of Rule 340.01, which requires the licensees of all broadcast stations to supply certain information with respect to stock ownership. Applicants have now furnished the information required by said Rule.
- WLAP—American Broadcasting Co. of Kentucky, Lexington, Ky.—Granted petition in so far as it requests further hearing, set aside the Statement of Facts, Grounds for Decision and Order of the Commission of December 23, 1938, and remanded for further hearing the application of WLAP for C. P. to install new transmitter and use DA at night; change frequency from 1420 kc. to 1270 kc., and operate with 1 KW, unlimited time, and upon the following issues: (1) to determine whether or not applicant's present facilities provide adequate service to the community, and (2) whether the use of frequency 1270 kc., with 1 KW, unlimited time, with DA at night, will provide adequate service for the area proposed to be served and would be consistent with sound principles of allocation.
- KLO—Interstate Broadcasting Corp., Ogden, Utah.—Granted special temporary authority to operate daytime with power of 1 KW, using new directive antenna, for a period not to exceed 10 days, in order to make proof of performance measurements of directive antenna as authorized by permit granted November 28.
- KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Granted special temporary authority to rebroadcast over station KVI the conversation between two planes of the 116th Observation Squadron, 41st Division Aviation, Washington National Guard, June 14, in connection with altitude flight.
- W1XPW—WDRC, Inc., Hartford, Conn.—Granted extension of special temporary authority to test high frequency broadcast equipment of station W1XPW, authorized by modification of C. P. on the frequency 42.4 mc., with power output of 1 KW, for the period June 23 to July 22, pending action on application.
- W2XMN—Edwin H. Armstrong, New York City.—Granted extension of special temporary authority to operate high frequency broadcast station W2XMN on frequency 42.8 mc., with power of 40 KW, for the period July 14 to August 12, pending definite arrangements to be made in ultra high frequency bands.
- KFRU—KFRU, Inc., Columbia, Mo.—Dismissed KFRU's petition for rehearing filed as respondent in re applications of KVOD and KFEL, Denver, Colo. (Dockets 4527 and 4578).
- WPTF—WPTF Radio Co., Raleigh, N. C.—Granted special temporary authority to operate crystal controlled test transmitter, maximum power 100 watts, on frequency 720 kc., in the vicinity of Raleigh, for 1 hour after local sunrise until 1 hour before local sunset, for the period June 15 to July 14, in order to determine suitability of proposed transmitter site.
- WTAR—WTAR Radio Corp., Norfolk, Va.—Granted special temporary authority to operate with 5 KW at night, using DA, for the period June 14 to July 13, in order to overcome interference from Cuban Station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency 780 kc., reduces power so that additional interference is not involved, or until defective directional system is corrected by installing new tuning condensers.
- WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Granted special temporary authority to operate with 5 KW at night, using directional antenna, for the period June 14 to July 15, in order to overcome interference from Cuban Station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency 780 kc., reduces power so that additional interference is not involved, or until defective directional system is corrected by installation of new tuning condensers.
- KPDN—R. C. Hoiles, Pampa, Tex.—Granted special temporary authority to operate unlimited time on June 14, in order to broadcast the "Top O' Texas Fiesta", sponsored by the Chamber of Commerce.
- WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate from 8 to 9:30 p. m., EST, on June 19, 20 and 21, in order to broadcast third Conference on Canadian American Affairs.
- KRLD—KRLD Radio Corp., Dallas, Tex.—Granted special temporary authority to broadcast the regular programs of station KRLD over the new 50-KW transmitter, using DA during daytime, then reverting to the old 10-KW transmitter one hour before sunset in accordance with permit, for a period not to exceed 30 days, in order to make proof of performance tests.
- W3XO—Jansky and Bailey, Washington, D. C.—Granted extension of special temporary authorization to operate high frequency broadcast station W3XO on a frequency of 43.32 mc., with the regular power of 1 KW, pending final arrangements in connection with the reallocation of the high frequency services with respect to Commission Order No. 19, for the period June 29 to July 28.

W1XAL—World Wide Broadcasting Corp., Boston, Mass.—Granted special temporary authority to broadcast one-second time signals over international broadcast experimental station W1XAL, on 6040 kc., from 10 to 11 a. m. and from 1 to 2:30 p. m., EST, on June 15, in cooperation with Department of Geology, M. I. T. seismographic work.

WAUJ—The Louisville Times Co., Louisville, Ky.—Granted special temporary authority to operate a portable-mobile relay broadcast transmitter, with power of 10 watts, on frequencies 30820, 33740, 35820 and 37980 kc., for a period not to exceed 30 days, to relay program material to broadcast station WHAS for broadcast.

W1XOJ—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to test high frequency broadcast equipment of station W1XOJ authorized by modification of C. P. on frequency 43000 kc., with power not to exceed 2 KW, for the period June 19 to July 18, in order to make necessary adjustments on equipment installed and for tuning and adjustments of the antenna elements which are now assembled for erection atop 400-foot mast.

## APPLICATIONS FILED AT FCC

### 650 Kilocycles

KIRO—Queen City Broadcasting Co., Seattle, Wash.—Modification of special experimental authority to increase power to 5 KW (710 kc., unlimited time), install new transmitter and antenna, move transmitter to site to be determined, Seattle, Wash., for period ending 8-1-39.

### 770 Kilocycles

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Construction permit to make changes in transmitting equipment.

### 830 Kilocycles

WRUF—University of Florida, Gainesville, Fla.—Construction permit to make changes in equipment; increase power from 5 KW to 10 KW to sunset at Denver, 5 KW thereafter; install directional antenna for use after sunset at Denver, Colo.; change hours of operation from limited to unlimited time; move studio and transmitter from Gainesville, Fla. (4.4 miles), to University Campus, Gainesville, Fla.

### 1120 Kilocycles

WDEL—WDEL, Inc., Wilmington, Del.—Modification of license to increase power from 250 watts night, 500 watts day, to 500 watts day and night.

### 1230 Kilocycles

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Voluntary assignment of license from Indianapolis Power & Light Co. to WFBM, Inc.

### 1260 Kilocycles

WFVA—Fredericksburg Broadcasting Corporation, Fredericksburg, Va.—Modification of construction permit (B2-P-2105) for a new station requesting changes in equipment, install new antenna, and approval of transmitter site at Leonard Road and 2nd St., near Fredericksburg, Va., and studio site at 528 Wolfe St., Fredericksburg, Va.

### 1310 Kilocycles

WCLS—WCLS, Inc., Joliet, Ill.—Construction permit to make changes in transmitting equipment, changes in antenna, move of studio and transmitter from 222 N. Chicago St., Joliet, Ill., to Elgin at Walnut, Joliet Twp., Ill.

NEW—Harold Thomas, Bridgeport, Conn.—Construction permit for a new broadcast station to be operated on 1310 kc., 100 watts night, 250 watts day, and unlimited hours.

### 1370 Kilocycles

WBNY—Roy L. Albertson, Buffalo, N. Y.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Modification of construction permit B-P-1941 for change in

frequency, hours and power, equipment changes, and move of transmitter to site to be determined, further requesting changes in transmitting equipment, approval of antenna, and approval of studio site at McKinley Cor. del Rio, Mayaguez, P. R., and transmitter site at Mayaguez, P. R.

KTOK—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—License to cover C. P. (B3-P-2109) to make changes in equipment and change power from 100 watts to 100 watts, 250 watts day.

WDWS—The Champaign News Gazette, Champaign, Ill.—Authority to install automatic frequency control apparatus.

### 1420 Kilocycles

KABC—Alamo Broadcasting Co., Inc., San Antonio, Tex.—Construction permit to install new equipment, new vertical antenna; change frequency from 1420 kc. to 630 kc.; increase power from 100 watts night, 250 watts day, to 1 KW night, 5 KW day; and move transmitter.

### 1430 Kilocycles

NEW—Publix Bamford Theatres, Inc., Asheville, N. C.—Construction permit for a new station on 1430 kc., 1 KW power, unlimited time. Amended: Give transmitter site at Emma Road, near Asheville, N. C.

### 1500 Kilocycles

WOPI—Radiophone Broadcasting Station WOPI, Inc., Bristol, Tenn.—Construction permit to install new transmitter; make changes in antenna; increase power from 100 watts to 100 watts night, 250 watts day; and move transmitter.

KDRO—Albert S. and Robert A. Drohlich, d/b as Drohlich Brothers, Sedalia, Mo.—Modification of construction permit B4-P-2165 for new station, requesting authority to install new transmitter and vertical antenna, approval of transmitter and studio sites at 2100 West Broadway, Sedalia, Mo.

## MISCELLANEOUS

WGHB—Florida West Coast Broadcasting Company, Inc., Tampa, Fla.—License to cover C. P. (B3-PRY-169) for new relay station.

WIPM—Indianapolis Power & Light Co., Mobile, area of Marion County, Ind.—Voluntary assignment of license to WFBM, Inc.

WIPL—Indianapolis Power & Light Co., Mobile, area of Marion County, Ind.—Voluntary assignment of license to WFBM, Inc.

W9XXM—Indianapolis Power & Light Co., Indianapolis, Ind.—Voluntary assignment of license to WFBM, Inc.

W9XXZ—Indianapolis Power & Light Co., Mobile, area of Marion County, Ind.—Voluntary assignment of license to WFBM, Inc.

NEW—WGN, Inc., Portable-Mobile, area of Chicago, Ill.—Construction permit for a new portable-mobile relay station on 31620, 35620, 37340, 39620 kc., 25 watts power, A-3.

WDAC—University of Wisconsin, Portable-Mobile, vicinity of Madison, Wis.—License to cover construction permit B4-PRY-150.

WNEI—Indianapolis Power & Light Co., Mobile.—Voluntary assignment of license to WFBM, Inc.

NEW—Yuma Broadcasting Co., Yuma, Ariz.—Construction permit for a new broadcast station to be operated on 1210 kc., 100 watts night, 250 watts day, unlimited hours.

NEW—B. B. Shapiro, F. P. Shapiro and H. Shapiro, d/b as Leroy's Jewelers, Los Angeles, Calif.—Construction permit for a new television broadcast station on frequencies 50000-56000, 66000-72000, 78000-84000 kc., power of 1 KW, Emission A3 and A5 for both visual and aural. Amended to request frequency band 66000-72000 kc.

W6XAP—Airfan Radio Corp., Ltd., San Diego, Calif. (Portable-Mobile).—Modification of license to change frequencies in accordance with new rules to request 31220, 35620, 37020, 39260 kc., and power to conform with new assignment reduced from 30 to 25 watts.

W1XOK—The Yankee Network, Inc., Boston, Mass.—License to cover C. P., B1-PRE-107, as modified. Amended to request frequencies 133030, 134850, 136810, 138630 kc., power of 50 watts.

NEW—Central New York Broadcasting Corp., Portable-Mobile.—Construction permit for a new relay broadcast station on



frequencies 1606, 2022, 2102, 2758 kc., power of 100 watts, A3 emission.

**NEW**—Radio Voice of Springfield, Inc., Springfield, Ohio.—Construction permit for a new broadcast station to be operated on **1310 kc.**, 100 watts, unlimited hours.

**NEW**—Columbia Broadcasting System, Inc., Portable-Mobile.—Construction permit for a new relay broadcast station on frequencies **1616, 2090, 2190 and 2830 kc.**, power 50 watts, A3 emission.

**NEW**—The Louisville Times Co., Portable-Mobile, area of Louisville, Ky.—Construction permit for a new relay broadcast station on **30820, 33740, 35820, 37980 kc.**, 10 watts, A-3.

**NEW**—The Louisville Times Co., area of Louisville, Ky.—License to cover C. P. above.

**W8XAL**—The Crosley Corporation, Mason, Ohio.—Modification of construction permit for extension of completion date to 1-1-40.

**NEW**—The May Department Stores Co., Los Angeles, Calif.—Construction permit for new television station on **60000-86000 kc.**, 1 KW power, A-3 and A-5, located at Wilshire Blvd at Fairfax St., Los Angeles, Calif. Amended to request **50000-56000 kc.** or **66000-72000 kc.**

**NEW**—WGN, Inc., Portable-Mobile, area of Chicago, Ill.—Construction permit for a new relay station on **1622, 2058, 2150, 2790 kc.**, power of 50 watts, A-3.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

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

**Anesthetic Advancement & Research Guild, Inc.**—See Guild Anesthetic Laboratories.

**Actino Laboratories, Inc.**, 429 West Superior St., Chicago, and its president, Carl Loeb, are charged with misleading representations in the sale of orthoptic equipment in a complaint.

The complaint alleges that the respondents sell three types of orthoptic machines, two of their own manufacture and one made by a competitor and that, in order to induce the purchase of the machines they manufacture, they accept the used machines made by a competitor from customers as part payment for their own products. It is alleged that the respondents thereupon sell the competitor's machine as new and at prices substantially lower than those charged by the competing manufacturer for new, unused machines. (3813)

**Guild Anesthetic Laboratories**—Misrepresentation that a commercial organization is operating as a guild or association of persons engaged in kindred pursuits for mutual protection, aid and cooperation, is alleged in a complaint. The respondent, Guild Anesthetic Laboratories, 2457 South Michigan Ave., Chicago, until recently known as Anesthetic Advancement and Research Guild, Inc., distributes a medicinal preparation known as "Guild Procaine Epinephrine Anesthetic", for use as a local anesthetic. Its customers include dentists, physicians and dental colleges.

It is alleged that the respondent corporation misrepresented the character of its business by use of the trade or corporate names "Anesthetic Advancement and Research Guild, Inc.", and "Guild Anesthetic Laboratories", some of the printed matter showing the word "Guild" set out in large type. (3816)

**Norman Company**—Alleging misleading representations in the sale of novelty merchandise, including lamps and shades, a complaint has been issued against Norman Company, a corporation, and its officers, Samuel J. Goldberg, Mrs. May Goldberg, Edward Koplín, and Max Feder, all of 169 Madison Ave., New York.

It is alleged that the Norman Company sent merchandise to various individuals, partnerships and corporations without previously receiving orders therefor and that in its correspondence with such purported purchasers, contended that the merchandise had been shipped in response to orders.

The complaint charged that the corporate respondent received no orders for the merchandise sent to purported purchasers in such instances and that its purpose was, through threats, coercion and annoyance, to induce the purported purchasers to accept and pay for merchandise rather than submit to the annoyance of interminable correspondence and threats. (3812)

**Philip R. Park, Inc.**, San Pedro, Calif., distributor of a dehydrated kelp product in powdered and tablet form designated "Granular Parkelp" and "Parkelp Tablets", has been served with a complaint alleging misrepresentation.

Among advertisements disseminated by the respondent are the following: "Parkelp is amazingly rich in iodine, iron, calcium and other food minerals which land foods lack", and "It is interesting to know that lack of food minerals in such land-grown vegetables as lettuce, celery, asparagus, spinach, etc., which form a part of our daily diet, often results in deficiency conditions of the body. You can add these important minerals and vitamins to your diet in any easy and economical way. Try Parkelp, a pure, deep sea kelp product that brings you food minerals from the sea."

The complaint alleges that the amount of minerals other than iodine contained in respondent's product is not sufficient to produce the results claimed in respondent's advertising. It is also alleged that the diet of the American people is not deficient in the minerals mentioned in respondent's advertising, nor are the vegetables therein referred to deficient in such minerals. (3815)

**Puritan Undergarment Corp.**—Misleading representations in the sale of women's undergarments in violation of the Federal Trade Commission Act are alleged in a complaint issued against Puritan Undergarment Corporation, 1427 DeKalb Ave., Brooklyn. It is alleged that garments containing 87 per cent cotton, 10 per cent rayon and only 3 per cent wool were misleadingly represented as containing 15 per cent wool; that garments containing 10.5 per cent wool, the remainder being rayon and cotton, were advertised as 30 per cent wool, and that garments appearing to be made partly of silk were sold without disclosure that the fiber or material in question was not silk, but rayon. (3810)

**Refrigeration & Air Conditioning Institute, Inc.**, 2150 Lawrence Ave., Chicago, has been served with a complaint alleging violation of the Federal Trade Commission Act in the sale of correspondence courses.

In selling its courses in refrigeration and air conditioning, the respondent is alleged to have made representations through its salesmen and by means of its advertising matter implying that there is a great demand for men in the air-conditioning and refrigeration industries; that these industries will absorb all graduates of the respondent school or that approximately 5,000 of its graduates will be so absorbed annually and that the respondent school is the official training agency of the two industries.

It is also alleged that the respondent implies that its educational program is directly in charge of officers or employees of certain leading manufacturers; that manufacturers who have commended the respondent's training will give employment to its graduates or to a large percentage thereof and that such manufacturers have actually sponsored the school or contributed financially to its upkeep. (3811)

**Tetrine Chemical Sales Company**—Maurice M. Goldberg and Tetrine Chemical Sales Company, 521 Fifth Ave., New York, are charged in a complaint with misrepresentation in the sale and distribution of fire extinguishers and chemical fluids.

The complaint charges that the respondents represent that fire extinguishers are given free to purchasers of a certain specified quantity of chemical fluid for use in the extinguishers, and that the representation is false and misleading, as the price received by the respondent for the fluid is so clearly in excess of the normal market value as to include not only the value of the fluid but the fire extinguishers as well. (3814)

**Weiss Bedding Company, Inc.**—Alleging false representations of the fiber and material of which mattresses are made a complaint has been issued against Weiss Bedding Company, Inc., and

its president, Dan Weiss, Jr., 365 Baxter Ave., Louisville, Ky., mattress manufacturers.

Among representations allegedly used by the respondents in advertising certain of their mattresses are assertions such as "This mattress contains 100 per cent cotton felt," "All new and sanitary," and "Complies with all State laws."

The complaint alleges that certain of the respondents' mattresses do not contain 100 per cent cotton felt, that the material in them is not all new and sanitary and that the mattresses as produced do not comply with all State laws. (3809)

### CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**William J. Cressy**, 2521 North 56th St., Milwaukee, formerly trading as Flying Intelligence Service, in the sale of a manual of instructions in aviation, has been ordered to cease and desist from representing that he conducts a flying school; that he will procure jobs for students either during or after training; that he is affiliated with the United States Air Corps or that purchasers of his aviation manual will receive training by that air corps. The complaint in this case was dismissed as to Mrs. Effie Robertson, who was found not to be a partner in the business. (3431)

**Lewyn Drug, Incorporated**, Hollywood, Calif., distributor of medicinal preparations known as Dr. Haller's Prescription 5000 and Dr. Haller's Prescription 2000, has been ordered to cease and desist from disseminating advertisements which represent that use of these preparations constitutes a competent, safe and scientific treatment for delayed menstruation, and that their use will produce no ill effects.

The order also prohibits dissemination of advertisements which fail to reveal that use of these preparations may result in serious injury to the health of the user.

The true facts are, according to findings of the Commission, that use of either of the respondent's preparations may result in gastrointestinal disturbances such as catharsis, nausea and vomiting with pelvic congestion, inflammation and congestion of the uterus and adnexa leading to excessive uterine hemorrhage, and in those cases where either of these preparations is used to interfere with the normal course of pregnancy, may result in uterine infection with extension to other pelvic and abdominal structures causing septicemia or blood poisoning. (2934)

**National Sales Company**—Robert R. Charney, trading as National Sales Company and as Windsor Pen Company, 1315 Atlantic Ave., Atlantic City, N. J., has been ordered to cease and desist from representing excessive fictitious prices as regular prices of its merchandise; that any articles customarily sold in connection with use of a purported certificate have value exceeding the actual money price required to be paid; that certain fountain pens last a life time and that rings or necklaces are set with diamonds or will not tarnish or discolor. (3610)

**O. K. Tailoring Company, Inc.**—Misleading representations in the sale of men's garments are prohibited under an order to cease and desist issued against O. K. Tailoring Company, Inc., 325 South Market St., Chicago.

The respondent company was directed to discontinue employing the unqualified word "wool" or words of similar meaning to designate fabrics or products not composed wholly of wool, provided that in case of a fabric or product composed partly of wool and partly of other materials such words may be used as descriptive of the wool content if in immediate conjunction there also appear accurate designations of each constituent fabric or material in the order of predominance by weight.

Under the order, the respondent is also to cease using the term "free" or similar terms to refer to merchandise regularly offered as compensation for distributing the respondent's clothing products; to cease representing that the respondent's garments are the fastest selling lines of such merchandise in America, and that its agents receive specified compensation for the sale of the respondent's merchandise, unless they do in fact receive such compensation and

there is no deception as to the services to be performed in obtaining. (3404)

**Stillwater Company**—Hay fever is not attributable to over-sensitive, weak, or unhealthy local conditions of the nasal membranes and their consequent susceptibility to excessive irritation from pollens, and cannot be successfully treated and cured, or the cause removed, by local medication, according to findings made in connection with issuance of a cease and desist order against R. O. Murphy, trading as The Stillwater Company, Stillwater, Minn., distributor of five preparations advertised as a treatment and remedy for hay fever.

Findings of the Commission are further that the respondent's theories as to the treatment of or method of averting hay fever by local applications to the membranes of the nose are not in accordance with the consensus of present-day medical opinion. (3608)

**Windsor Pen Company**—See National Sales Company.

### STIPULATIONS

The Commission has entered into the following stipulations:

**Gabilla, Inc.**, 19 West 18th St., New York, a corporation engaged in the sale and distribution of perfume products, has stipulated to cease and desist from use of the word "Paris" or "France" on its labels or containers so as to imply that its products are of French origin, and from use of the words "Bottled in U. S. A." to imply that the product is imported in bulk as finished perfume and bottled in the United States, and from use of any foreign address on its letterheads or trade literature so as to imply that the corporation has offices or places of business in the foreign countries indicated, when such are not the facts. (2478)

**Dr. Laun Sales Company**—Joseph E. Gessner, trading as Dr. Laun Sales Company, 207 North Michigan Ave., Chicago, agrees to cease disseminating advertisements representing that "Dr. Laun's Reducing and Stimulating Balm", either with or without the application of massage, will remove fat from the body or any part thereof or that the preparation or any of its ingredients has any value as a reducing agent. (2480)

**Mentos Products, Inc.**, 1469 North Hirst St., Philadelphia, agrees to cease advertising that use of Mentos will promote the growth of hair; that Mentos or Mentos Shampoo is capable of cleansing below the pore openings; that Mentos is efficacious in "building the resistance of the skin and scalp"; that its use will result in permanent cessation of falling hair, scalp itching or "sores between toes" and will cure eczema, ringworm, psoriasis, scalp irritations, scaly scalp conditions or dandruff. In its stipulation the respondent company admits that use of its products will not accomplish the results claimed. (02384)

**Photo-Markets, Inc.**, Washington, D. C., publisher of a magazine "Photo-Markets", has entered into a stipulation to cease and desist from the sale or distribution of cards or tags bearing the inscription "Press Card" or "Press Tag", purporting to grant bearers exceptional privileges through police and fire lines. The so-called "Press Tags" are designed for attachment to automobile license plates. (2475)

**Solo Chemical Works, Inc.**, 212 Fifth Ave., New York, has entered into a stipulation to discontinue misleading representations in the interstate sale of so-called tubular fly ribbons. The respondent agrees to discontinue using the word "Honey" alone or in connection with a picturization of a bee hive or in any other way as a brand name or designation for its product so as to imply that it has been substantially treated with honey. The stipulation recites that the honey content of the coating used on the ribbons was not substantial and added nothing to their effectiveness. (2479)





## FCC Grants One-Year Licenses

The broadcasting industry's long fight for longer licenses bore first fruit this week when the FCC decided to make the normal license period one year instead of six months.

Although the industry will be extremely gratified to hear of the commission's decision, the fight for the three-year license authorized by Congress in 1934 will continue.

The industry feels that it can render better public service with the degree of additional stabilization granted by the commission with one year licenses. It also feels, however, that it could render still better public service with three-year licenses.

The one-year rule will become effective immediately, but does not affect current licenses. From now on, all licenses will be renewed or granted normally on a one-year basis.

### SWAGAR SHERLEY TO REPRESENT NAB AT SHORT-WAVE HEARING

The NAB has retained the Hon. Swagar Sherley as special counsel for the hearings in regard to the recent regulations concerning international short-wave broadcasting. A petition will be filed requesting (1) a postponement of the date of the hearing which is now set for July 12; (2) that the scope of the hearing be enlarged to include all the regulations recently issued; and (3) that the operation of the regulations be suspended pending the hearings. In addition, each of the seven operators in the international short-wave field will file individual appearances.

These developments came forth as a result of the meeting of the NAB International Short-Wave Committee which met last Wednesday in New York at the call of President Miller, chairman of the Committee. Those present were: Frank Mason, Frank Russell, and

P. J. Hennessey, Jr., of the National Broadcasting Company; Dr. Charles B. Jolliffe of Radio Corporation of America; Harry Butcher, Frederic Willis, Paul Porter and A. B. Chamberlain of the Columbia Broadcasting System; Dr. Leon Levy, WCAU, Philadelphia, Pennsylvania; Walter Evans and J. B. Rock of Westinghouse Broadcasting Stations; Jack Poppele, WOR, New York City; Joseph Reis, WLW, Cincinnati, Ohio. From NAB Headquarters were Edwin Spence, Secretary-Treasurer; Andrew Bennett, Counsel; and Ed Kirby, Director of Public Relations.

### AD MEN DISCUSS CODE

Discussion of the proposed Code and Standards of Practice occupied the major portion of both the morning and afternoon sessions in the Sales Managers' department of the Advertising Federation of America, in

*(Continued on page 3554)*

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**Make Your Reservations Now to Attend the Seventeenth Annual NAB Convention**

**Ambassador Hotel—July 10, 11, 12 & 13—Atlantic City, N. J.**

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The NATIONAL ASSOCIATION OF BROADCASTERS

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

Neville Miller, President Edwin M. Spence, Secretary-Treasurer

Andrew Bennett, Counsel; Edward M. Kirby, Director of Public Relations; Joseph L. Miller, Director of Labor Relations; Paul F. Peter, Director of Research

AD MEN DISCUSS CODE

(Continued from page 3553)

annual convention at the Waldorf-Astoria, New York City, last Tuesday.

Representatives from leading agencies in New York, Chicago and Detroit took part in the discussions, which were led by President Neville Miller, Craig Lawrence, Chairman of the Sales Managers' Division; and Ed Kirby, Director of Public Relations.

In general, there was sympathetic agreement among agency people present with the underlying fundamentals of the Code. Several changes in phraseology were suggested. In addition, agency people were again invited to make specific recommendations to the Code Committee.

It was the feeling of Headquarters men present that no serious obstacles appeared in the Code which could not be overcome through further discussions with agency people.

Over one hundred people attended the sessions and also the luncheon, at which entertainment was furnished by the three major networks. Due to a last-minute emergency call to Washington, Mayor Fiorello LaGuardia was unable to deliver his address on "Radio by the American Plan." Instead, Newbold Morris, President of the New York City Council and acting Mayor, appeared in His Honor's place and praised radio as one of the "cleanest and most useful of American industries."

FREE OFFERS

V. M. Products, Chicago, wasted a lot of postage last week in sending a cost-per-inquiry proposition to all stations. The NAB advised the firm that acceptance would constitute violation of the Code. Many thanks to the 43 members who forwarded the proposition to Headquarters.

The Popular Music Instruction Company, New York, is out with another percentage proposition. We again have notified this firm that acceptance would constitute Code violation.

We are pleased to report that Forjoe and Company, New York, has withdrawn its contingent proposition at the NAB's suggestion.

James R. Lunke and Associates, Chicago, is proposing advertising for the Industrial Training Corporation on the basis of a guaranteed number of inquiries. The NAB is of the opinion that this amounts to cost-per-inquiry business, and that acceptance would constitute code violation.

The National Society for the Prevention of Blindness and the Council Against Intolerance in America are seeking free time for Fourth of July programs. There appears to be no commercial motive in either. Both are reputable organizations.

Labor

A. F. OF M. CONVENTION

Little of prime importance to broadcasting was done at the American Federation of Musicians convention last week in Kansas City.

The convention voted down a resolution which would have compelled the networks to broadcast a local band on sustaining time each time they broadcast a travelling band. In his annual report, Joseph N. Weber, A. F. of M. president, said:

"Outstanding in the entire question is that we have no authority and never will have, to decide as to what should go over the air, as this authority strictly rests with the broadcaster, as a prerequisite to their responsibility to the government concerning the purposes for which broadcasting is used."

The jurisdictional dispute between the A. F. of M. and the International Brotherhood of Electrical Workers, also an A. F. of L. union, was referred to the A. F. of M.'s executive council.

The convention adopted Mr. Weber's recommendation that no local should make a contract for more than one year without the executive board's consent. It also reduced the local tax on travelling bands for broadcasting; banned payment of social security taxes by leaders instead of by "person or party for whom musicians' services are rendered"; and decided that two 15-minute commercial transcriptions could not be made at the half-hour price.

Mr. Weber made a full report on his discussions with the moving picture industry about a reemployment plan somewhat similar to that which the broadcasting industry has undertaken. Conferences are to be resumed in the fall.

WAGE-HOUR CHIEF AT CONVENTION

The NAB is pleased to announce that Elmer F. Andrews, federal wage and hour administrator, has accepted an invitation to address the NAB's annual convention on Wednesday morning, July 12.



Any member having a wage and hour question which he would like to have Mr. Andrews discuss should submit it to the NAB Labor Relations Department within the next few days. These questions should be confined to topics of general interest in the industry.

### EMPLOYERS MAY ASK ELECTIONS

The Labor Relations Board decided this week to allow an employer caught in the middle of a fight between two bona fide labor unions to petition for an election to determine which union the employer should deal with.

The board's refusal heretofore to consider employer petitions has been one of the greatest complaints business has had against the operation of the Wagner Act.

Now, when each of two or more unions claim a majority but is unwilling to try to prove it, the employer can ask for an election. The losing union or unions would have no grounds for calling a strike.

## Legal

### FLORIDA'S NEW LIBEL LAW

Florida's new libel law (NAB REPORTS, May 12, p. 3472), relating to the civil liability of owners, lessees and operators of radio broadcasting stations, became the law of the state June 12.

The complete text of the law follows:

AN ACT in relation to the civil liability of owners, lessees, licensees and operators of radio broadcasting stations and the agents and employees of any such owner, lessee, licensee or operator, for radio defamation or libelous statements.

Be it Enacted by the Legislature of the State of Florida:

Section 1. The owner, lessee, licensee or operator of a radio broadcasting station, and the agents or employees of any such owner, lessee, licensee or operator, shall not be liable for any damages for any defamatory or libelous statements published or uttered in or as a part of a radio broadcast, by one other than such owner, lessee, licensee or operator, or agent or employee thereof, unless the said owner, lessee, licensee or operator, or agent or employee affirmatively declares that such statements are made for and in behalf of such owner, lessee, licensee or operator of such radio station or its agent or employee.

Section 2. This Act shall not be applicable to or affect any cause of action existing at the time this Act becomes effective.

Section 3. If any section in this Act or any part of any section shall be declared invalid or unconstitutional such declaration of invalidity shall not affect the validity of the remaining portions hereof.

Section 4. All acts or parts of acts in conflict herewith are hereby expressly repealed.

Section 5. This Act shall take effect upon its becoming a law.

### NEW LEGISLATION

#### CONGRESS

S. 2611 (Sen. Wheeler, Montana) GOVERNMENT RADIO STATION—Authorizing the purchase of site and erection of building in Massachusetts for use as radio-monitoring station at cost not to exceed \$30,000. Referred to the Committee on Interstate Commerce.

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### FCC ASKS APPROPRIATION

All of FCC members except Chairman Frank R. McNinch attended a hearing on Monday of a Subcommittee of the House Appropriations Committee. Mr. McNinch was out of town because of illness.

The Commission which is working this year under an appropriation of \$1,700,000 asked the Committee for a \$2,000,000 appropriation for the coming fiscal year beginning July 1 to take care of additional personnel in the Law Department, Engineering and Accounting.

Commissioner Thad H. Brown, who is acting chairman this week, was the only member of the Commission on the stand. Other representatives of the Commission who appeared at the executive hearing included William J. Dempsey, Chief Counsel; E. K. Jett, Chief Engineer; William J. Norfleet, Chief Accountant; and John B. Reynolds, Assistant Secretary.

It is reported that several questions were asked Commissioner Brown about the Commission's international broadcast regulations, and he told the Committee, it is said, that members of the Commission did not feel when the regulations were drawn, and do not feel now, that these rules invoke any kind of censorship. It is expected that the Commission's appropriation will be included in the third deficiency bill which will probably pass the House in a few days. Representative Woodrum is Chairman of the Committee in charge of the hearings.

## FEDERAL COMMUNICATIONS COMMISSION

### PROPOSED FINDINGS OF FACT

The Federal Communications Commission in a Proposed Findings of Fact proposed to deny the application of WGTM, Wilson, North Carolina, for a construction permit to authorize changes in equipment, make changes in antenna, and operate with 500 watts power on **1240 kilocycles**, daytime only. The station now operates daytime only with 100 watts power on **1310 kilocycles**.

The Commission has also announced a Proposed Findings of Fact proposing to deny the application of the Moody Bible Institute Radio Station, **Chicago, Illinois**, for a permit to construct a new non-commercial educational broadcast station to operate on **41,300 kilocycles**, 100 watts power, unlimited time.

The Commission proposed in a Proposed Findings of Fact to grant the application of KTEM, **Temple, Texas**, for authority to modify its present license use of **1370 kilocycles**, 250 watts, daytime only, so as to permit it to increase its hours of operation to unlimited time, using 100 watts power at night.

In a Proposed Findings of Fact the Commission also proposed to grant the application of WALA, **Mobile, Alabama**, to move its transmitter site locally, install vertical radiator and increase its nighttime power from 500 watts to 1000 watts on its present frequency of **1380 kilocycles**, with 1000 watts LS, unlimited time.

#### DECISIONS OF COMMISSION

The Federal Communications Commission has granted the application of WEDC, **Chicago, Illinois**, to increase its daytime power from 100 watts to 250 watts and to operate from midnight to 6:00 a. m. The station operates on **1210 kilocycles**, with specified hours.

The application of the Kingston Broadcasting Corporation for a construction permit for a new station at **Kingston, New York**, to operate on **1500 kilocycles**, 100 watts, daytime only, has been granted by the Commission.

The Commission has also granted the application of the Albemarle Broadcasting Company for the erection of a new station at **Elizabeth City, North Carolina**, to operate on **1370 kilocycles**, 100 watts night, 250 watts LS, unlimited time. The Commission granted the application on condition that the permittee "shall file an application for modification of C. P. specifying the exact transmitter location and antenna system within two months after the effective date of the order."

The application of Broadcasting Station WHLS, **Port Huron, Michigan**, to increase its power from 250 watts to 100 watts night, 250 watts LS, and hours of operation from daytime to unlimited time has been granted by the Commission. The station operates on **1370 kilocycles**.

The Commission has granted the application of WBNX, **New York City**, for authority to change the transmitter

site locally, to install new equipment and directional antenna system, and to increase its daytime power from 1000 watts to 5000 watts on **1350 kilocycles**.

The Commission has also granted the application of WMBG, **Richmond, Virginia**, to install new equipment, to increase its power from 500 watts unlimited time to 5000 watts day and 1000 watts night, using directional antenna system. WMBG operates on **1350 kilocycles**.

The application of WJBL, **Decatur, Illinois**, to change its frequency from **1200 to 1310 kilocycles**, and its power from 100 watts to 100 watts night, 250 watts LS, and time of operation from sharing with WJBC to unlimited hours, has been granted by the Commission. The Commission also granted the application of WBOW, **Terre Haute, Indiana**, to change its frequency from **1310 to 1200 kilocycles**, to move the station locally, using present power of 100 watts night, 250 watts LS, and unlimited hours of operation. The application of WJBC, **Bloomington, Illinois**, to change its time of operation from sharing with WJBL to unlimited time on **1200 kilocycles**, with 100 watts night, 250 watts LS, was also granted.

The Commission has denied the application of Station WOMI, **Owensboro, Kentucky**, to change its operating assignment from **1500 kilocycles**, 100 watts night, 250 watts LS, unlimited time, to **1200 kilocycles**, with the same operating power, unlimited time.

The application of Station KFQD, **Anchorage, Alaska**, to have its license renewed has been granted by the Commission, but the application for an experimental broadcast station was denied.

The Commission announced its Proposed Decision and Order in the matter of the application of Hearst Radio, Inc., licensee of Station KEHE, Los Angeles, Cal., for Voluntary Assignment of License to Earle C. Anthony, Inc., and the application of Earle C. Anthony, Inc., for authority to move Station KECA from Los Angeles to San Diego, Cal., and to assign the license of KECA to Worcester Broadcasting Corporation. (No. B-39.)

The Commission Ordered, "that said application for assignment of license of Station KEHE be, and the same is hereby Granted, upon condition that license of Station KECA be surrendered for cancellation prior to the operation of Station KEHE by Earle C. Anthony, Inc."

Earle C. Anthony, Inc., in requesting a construction permit to move Station KECA to San Diego, to operate under different call letters, is requesting the Commission to authorize him to construct a radiobroadcast station



which he does not intend to construct or to operate. He admittedly is only requesting this authorization from the Commission in order that he may assign it to the Worcester Broadcasting Corp. The application to assign the license of Station KECA to the Worcester Broadcasting Corp. is nothing more than an application to assign the construction permit which is being requested by Earle C. Anthony, Inc. The Commission does not deem it in the public interest to grant a construction permit to anyone merely for the purpose of permitting such person to assign or sell the permit to another, nor does the Commission deem it in the public interest to authorize in advance of granting such construction permit the assignment of the permit to a third person.

Insofar as Earle C. Anthony, Inc., may desire to dispose of its station equipment and other physical property which is no longer useful to it because of the acquisition of Station KEHE, and the surrender of its license to operate the facilities of KECA, the consent of the Commission is not necessary. In the instant case, however, Earle C. Anthony, Inc., is not applying for consent to the transfer of the license of KECA to the Worcester Broadcasting Corp., with its concomitant duties and responsibilities, but on the contrary is seeking to obtain a permit to construct an entirely different station to be located in a different city and serve a different area, while at the same time seeking to obtain the consent of the Commission to assign that construction permit to the Worcester Broadcasting Corporation. The application for construction permit must be denied since Earle C. Anthony, Inc., admittedly has no intention of constructing a radiobroadcast station in San Diego. For the foregoing reasons, the application for consent to assign license of Station KECA from Earle C. Anthony, Inc., to Worcester Broadcasting Corp. must also be dismissed.

Friday, June 30

W9XTA—K. E. Schonert, d/b as Schonert Radio Service, Harrisburg, Ill.—Renewal of license, 26500 kc., 500 watts, Emission A-3, unlimited time, according to Rule 983.

#### FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

July 14

KRLH—Clarence Scharbauer, Midland, Tex.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time. Present assignment: 1420 kc., 100 watts, daytime.  
KFIO—Spokane Broadcasting Corp., Spokane, Wash.—C. P., 950 kc., 1 KW, unlimited time. Present assignment: 1120 kc., 100 watts, daytime.

September 6

KUTA—Jack Powers, David G. Smith, Frank C. Carman and Grant Wrathall, d/b as Utah Broadcasting Co., Salt Lake City, Utah.—C. P., 570 kc., 1 KW, unlimited time (DA night and day). Present assignment: 1500 kc., 100 watts, unlimited time.  
KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, 1290 kc., 100 watts, daytime.

September 8

NEW—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—C. P., 1200 kc., 100 watts, daytime.  
WJBW—Charles C. Carlson, New Orleans, La.—Renewal of license, 1200 kc., 100 watts, specified hours.  
WJBW—Charles C. Carlson, New Orleans, La.—Modification of license, 1200 kc., 100 watts, unlimited time. Present assignment: 1200 kc., 100 watts, specified hours.

September 15

W9XBS—National Broadcasting Co., Inc., Chicago, Ill.—Renewal of license, 31600, 35600, 38600 and 41000 kc., 100 watts, 100 watts LS, Emission A-3, unlimited, according to Rule 983 (a).  
W9XBS—National Broadcasting Co., Inc., Chicago, Ill.—Modification of license, 42180 kc., 100 watts, 100 watts LS, Emission A-3, unlimited, according to Rule 983 (a).  
W6XKG—Ben S. McGlashan, Los Angeles, Calif.—Renewal of license, 25950 kc., 1000 watts, 1000 watts LS, Emission A-3, unlimited, according to Rule 983 (a).  
W6XRE—Ben S. McGlashan, Los Angeles, Calif.—Renewal of license, 88000, 120000, 240000 and 500000 kc., 500 watts, 500 watts LS, Emission A-3, unlimited, according to Rule 983 (a).

October 9

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

### FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases beginning the week of June 26. They are subject to change.

Monday, June 26

NEW—Catawba Valley Broadcasting Co., Inc., Hickory, N. C.—C. P., 1370 kc., 100 watts, 250 watts LS, unlimited time.  
WCBA—B. Bryan Musselman (Assignor), Lehigh Valley Broadcasting Co. (Assignee), Allentown, Pa.—Voluntary assignment of license, 1440 kc., 500 watts, 500 watts LS, shares WSAN.  
WSAN—WSAN, Inc. (Assignor), Lehigh Valley Broadcasting Company (Assignee), Allentown, Pa.—Voluntary assignment of license, 1440 kc., 500 watts, 500 watts LS, shares WCBA.

### FEDERAL COMMUNICATIONS COMMISSION ACTION

#### APPLICATIONS GRANTED

KGNO—Dodge City Broadcasting Co., Inc., Dodge City, Kans.—Granted authority to make changes in authorized equipment and increase day power from 250 watts to 1 KW.  
KINY—Edwin A. Kraft, Juneau, Alaska.—Granted C. P. to make changes in composite equipment and increase in power from 250 watts to 1 KW.

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted modification of license to increase time of operation to include 5 to 6 a. m., CST, using 1 KW power.

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, T. H.—Granted C. P. to change frequency from 1320 kc. to 590 kc., install new equipment and vertical radiator, and increase day power from 1 KW to 5 KW.

KRIC—Beaumont Broadcasting Assn., Beaumont, Tex.—Granted voluntary assignment of license from Beaumont Broadcasting Association, B. A. Steinhagen, President, to KRIC, Inc.

WSMB—WSMB, Inc., New Orleans, La.—Granted C. P. to replace one of the towers of the DA system which was destroyed by storm, and to make slight changes in the directive pattern.

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Granted C. P. to make changes in transmitting equipment and increase in day power from 1 KW to 5 KW.

W2XBF—William G. H. Finch, New York City.—Granted modification of developmental broadcast station license to change class of station from developmental to facsimile broadcast, to operate on frequency 43740 kc., 1 KW, unlimited time.

WFNC—W. C. Ewing and Harry Layman, d/b as Cumberland Broadcasting Co., Fayetteville, N. C.—Granted modification of C. P. (Commissioner Craven voting "No"), approving transmitter site at North Water Street, and vertical antenna.

### RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the period ending December 1, 1939:

KEEN, Seattle, Wash.; KGFI, Brownsville, Tex.; KIDW, Lamar, Colo.; KLBW, LaGrande, Ore.; KOKO, LaJunta, Colo.; KRLH, Midland, Tex.; KTRI, Sioux City, Iowa; KWEW, Hobbs, N. Mex.; WEED, Rocky Mount, N. C.; WJBK, Detroit, Mich.; WLLH, Lowell, Mass.; WMBS, Uniontown, Pa.; WMFD, Wilmington, N. C.; WTMV, E. St. Louis, Ill.; WGRC, New Albany, Ind.; KAST, Astoria, Ore.; KHUB, Watsonville, Calif.; WBRV, Waterbury, Conn.; WRBL, Columbus, Ga.; WTAL, Tallahassee, Fla.

Licenses for the following stations were extended upon a temporary basis only, pending determination upon applications for renewal, but in no event longer than August 1, 1939:

KAWM, Gallup, N. Mex.; KNET, Palestine, Tex.; KRMC, Jamestown, N. Dak.; KYSM, Mankato, Minn.; WGIL, Galesburg, Ill.; WKAT, Miami Beach, Fla.; WMFJ, Daytona Beach, Fla.; WMFO, Decatur, Ala.

KOBH—Black Hills Broadcasting Co., Rapid City, S. Dak.—Granted renewal of license on a temporary basis only subject to whatever action may be taken by the Commission upon the application for renewal of license and assignment of license pending before it.

KRKO—Lee E. Mudgett, Everett, Wash.—Granted renewal of license on a temporary basis only upon the condition it is subject to whatever action may be taken by the Commission upon pending applications for renewal of license, C. P., and voluntary assignment of license, and upon the application of the Cascade Broadcasting Co., Inc., for C. P.

KSAN—The Golden Gate Broadcasting Co., San Francisco, Calif.—Granted renewal of license on a temporary basis only, and shall not be construed as a finding upon the application for renewal of license now pending before the Commission nor upon any of the issues raised by said application.

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted renewal of license on a temporary basis only, subject to whatever action may be taken upon pending application for renewal.

WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted renewal of license on a temporary basis only, subject to whatever action may be taken upon pending applications of licensee corporation for renewal and consent to operate unlimited hours, and upon the pending application of Lane J. Horrigan.

WRDO—WRDO, Inc., Augusta, Me.—Granted renewal of license on a temporary basis only, subject to whatever action may be taken upon pending application for renewal.

The following stations were granted renewal of licenses for the regular period:

KATE, Albert Lea, Minn.; KBPS, Portland, Ore.; KDNT, Denton, Tex.; KICA, Clovis, N. Mex.; KNOW, Austin, Tex.; KPAB, Laredo, Tex.; KRIC, Beaumont, Tex.; KTUC, Tucson, Ariz.; KWYO, Sheridan, Wyo.; WACO, Waco, Texas; WAGF, Dothan, Ala.; WBLK, Clarksburg, W. Va.; WBTM, Danville,

Va.; WKEU, Griffin, Ga.; KDAL, Duluth, Minn.; KGKB, Tyler, Tex.; WHMA, Anniston, Ala.; WMEX, Boston, Mass.; WPAY, Portsmouth, Ohio; WPRP, Ponce, Puerto Rico.

W9XLA—KLZ Broadcasting Co., Denver, Colo.—Granted renewal of high frequency broadcast station license for the period ending April 1, 1940, upon an experimental basis only, subject to change or cancellation by the Commission at any time without advance notice or hearing, if in its discretion the need for such action arises.

W5XAU—WKY Radiophone Co., Oklahoma City, Okla.—Granted renewal of high frequency broadcast station license for the period ending April 1, 1940, upon an experimental basis only, subject to change or cancellation by the Commission at any time without advance notice or hearing, if in its discretion the need for such action arises.

W8XWJ—The Evening News Assn., Detroit, Mich.—Present license for high frequency broadcast station was further extended upon a temporary basis only, to August 1, 1939, pending determination upon application for renewal of license.

W4XCA—Memphis Commercial Appeal Co., Memphis, Tenn.—Present license for high frequency broadcast station was further extended upon a temporary basis only, to August 1, 1939, pending determination upon application for renewal of license.

W4XBW—WDOD Broadcasting Corp., Chattanooga, Tenn.—Present license for high frequency broadcast station was further extended upon a temporary basis only, to August 1, 1939, pending determination upon application for renewal of license.

W2XQO—Knickerbocker Broadcasting Co., Inc., Flushing, N. Y.—Present license for high frequency broadcast station was further extended upon a temporary basis only, to August 1, 1939, pending determination upon application for renewal of license.

WAXG—Florida Capitol Broadcasters, Inc., Portable-Mobile.—Present license for relay broadcast station was further extended upon a temporary basis only, to August 1, 1939, pending determination upon application for renewal of license.

W2XBF—William G. H. Finch, New York City.—Granted renewal of developmental broadcast station license for the period ending May 1, 1940, on an experimental basis only, subject to change or cancellation by the Commission without advance notice or hearing, if in its discretion the need for such action arises.

WSVS—Elmer S. Pierce, Principal, Seneca Vocational High School, Buffalo, N. Y.—Granted renewal of license on a temporary basis and designated application for hearing because of pendency of the application of Roy L. Albertson for modification of license of WBNY requesting facilities of WSVS; and to determine whether public interest, convenience or necessity would be better served by granting this application than by granting the application of Roy L. Albertson for modification of license.

KSUB—Leland M. Perry, Cedar City, Utah.—Granted special temporary authority to Leland M. Perry, surviving partner of Johnson and Perry, a partnership formerly composed of Harold Johnson and Leland M. Perry, to operate station KSUB for the period July 1 to December 1, 1939, upon a temporary basis only and upon the express condition that it is subject to whatever action may be taken upon any formal application for regular authorization which may be submitted hereafter with respect to station KSUB; and subject further to the condition that nothing contained in said special temporary authority shall be construed as a finding by the Commission that the operation of the station is or will be in the public interest beyond the express terms hereof.

### DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

KQV—KWV Broadcasting Co., Pittsburgh, Pa.—Application for modification of license to increase night power from 500 watts to 1 KW, employing DA system. Designated for hearing to determine question of interference and pending applications involve increase in service.

WKBO—The Telegraph Press, Inc., Harrisburg, Pa.—Application to transfer control of corporation from The Telegraph Press,



Inc., to J. H. Steinman and John F. Steinman. (Station WKBO is licensed to Keystone Broadcasting Corp., and operates on 1200 kc., 100 watts, 250 watts LS.) Designated for hearing as transferees already own and control six radio broadcast stations—WDEL and WILM, Wilmington; WAZL, Hazleton, Pa.; WORK, York, Pa.; WGAL, Lancaster, Pa., and WEST, Easton, Pa.

NEW—C. L. Weathersbee, W. H. Nichols, C. L. Pickler, and E. M. Thompson, d/b as Albermarle Broadcasting Station, Albermarle, N. C.—Application for C. P. for new station to operate on 1370 kc., 100 watts daytime only. Exact transmitter site and type of antenna to be determined with Commission's approval.

NEW—Lackawanna Broadcasting Co., Inc., Scranton, Pa.—Application for C. P. for new station to operate on 1370 kc., 100 watts night, 250 watts day, unlimited time. Exact transmitter site, studio and type of antenna to be determined with Commission's approval.

NEW—Richard T. Sampson, Riverside, Calif.—Application for C. P. for new station to use 1390 kc., 250 watts, daytime only.

WTNJ—WOAX, Inc., Trenton, N. J.—Application for modification of license to change time of operation from sharing with WCAM and WCAP to sharing with these stations by adding the hours 8 to 10 p. m. to its operating period, this time to be withdrawn from stations WCAM and WCAP. Designated for hearing because of request which would withdraw three hours from WCAM and 11 hours from WCAP.

NEW—North Shore Broadcasting Co., Salem, Mass.—Application for C. P. amended so as to request 1200 kc., 100 watts, unlimited time. Exact studio location to be determined with Commission's approval.

WCSC—South Carolina Broadcasting Co., Inc., Charleston, S. C.—Application amended so as to request C. P. to make changes in antenna and increase night power from 500 watts to 1 KW. Application designated for hearing because pending applications involve increase in service and to determine the possibility of interference.

NEW—Portorican American Broadcasting Co., Inc., Ponce, P. R.—Application for C. P. for new station to operate on 1340 kc., 1 KW both day and night, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

NEW—E. B. Sturdivant, d/b as Silver Crest Theatres, Yuma, Ariz.—Application for C. P. for new station to use 1420 kc., 100 watts day and night, specified hours.

### MISCELLANEOUS

KVOS—KVOS, Inc., Bellingham, Wash.—Granted motion for continuance of hearing, now scheduled for June 28, to a date to be fixed by Office of the Secretary; application of Bellingham Broadcasting Co. also continued to same date and consolidated with KVOS hearing.

WSPA—Virgil V. Evans, tr/as The Voice of South Carolina, Spartanburg, S. C.—Granted motion to withdraw without prejudice, application for modification of license to change frequency, power and time of operation.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Granted petition to intervene in the hearing on the application of WAPO for C. P. to install new equipment, change frequency and power; exception noted by counsel for WAPO.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Granted petition to intervene in the hearing on the application of WJBO for C. P. to install new equipment, increase power; exception noted by counsel for WJBO.

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Granted petition to continue hearing now scheduled for June 26, in re application for renewal of license, to a date to be fixed by Secretary's Office.

KFPY—Symons Broadcasting Co., Spokane, Wash.—Granted request for order to take depositions in re application of KFIO, Spokane, Wash., for C. P. to install new transmitter, vertical antenna, move transmitter, change frequency, power and time of operation.

KGA-KHQ—Louis Wasmer, Spokane, Wash.—Granted request for order to take depositions in re application of KFIO, Spokane, Wash., for C. P. to install new transmitter, vertical antenna, move transmitter, change frequency, power and time of operation.

WJBW—Charles C. Carlson, New Orleans, La.—Granted motion for continuance of hearing now scheduled for June 19, date

to be fixed by Secretary's Office, on applications for renewal of license and modification of license.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted request for two-day postponement of hearing, now scheduled for July 12, on application for C. P. to install new transmitter, vertical antenna, move transmitter, change frequency, power and time of operation.

WDGY—Dr. George W. Young, Minneapolis, Minn.—Granted special temporary authority to operate evenings (LS, June, 8:15 p. m. and July, 8:15 p. m., CST), for the period June 17 to July 16, in order to broadcast civic, charitable, religious, educational, fraternal and commercial programs of outstanding public interest, and in order to carry programs of extreme local interest from Mutual B/c System.

WPG—City of Atlantic City, N. J.—Granted special temporary authority to operate from 3:15 to 4:30 p. m., EST, on June 18, in order to broadcast baseball game.

Herbert Becker, Los Angeles, Calif.—Granted special temporary authority to operate amateur station W6XAD as a relay broadcast station on frequencies 2399, 3492.5, 4797.5, 6425, 9135, 12862.5, 17310, 23100 kc., 500 watts, for the period June 18 to July 18, with A3 emission for broadcasting and A1 and A2 for testing. Station to operate as the receiving and communicating station for reception of programs from yacht contender entered in the San Francisco to Hawaii yacht race to be broadcast over station KHJ and Don Lee and Mutual Broadcasting Systems.

KOD—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted extension of special temporary authority to operate unlimited time on 1180 kc., using 10 KW, employing DA system after sunset at Portland, Ore. (June and July 8 p. m., PST), for the period June 22 to July 21.

KEX—Oregonian Publishing Co., Portland, Ore.—To operate unlimited time on 1180 kc., using 5 KW power, for the period June 22 to July 21.

WMPC—The First Methodist Protestant Church of Lapeer, Mich.—Granted extension of special temporary authority to operate from 9 to 10 a. m., EST, Monday, Tuesday, Wednesday, Thursday, Friday, and Sunday mornings, for the period July 2 to July 31, in order to broadcast educational programs.

WMFO—James R. Doss, Jr., Decatur, Ala.—Denied special temporary authority to operate from 7 to 10 p. m., CST, for the period ending no later than July 10, in order to broadcast American Legion athletic shows and city-wide revival campaigns, using 50 watts power.

The Travelers Broadcasting Service Corp., Hartford, Conn.—Designated for oral argument before the Commission the application for voluntary assignment of licenses of stations WTIC, W1XEH, W1XLU, W1XO, W1XT, to The Travelers Broadcasting Company.

WMEX—The Northern Corp., Boston, Mass.—Denied petition for rehearing filed by WMEX, intervener in the hearing on the application of The Yankee Network, Inc. (WAAB), Boston, for modification of license to increase power from 500 watts night, 1 KW day, unlimited time, to 1 KW, unlimited time, on 1410 kc., which was granted by the Commission May 1, 1939.

WHMA—Harry M. Ayers, Anniston, Ala.—Denied special temporary authority to operate unlimited time with power of 50 watts in order to broadcast Southeastern baseball games on June 15, 16, 17, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30 and July 1, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 1939.

National Broadcasting Co., Inc., New York City.—Granted special temporary authority to transmit NBC programs originating on board the *Atlantic Clipper* over the CBS relay broadcast station WCBN for rebroadcast over a national network of radio stations affiliated with the NBC, for a period not to exceed 10 days.

WCBN—Columbia Broadcasting System, Inc., New York City.—Granted special temporary authority to operate relay broadcast station WCBN aboard the aircraft *Atlantic Clipper*, owned by Pan American Airways Co. on the frequencies 2400, 4800, 6430, 8655, 12862.5, 17310 and 23100 kc., in addition to normal licensed frequencies, for a period not to exceed 30 days, in order to relay broadcast special programs during transatlantic flight of *Atlantic Clipper*.

W2XUP—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted extension of special temporary authority to operate facsimile broadcast experimental station W2XUP on frequency 25700 kc. only, pending Commission action on application, for the period June 17 to July 16.



W8XWJ—The Evening News Assn., Detroit, Mich.—Granted extension of special temporary authority to operate high frequency broadcast experimental station W8XWJ on the frequency 42060 kc., in addition to normal licensed frequencies, for the period June 16 to July 15, pending definite arrangements to be made in the ultra high frequency bands.

KHBG—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Denied authority to operate from local sunset to 10 and 10:30 p. m., certain dates in July as requested.

WSAL—Frank M. Stearns, Salisbury, Md.—Granted special temporary authority to operate from 7:30 to 10:30 p. m., EST, on June 24, in order to broadcast speeches of U. S. Senator Radcliffe, Hon. D. J. Lewis, and Hon. G. H. Krantz, using 100 watts only.

W1XPW—WDRG, Inc., Meriden, Conn.—Granted license to cover C. P. for new high frequency broadcast station, frequency 43400 kc., experimental conditionally, 1 KW.

KXA—The American Radio Tel. Co., Seattle, Wash.—Granted modification of C. P. approving transmitter and studio sites and installation of vertical radiator.

WDWS—The Champaign News Gazette, Inc., Champaign, Ill.—Granted authority to install automatic frequency control apparatus.

WLW—The Crosley Corp., Cincinnati, Ohio.—Granted C. P. to make changes in transmitting equipment.

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted C. P. to move transmitter locally to adjoining building occupied by WHIP.

KTOK—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Granted license to cover C. P. authorizing changes in equipment and increase in day power from 100 watts to 250 watts.

KTOH—Garden Island Publishing Co., Ltd., Lihue, Hawaii.—Granted modification of C. P. approving transmitter and studio sites and vertical radiator.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted C. P. to make changes in equipment.

NEW—Joe L. Smith, Jr., Beckley, W. Va., Portable-Mobile.—Granted C. P. for new relay station to operate on frequencies 1622, 2058, 2150 and 2790 kc.; 75 watts.

NEW—The Louisville Times Co., Louisville, Ky., Portable-Mobile.—Granted license to cover C. P. for high frequency relay broadcast station; frequencies 30820, 33740, 36840, 36820 and 37980 kc. on an experimental basis only, conditionally; 10 watts.

NEW—The Louisville Times Co., Louisville, Ky., Portable-Mobile.—Granted C. P. for new high frequency relay broadcast station; frequencies 30820, 33740, 36840, 36820 and 37980 kc. on an experimental basis only, conditionally; 10 watts.

W7XCY—Oregonian Publishing Co., Portland, Ore.—Granted C. P. for changes in equipment and increase in power from 2 to 4.5 watts and change frequencies to 31220, 35620, 37020 and 39260 kc. experimentally, conditionally.

NEW—WGN, Inc., Portable-Mobile, Chicago, Ill.—Granted C. P. for new high frequency relay station; frequencies 31620, 35260, 37340 and 39620 kc. conditionally, experimentally, 1 watt power.

NEW—WGN, Inc., Portable-Mobile, Chicago, Ill.—Granted C. P. for new high frequency relay station; frequencies 31620, 35620, 37340 and 39620 kc. conditionally, experimentally, 25 watts power.

NEW—WGN, Inc., Portable-Mobile, Chicago, Ill.—Granted C. P. for new relay broadcast station; frequencies 1622, 2058, 2150 and 2790 kc.; 50 watts.

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Granted motion of WARD to consider and grant the application for authority to move transmitter site locally and install vertical radiator.

NEW—Peter J. Caldarone, Providence, R. I.—Denied petition for rehearing in reapplication for C. P. for a new station in Providence, which was denied by the Commission on May 1, 1939.

W1XEQ—E. Anthony & Sons, Inc., New Bedford, Mass.—Granted petition to reconsider the action in designating for hearing the application for renewal of high frequency broadcast station license, and adopted order granting same.

W5XD—A. H. Belo Corp., Dallas, Texas.—Granted petition requesting reconsideration of action designating for hearing the application for renewal of high frequency broadcast station license, and adopted order granting same.

WSUN—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Denied petition for rehearing in the matter of the

application of Pinellas Broadcasting Company, St. Petersburg, for C. P. to erect a new station which was granted by the Commission on April 3.

WMBG—Havens & Martin, Inc., Richmond, Va., and WRTD—Times Dispatch Radio Corp., Richmond, Va.—Denied petitions of WMBG and WRTD for rehearing on the application of WLBG, Inc. (WRNL), Richmond, Va., for C. P., which was granted by the Commission on March 20.

NEW—Bellingham Broadcasting Co., Inc., Bellingham, Wash.—Ordered that a hearing on the application of Bellingham Broadcasting Co., Inc., for the facilities of KVOS, be conducted in the Federal Court Room, Bellingham, Wash., or such other place in the City of Bellingham, which may be designated, on a date convenient to all parties involved, and to the Commission.

WAPI—Alabama Polytechnic Institute, Birmingham, Ala.—Denied petition for rehearing in regard to the application of WAPI to assign license to Voice of Alabama, Inc., which was denied by the Commission on May 23, 1939.

KALE—KALE, Inc., Portland, Ore.—Granted petition to reconsider and grant application for C. P. heretofore set for hearing, and granted application to make changes in equipment; increase power from 1 to 3 KW, daytime, move transmitter and antenna to new site, subject to compliance with Rules 132 and 139.

## APPLICATIONS FILED AT FCC

### 550 Kilocycles

KOAC—Oregon State Agricultural College, Corvallis, Ore.—Construction permit to install new transmitter, and vertical antenna, increase power from 1 KW to 1 KW night, 5 KW day, and move transmitter site from Physics Bldg., Corvallis, Oregon, to Granger, Oregon.

### 570 Kilocycles

KGKO—KGKO Broadcasting Co., Fort Worth, Texas.—Modification of license to increase power from 1 KW, 5 KW day, to 5 KW day and night.

WNAX—WNAX Broadcasting Co., Yankton, S. D.—Modification of license to increase power from 1 KW, 5 KW day to 5 KW day and night.

### 580 Kilocycles

WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Modification of license to increase power from 1 KW night, 5 KW day to 5 KW day and night.

### 640 Kilocycles

WHKC—Associated Radiocasting Corp., Columbus, Ohio.—Modification of license to change frequency from 640 to 570 kc., and hours from limited to share with WOSU on same basis as WKBN at present, that is, specified hours. Request facilities WKBN. Amended: To change hours to specified hours.

### 650 Kilocycles

WSM—The National Life and Accident Ins. Co., Inc., Nashville, Tenn.—Extension special experimental authority to operate a facsimile station from 12 midnight to 6 a. m., CST, on 650 kc., 50 KW, period 8-1-39 to 2-1-40.

KIRO—Queen City Broadcasting Co., Seattle, Wash.—Extension special experimental authority to operate on 710 kc., 1 KW, unlimited time, period 8-1-39 to 2-1-40.

### 660 Kilocycles

WEAF—National Broadcasting Co., Inc., New York, N. Y.—Construction permit to install new antenna and move transmitter from Bellmore to Port Washington, N. Y. Amended: Antenna changes.

### 700 Kilocycles

WLW—The Crosley Corp., Cincinnati, Ohio.—Extension of special experimental authority to operate a facsimile station from 12 midnight to 6 a. m., using 50 KW power, period 8-1-39 to 2-1-40.



### 710 Kilocycles

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Extension of special experimental authority to operate facsimile station from 1 a. m. to 6 a. m., using 50 KW, period 8-1-39 to 2-1-40.

### 720 Kilocycles

WGN—WGN, Inc., Chicago, Ill.—Extension special experimental authority to operate a facsimile station from 1 a. m. to 6 a. m., CST, 50 KW on 720 kc., period 8-1-39 to 2-1-40.

### 770 Kilocycles

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Extension special experimental authority to operate synchronously with KFAB from local sunset at Lincoln, Nebr. to midnight, period 8-1-39 to 2-1-40.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Extension special experimental authority to operate synchronously with WBBM from local sunset at Lincoln, Nebr. to midnight, CST, period 8-1-39 to 2-1-40.

### 1000 Kilocycles

WHO—Central Broadcasting Co., Des Moines, Iowa.—Extension special experimental authority to operate a facsimile station from 12 midnight to 6 a. m., period 8-1-39 to 2-1-40.

### 1040 Kilocycles

WESG—Cornell University, Elmira, N. Y.—Extension of special experimental authority to operate on 850 kc., 1 KW, daytime to sunset at New Orleans, La., period 8-1-39 to 2-1-40.

WESG—Cornell University, Elmira, N. Y.—Construction permit to make equipment changes.

### 1060 Kilocycles

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Extension special experimental authority to operate simultaneous KTHS on 1060 kc., from 6 a. m. to local sunset at Hot Springs, Ark., and from local sunset at Hot Springs to 9 p. m., EST on 1060 kc., and operate synchronously with WJZ on 760 kc. with power 2½ KW, using directional antenna from 9 p. m., EST, period 8-1-39 to 2-1-40.

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Extension of special experimental authority to operate simultaneously with KRLD (unlimited time) on 1040 kc., period 8-1-39 to 2-1-40.

### 1140 Kilocycles

WAPI—Ala. Polytechnic Inst., Univ. of Ala., Ala. College (Board of Control of Radio Broadcasting Station WAPI), Birmingham, Ala.—Extension special experimental authority to operate unlimited time with directional antenna after sunset at Tulsa, Okla., period 8-1-39 to 2-1-40.

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Extension special experimental authority to operate unlimited time on 1140 kc., 25 KW, using directional antenna for night, period 8-1-39 to 2-1-40.

### 1170 Kilocycles

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Voluntary assignment of license from WCAU Broadcasting Co. (a corporation of State of New Jersey) to WCAU Broadcasting Co. (a corporation of State of Pennsylvania), main and auxiliary.

W3XHW—WCAU Broadcasting Co., Mobile.—Voluntary assignment of license from WCAU Broadcasting Co. (a corporation of State of New Jersey) to WCAU Broadcasting Co. (a corporation of State of Pennsylvania), main and auxiliary.

W3XEO—WCAU Broadcasting Co., Portable-Mobile.—Voluntary assignment of license from WCAU Broadcasting Co. (a corporation of State of New Jersey) to WCAU Broadcasting Co. (a corporation of State of Pennsylvania), main and auxiliary.

W3XAU—WCAU Broadcasting Co., near Newtown Square, Pa.—Voluntary assignment of license from WCAU Broadcasting Co. (a corporation of State of New Jersey) to WCAU Broadcasting Co. (a corporation of State of Pennsylvania), main and auxiliary.

W3XIR—WCAU Broadcasting Co., Philadelphia, Pa.—Voluntary assignment of license from WCAU Broadcasting Co. (a corporation of State of New Jersey) to WCAU Broadcasting Co. (a corporation of State of Pennsylvania), main and auxiliary.

### 1200 Kilocycles

WHBC—The Ohio Broadcasting Co., Canton, Ohio.—Modification of construction permit (B2-P-241) as modified for increase in power, new equipment, new antenna, requesting authority to extend completion date from 7-17-39 to 9-17-39.

NEW—Hiawathaland Broadcasting Co., Sault Ste Marie, Mich.—Construction permit for new station on 1200 kc., 100 watts. 250 watts day, unlimited time.

### 1210 Kilocycles

WALR—WALR Broadcasting Corp., Zanesville, Ohio.—Construction permit to install new antenna and move transmitter.

KFPW—Southwestern Hotel Co., Fort Smith, Ark.—Construction permit for changes in transmitter, install new antenna, change frequency from 1210 kc. to 1370 kc.

### 1240 Kilocycles

WXYZ—King-Trendle Broadcasting Co., Detroit, Mich.—Construction permit to install new transmitter; make changes in antenna; increase in power from 1 KW to 1 KW night, 5 KW day; move transmitter from 5057 Woodward Ave. to Joy and Greenfield Rds., Detroit, Mich.

KTAT—Tarrant Broadcasting Co., Fort Worth, Tex.—Authority to transfer control of corporation from Raymond E. Buck to Ruth G. Roosevelt, 1700 shares common stock.

WKAQ—Radio Corporation of Porto Rico, San Juan, P. R.—Construction permit to install new transmitter, and antenna to be determined; increase power from 1 to 5 KW; change frequency from 1240 kc. to 620 kc. Amended to specify a vertical antenna.

### 1260 Kilocycles

WNBX—Twin State Broadcasting Corp., Springfield, Vt.—Construction permit for changes in directional antenna system, use both day and night, and move studio and transmitter from Springfield, Vt., to Keene, N. H.

### 1270 Kilocycles

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Construction permit to move 1001-D transmitter from 5801 Radio Ave. to 701 Waterview Ave., Baltimore, Md. (site of new RCA 5-D main transmitter); increase power from 500 watts, 1 KW day, to 1 KW day and night, to be used as auxiliary transmitter for emergency use only, employing directional antenna day and night.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—License to cover C. P. (B1-P-1881) as modified for increase in power, move of transmitter, install new equipment and directional antenna for day and night use.

### 1310 Kilocycles

WGTM—WGTM, Inc., Wilson, N. C.—Authority to transfer control of corporation from Ben Farmer to H. W. Wilson, Charlotte L. Burns and Geo. C. McDonald, 49½ shares common stock.

WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—License to cover construction permit B3-P-2065, as modified, for new transmitter and antenna and move of transmitter.

WLNH—Northern Broadcasting Co., Laconia, N. H.—License to cover construction permit (B1-P-2284) for move of transmitter and new transmitter and antenna.

### 1350 Kilocycles

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Construction permit to change frequency from 1350 kc. to 630 kc.; changes in antenna to use directional antenna night, and transmitting equipment. Request facilities KFRU and WGBF. Amended to request application be contingent on applications WGBF and KFRU being granted (B4-P-2321-2322).

### 1360 Kilocycles

WSBT—The South Bend Tribune, South Bend, Ind.—Construction permit to make changes in equipment; install directional

antenna; change frequency from 1360 kc. to 1010 kc.; increase power from 500 watts to 1 KW; change hours of operation from shares WGES to unlimited; and move transmitter from 4½ miles west on U. S. 2, South Bend, Ind., to 4 miles southeast of center of South Bend, on south side of Jackson Road, ¼ mile east of Miami Highway, South Bend, Ind. Amended to request 930 kc., 500 watts power, make changes in antenna, day and night use, and make changes in transmitting equipment.

#### 1370 Kilocycles

WISE—Asheville Daily News, Harold H. Thoms, owner, Asheville, N. C.—Modification of construction permit B3-P-1066, for a new station, requesting equipment changes, approval of antenna and approval of studio and transmitter site at 179 South French Broad, Asheville, N. C. Amended: Equipment changes.

WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—Authority to transfer control of corporation from George W. Taylor to W. P. Booker, 45 shares common stock.

#### 1420 Kilocycles

NEW—WSPB, Inc., Sarasota, Fla.—Construction permit for a new broadcast station to be operated on 1420 kc., 100 watts night, 250 watts day, unlimited hours.

#### 1500 Kilocycles

WTMC—John T. Alsop, Jr., Ocala, Fla.—Voluntary assignment of permit from John T. Alsop, Jr., to Ocala Broadcasting Co., Inc.

#### MISCELLANEOUS

W2XDG—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of license to change frequency to 42100 kc. to comply with new rules. Amended: To request frequency 42420 kc.

W2XHG—National Broadcasting Co., Inc., New York, N. Y.—Modification of license to change frequency to 42260 kc. to comply with new rules. Amended: To request frequency 42060 kc.

W10XAI—National Broadcasting Co., Inc., Portable-Mobile, area of New York.—Construction permit to make changes in equipment and increase power from 1 to 2 watts.

W10XDX—National Broadcasting Co., Inc., Portable-Mobile.—Construction permit for changes in equipment and increase in power from 1 to 2 watts.

W10XDY—National Broadcasting Co., Inc., Portable-Mobile, area of Washington, D. C.—Construction permit for changes in equipment and increase power from 1 to 2 watts.

W10XDZ—National Broadcasting Co., Inc., Portable-Mobile, area of Washington, D. C.—Construction permit for equipment changes and increase power from 1 to 2 watts.

W10XGC—National Broadcasting Co., Inc., Mobile, New York.—Construction permit for equipment changes and decrease power from 30 to 25 watts and add A1 and A2 emission.

W10XAX—National Broadcasting Co., Inc., Portable-Mobile, area of Cleveland, Ohio.—Construction permit for equipment changes and increase power from 1 to 2 watts.

W10XCG—National Broadcasting Co., Inc., Mobile, area of Cleveland, Ohio.—Construction permit for equipment changes, and increase power from 25 watts to 50 watts.

W10XAK—National Broadcasting Co., Inc., Portable-Mobile, area of Chicago, Ill.—Construction permit for equipment changes and increase power from 1 to 2 watts.

W9XDW—National Broadcasting Co., Inc., Portable-Mobile, area of Denver, Colo.—Construction permit for equipment changes and increase in power from 1 to 2 watts.

W10XEA—National Broadcasting Co., Inc., Portable-Mobile, area San Francisco, Calif.—Construction permit for equipment changes and increase power from 1 to 2 watts.

W10XEB—National Broadcasting Co., Inc., Portable-Mobile, area San Francisco, Calif.—Construction permit for equipment changes and increase in power from 1 to 2 watts.

W9XDU—National Broadcasting Co., Inc., Portable-Mobile, area of Denver, Colo.—Construction permit for equipment changes and increase power from 1 to 2 watts.

NEW—The Journal Co. (The Milwaukee Journal), Milwaukee, Wisc.—Construction permit for new television broadcast station on 42000-56000 kc., power 1000 watts for visual

and aural, Emission A3, A4. Amended: To request 50000-56000 kc.

NEW—The May Dept. Stores Co., Los Angeles, Calif.—Construction permit for new television broadcast station on 50000-56000 or 66000-72000 kc., power 1000 watts, Emission A3, A5. Amended: To request 66000-72000 kc.

NEW—Television Productions, Inc., Los Angeles, Calif.—Construction permit for new television broadcast station on 66000-72000 kc., power 1000 watts both visual and aural, Emission A3, A5 and special.

NEW—World Peace Foundation, Abraham Dinneweg, Jr., Oakland, Calif.—Construction permit for a new developmental broadcast station on 1614, 3492.5, 6425, 12862.5, 23100, 30100, 2398, 4797.5, 8655, 17310, 26000, 33100, 37100, 40100, 86000, 100000, 200000, 300000, 400000, 401000 and above, 5 KW, A3 Emission. Amended: To request frequencies 1614, 2398, 6425, 8655, 9135, 17310, 12862.5 kc., 250 watts power.

NEW—Don Lee Broadcasting System, San Francisco or immediate vicinity.—Construction permit for a new broadcast television station on 42000-56000 kc., 1 KW for aural and visual, A3, A4 and special Emission. Amended to request 44000-50000 kc.

WAHM—WLBG, Inc., Portable-Mobile.—License to cover C. P. (B2-PRY-160) for new relay station and change corporate name to Richmond Radio Corp.

NEW—Winona Radio Service (A partnership composed of M. H. White & H. R. Wiecking), Portable-Mobile.—Construction permit for a new relay broadcast station on 1646, 2090, 2190, 2830 kc., power 20 watts, A3 Emission.

WNEI—Indianapolis Power and Light Co., Mobile.—Voluntary assignment of construction permit (B4-PRY-157) to WBFM, Inc.

WIEW—National Broadcasting Co., Inc., Mobile.—License to cover C. P. (B1-PRY-172) for new transmitter and increase in power from 20 to 25 watts.

W2XH—General Electric Co., Schenectady, N. Y.—Modification of license for change in frequencies from 42000-56000 to 288000-294000 kc.

KWKH—International Broadcasting Corp., Shreveport, La.—Extension special experimental authority to operate unlimited time on 1100 kc., using directional antenna for night use with power of 10 KW, period 8-1-39 to 2-1-40.

## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

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

**American Hair and Felt Company** and its subsidiary, Clinton Carpet Company, both of 222 West North Bank Drive, Chicago, are charged in a complaint with misrepresentation in the sale of hair underlays or cushions for rugs and carpets.

The respondents are alleged to advertise to the effect that underlays not composed wholly of hair but of jute or like materials will not withstand ordinary usage; that such underlays will become lumpy; that they will disintegrate in dry air and be ruined in moist air, and that they will cause a rug to wear out sooner than would be the case if no cushion at all were used.

The complaint alleges that in fact jute or jute mixed rug cushions satisfactorily meet the needs for which they are sold and that the respondents' representations are misleading and in violation of the Federal Trade Commission Act. (3822)

**Clinton Carpet Company**—See American Hair & Felt Company.



**Douglas Candy Co.**, St. Joseph, Mo., is charged in a complaint with use of games of chance and lottery schemes in the sale and distribution of candy to ultimate consumers.

Push cards and punch boards are alleged to be shipped by the respondent to jobbers and wholesale dealers, who in turn assemble the gambling devices and candy into assortments for sale to retail dealers. Sale of the candy to consumers, the complaint charges, is made in accordance with instructions also distributed by the respondent, and the receipt of additional bars of candy is determined wholly by lot or chance. (3817)

**Sprague-Kitchen & Company**—A complaint has been issued charging Mary Eloise Gauss, trading as Sprague-Kitchen & Co., 4254 North Hermitage Ave., Chicago, with misleadingly representing that "Graolene," a cosmetic preparation for the scalp and hair, is not a dye; that, when applied to gray hair, it will bring about a change of color without dyeing, and that use of the preparation will restore the original natural color to gray hair. The complaint alleges that "Graolene" is a lead sulphur dye; that it will not accomplish the results claimed and may be injurious in effect. (3821)

### STIPULATIONS

The Commission has entered into the following stipulations:

**Bewley Mills**, Fort Worth, Texas, agrees to cease and desist from representing that use of its Red Anchor feeds is a sure way to get maximum production, more vitality or lower mortality; that use of Red Anchor Egg Mash will mean more eggs at less cost, or, when fed along with Bewley's Hen Scratch, will keep the flock's health constantly at the highest level, or that use of the feeds will attain maximum results, unless it is clearly stated that such results can be expected or obtained only when other essential elements such as proper housing, cleanliness, care, water, air, etc., are provided. Bewley Mills also agrees not to cause to be published any testimonials containing representations contrary to the foregoing agreement. (02389)

**Botay Laboratories**—Estelle Adler Erlan and I. Mathew Berk, copartners trading as Botay Laboratories, 56 West 45th St., New York, have entered into a stipulation to discontinue misrepresentations in the sale of a cosmetic preparation designated "Face Line Oil."

The respondents agree to desist from representing directly or by implication that the use of this product will have any effect upon the "lines" or the wrinkles of the skin or in preventing their formation, or that their product contains any substance or factor necessary for the skin designated by the symbol "Vitamin F," and will also discontinue use of the term "Face Line" or the designation "Vitamin F" or any similar terms to designate their product. They admit there is no evidence of the existence in their product of the factors designated "Vitamin F." (02386)

**General Laboratories**, Philadelphia, Pa., agrees to cease representing that B-K Powder and B-K Liquid kill germs causing diseases, safeguard poultry from roup and other deadly winter diseases, and harm nothing but germs, and that either of the products will keep hens healthy, is a perfect relief for poultry diseases and is safe for baby chicks, and is not a poison, unless qualified by the statement "when used as directed" or similar words. The respondent also agrees not to publish or cause to be published testimonials containing representations contrary to the agreement. (02387)

**Griffin Manufacturing Company, Inc.**, 410 Willoughby Ave., Brooklyn, has entered into a stipulation to discontinue misleading representations in the sale of shoe polishes designated "Griffin A.B.C. Wax Polish" and "Griffin A.B.C. Liquid Wax Polish" and a white shoe dressing, "Griffin Allwite."

The respondent corporation will discontinue representing that its wax polishes are waterproof under all conditions of use; that they give brighter and longer lasting shines than any other brand or are superior to all other brands, unless such statements are substantiated by competent comparative tests. (02388)

**National Institute of Technology**—Misleading claims concerning the ownership and operation of an amateur radio station in connection with the sale of correspondence courses in "electronic engineering," will be discontinued by a Minneapolis concern under a stipulation.

Thomas J. Casey, trading as National Institute of Technology, agrees to discontinue using printed or oral representations tending to convey the idea that his school owns, operates and controls amateur Radio Station W9VXZ, Minneapolis, or any other radio station for its curricular purposes; that use of that or any other station or call number may be available to unlicensed students for practice and operation, or, inferentially or otherwise, that his school has the authority to operate or control the operation of the transmitting equipment of an amateur radio station even though it may own such equipment.

The stipulation recites that the respondent, in selling trade school courses for radio operators and mechanics, extensively featured W9VXZ as a part of the school's operating equipment; that he personally operated the station for the school's commercial purposes, seeking to make contacts with radio broadcasting studios throughout the country in an effort to procure paying jobs for his students; and that this was contrary to Federal Communications Commission regulations that amateur stations shall not be used commercially and that amateur licenses are not issued to schools or their representatives or to amateur radio societies if their names advertise business concerns or commercial schools.

The facts are, according to the stipulation, that the call number W9VXZ is not the property of the school as represented and implied, but is assigned in a license to Raymond O. Overby as trustee for the National Institute of Technology Radio Club, an amateur radio society, upon a showing made by him of control of proper transmitting apparatus and of the station premises.

The respondent agreed to cease use of the words "Institute" and "Technology" in his trade name or in any manner as applied to his school or any affiliated radio club or society; or the use of any similar designation the effect of which is to convey the belief that the school is equipped to give technological courses or instruction other than trade or vocational, or that either school or club is an institution for the promotion of learning, philosophy, art or science, or is a national association of technologists.

Among other representations to be discontinued are overstatements of actual earning power or probable salaries and future security of graduates and students; representations implying that the respondent is in a position to offer employment to his graduates; and implications that persons lacking in proper education, experience or aptitude can become competent electronic or radio men by taking the respondent's course; that the school is equipped to supply competent engineers; that "some of the best engineers in this country" collaborated in preparing the course; that a certificate issued by the school is a diploma; that a fictitious price for the course is the actual price, and that the school occupies the whole of a building depicted when in fact it occupies part of one floor. (2482)

**Roberti Brothers, Inc.**, Los Angeles, manufacturers and distributors of furniture, mattresses and bed springs, have entered into a stipulation to desist from offering for sale or supplying customers with products bearing what purport to be the retail selling prices of the products, when in fact they are not the regular retail selling prices but are in excess of the prices at which the products are customarily offered for sale and sold in the usual course of retail trade. (2481)

### CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Eastern Trading Company**—Henry O. Harr, trading as Eastern Trading Company, 3974 Vincennes Ave., Chicago, has been ordered to cease and desist from representing that incense distributed by him has magical powers.

The respondent is forbidden to further represent that the incense distributed by him possesses mystical charms; that "lucky numbers" which appear in the ashes of the incense are the keys to one's fortune or have any significance or meaning whatever. (3432)

**F & F Laboratories, Inc.**, 3501 West 48th Place, Chicago, has been ordered to discontinue representing that F & F Cough Syrup and F & F Lozenges or any preparation having similar ingredients or therapeutic properties, whether sold under those or other names, are a cure or remedy for coughs, colds or throat irritations, or constitute a competent treatment therefor. It was found that the respondent's preparations were valuable only in giving temporary palliative relief from symptoms of throat irritations and simple colds. (3727)

**Lincoln Locker Corporation**, Pocahontas, Iowa, has been served with an order requiring it to cease and desist from misleading representations in the sale of cold storage lockers designated "Lincoln Louvred Lockers," which are separate compartments, individually locked, and may be installed in cold storage warehouses for leasing to individual patrons for storing and preserving perishable foodstuffs.

Under the order the respondent is directed to cease representing that its cold storage lockers are made of copper or copper alloy galvanized sheet metal or rust-proof copper alloy steel, or 22-gauge copper alloy sheet. The Commission's findings are that they contain no copper or copper alloy metal, but are made of galvanized sheet steel; that there is a public preference for lockers composed of copper or copper alloy steel as compared to those composed of galvanized sheet steel but that in fact there is little difference in the two metals so far as rust-resistant qualities are concerned. (3345)

**Standard Brands of California**—See Standard Brands, Inc.

**Standard Brands, Incorporated**, New York, and its subsidiary, Standard Brands of California, San Francisco, have been ordered to cease and desist from price discriminations in violation of the Robinson-Patman Act.

These companies are the country's largest manufacturers of yeast, producing approximately 120,000,000 pounds a year or between 55 and 65 per cent of the national production. Through 444 distributing agencies their products reach practically every United States community.

The Commission found that the respondents' differentials in

price in the sale of bakers' yeast were not based on the quantities actually purchased by customers, but upon their estimated monthly requirements from all manufacturers, whether purchased from the respondents or from others.

The order prohibits price discrimination between different purchasers of bakers' yeast of like grade and quality by sales at different prices based on the total quantity or volume purchased (whether from the respondents or from any other source) over a period of time by the respective purchasers, where the effect may be to unjustifiably injure competition. (2986)

**Zephyr Radio Company**—Orville J. Bond, trading as Zephyr Radio Company, Highland Park (Detroit), Mich., has been ordered to cease and desist from representing that radio sets distributed by him will give world-wide reception.

In magazines and newspapers the respondent is alleged to have advertised as follows: "Get politics, news, music, market and weather reports on a new Zephyr world-wide, all electric, battery or auto radio. All latest improvements."

Findings of the Commission are that the "Zephyr" radio receiving set advertised to sell at \$6.95 is a complete radio set with all working parts and aerial designed as a local receiver primarily for reception in a radius not over 100 miles and will not give world-wide reception; that "world-wide reception" as applied to radio means that a radio is capable of picking up signals transmitted from the major continents of the world and that the respondent's radio receiving set is not capable of picking up signals from the major continents of the world, nor even from remote places on this continent.

The respondent is ordered to cease and desist from representing that the radio set sold under the name of "Zephyr Radio Receiving Set" or any other radio receiving set similarly constructed, will give world-wide reception or that such a set will receive programs broadcast from all continents. (3294)

#### FTC DISMISSES CASE

The Federal Trade Commission has dismissed a complaint charging Duro-Test Corporation, 583 Broadway, New York, with unfair competition in the sale of incandescent lamps. Dismissal was ordered because it appeared the allegations of the complaint had not been sustained.



## Advance Convention Reservations Break Record

The seventeenth annual convention of the NAB, and the first since its reorganization, has attracted the largest number of advance registrations in the association's history.

While many and diverse subjects will be considered by the broadcasters, two stand out in importance: the report of the Code Committee and the report of the Copyright Committee.

The convention will be addressed by Carl Milliken, secretary of the Motion Picture Producers and Distributors of America, Inc., who for the past seventeen years has been in charge of the motion picture industry's code of self-regulation. Elmer F. Andrews, Wage and Hour Administrator, will address the convention on Wednesday morning, as will Dr. John W. Studebaker, U. S. Commissioner of Education; and Orrin Dunlap, radio editor of the *New York Times*.

Though the convention does not officially convene until Tuesday morning, July 11, meetings and social activities will begin on Sunday morning, July 9. On Sunday, also, the Board of Directors will hold a dinner meeting; and at two o'clock the Research Committee will hold a pre-convention meeting. The annual golf tournament will begin at ten-thirty, Sunday morning.

Group meetings of the clear channel stations, the local channel stations, and the National Association of Regional Broadcast Stations, will be held Monday morning. In the afternoon, the IRNA group and the National Committee of Independent Broadcasters will meet. Later in the afternoon there will be a demonstration of television, followed by a discussion of radio engineering problems by John V. L. Hogan, chairman of the NAB Engineering Committee.

The Bureau of Radio Advertising will hold a luncheon on Monday in conjunction with the NAB Sales Managers' group. Luncheon will be followed by a report on sales

*(Continued on page 3566)*

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**Make Your Reservations Now to Attend the Seventeenth  
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THE NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

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Andrew Bennett, *Counsel*; Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*

## ADVANCE CONVENTION RESERVATIONS BREAK RECORD

(Continued from page 3565)

management policies by Dr. Herman S. Hettinger, and a forum discussion of various sales problems.

The convention will be called to order at nine-thirty Tuesday morning. President Miller will make his annual report during the opening morning session. In the afternoon the Code Committee's report will be presented and discussed. This will be a closed membership meeting.

On Wednesday morning the addresses of Mr. Andrews, Dr. Studebaker and Mr. Dunlap will be made. Wednesday afternoon will be devoted to the report and discussion of the copyright committee. This meeting will be restricted to NAB members only.

The annual banquet will be at seven o'clock Wednesday evening. During the latter portion of the evening President Neville Miller will participate in a discussion of "The Three Mirrors of America—The Press, the Motion Picture, the Radio," with Will Hays, president of the Motion Picture Producers and Distributors of America, Inc., and James G. Stahlman, ex-president of the American Newspaper Publishers Association.

It is anticipated that the convention will adjourn Thursday. On the Thursday schedule are: reports from Committees and discussions of same; a brief address by Joseph Marty, executive secretary of the Radio Servicemen of America, on "The Missing Link in Broadcasting"; the election of the six new directors; adoption of resolutions; a wind-up of unfinished business and adjournment. On Thursday afternoon at two P. M. the new Board of Directors will hold its first meeting.

Convention arrangements are being supervised by Edwin M. Spence, Secretary-Treasurer; the convention program agenda by Ed Kirby, Director of Public Relations, and Paul Peter, Director of Research. Press relations will be handled by Joseph L. Miller, Director of Labor Relations.

Members are asked to register as early as possible.

Special activities and entertainment have been arranged for the ladies.

## FCC Postpones "Censorship" Hearing to July 14

The FCC this week postponed from July 12 to July 14 a hearing on its "censorship" rule for international broadcast stations.

The rule would require these stations to "render only an international broadcast service which will reflect the culture of this country and which will promote international good-will, understanding and cooperation".

Both the NAB and the American Civil Liberties Union requested a hearing before this rule went into effect. The Commission granted the Civil Liberties Union's petition.

Adoption of the rule had its repercussions in both a committee hearing and floor debate on the 1939-40 appropriation for the Commission. In a House appropriation sub-committee hearing, Representative O'Neal (D-Ky) asked Thad H. Brown, acting FCC chairman, whether there was anything in the budget "calling for funds to enforce such a regulation as that?"

Mr. Brown: "I do not believe there is."

Mr. Dempsey: "There is no specific appropriation attached to any regulation."

Mr. O'Neal: "I want to say, Mr. Chairman, that I will never vote for a dime's worth of appropriation for any such un-American doctrine as that. If they can do it internationally, they can do it nationally. And if there is one item for enforcement of that regulation, I want to register my protest against it."

Later, Representative Wigglesworth (R-Mass) asked whether the Commission considered it "has the right and should exercise power of censorship over programs" either domestic or international.

Mr. Brown replied: "Speaking for the Commission, I am quite sure that every member of the Commission does not consider that it has any right of censorship either domestically or internationally. The statute definitely prohibits censorship. \* \* \* In my judgment there is no censorship whatever involved in that language" (in the international rule).

During debate on the House floor, Representative Dirksen (R-Ill) introduced an amendment to the Appropriations Bill that "no part of this appropriation shall be available for the effectuation and enforcement of the Commission order of May 23, 1939, relating to international shortwave broadcasting". "It is so easy to translate that kind of authority, and that kind of criticism and that kind of restriction from the international field to the national field," he said.

Representative Woodrum (D-Va), chairman of the sub-committee in charge of the bill, said he "quite agreed that this matter should have legislative attention" but that



"we cannot undertake, in the consideration of an emergency efficiency matter, to renew the rules and regulations of the FCC and undertake to write it into the law".

The Dirksen amendment was rejected, 43 to 27.

## NAB COPYRIGHT COMMITTEE TO MEET JULY 10 IN ATLANTIC CITY

The entire NAB copyright committee will meet Monday, July 10, at 8 p. m. at the Ambassador Hotel, Atlantic City, to receive a report from the negotiating subcommittee and to discuss the situation.

The negotiating subcommittee met with ASCAP officials on June 26 in New York. After considerable discussion of the various phases of the question, the meeting was recessed until Thursday, July 6.

## 240 STATIONS OPERATE IN RED LAST YEAR, FCC SAYS

The FCC has released a series of tables covering the economic status of broadcast licensees for the year 1938. The data was compiled by the Accounting, Statistical and Tariff Department of the Commission from information supplied by the licensees on Forms 705 and 706.

The tables show that there were 764 licenses and construction permits outstanding at the end of the year, classified as follows:

|                                             |
|---------------------------------------------|
| 660 station reports used in the tabulations |
| 40 construction permits                     |
| 38 non-commercial stations                  |
| 12 located in territories                   |
| 14 not used because of defects in reporting |

764 Total

The 660 stations reported in the tabulation include 240 stations from which not enough revenue was derived during the year to pay their actual expenses, including depreciation. Those 240 stations showed losses in the aggregate amounting to \$2,223,195. The 419 stations reporting profits showed broadcast income of \$16,728,533. One station reported neither a profit nor a loss for the year.

The tabulations include 175 stations each of whose time sales were less than \$25,000. As a group these 175 stations showed a loss, their aggregate broadcast revenues being \$2,520,026 and their aggregate expenses (inclusive of depreciation, taxes other than income taxes, etc.) \$2,870,729. However, certain of these stations showed a profit.

Other compilations from the reports show that 658 of the stations and networks had a payroll for the year amounting to \$45,663,757. Of this amount, \$4,239,470 was paid to officers of the licensee companies. As of December 31, 1938, these stations and networks employed a total of 23,060 persons, including staff musicians and other artists on the regular payroll.

During the week beginning December 11, 1938, there were 18,359 full-time employees with a total payroll for

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the week amounting to \$830,003. During the same week there were 4,377 part-time employees, drawing a total for the week in the amount of \$103,134. The average compensation for the week beginning December 11 was \$45.20 (18,359 employees), compared with \$45.12 (17,085 employees) for the week beginning March 6, 1938. For part-time employees, the average compensation was \$23.55 (4,377 employees) for the week beginning December 11, 1938, compared with \$18.97 (5,820 employees) for the week beginning March 6, 1938.

The tables as released by the Commission are in summary form and represent generally the information included in the tables released on June 6, 1938, for the year 1937. Those tables include balance sheets for the major networks and for the industry as a whole.

## FCC ADOPTS NEW RULES FOR BROADCASTING

The FCC has approved new Rules and Regulations governing Standard Broadcast Stations. The new rules become effective on August 1, 1939, except as otherwise provided in the terms of the individual sections. Not yet printed, the new rules will be distributed as soon as they are received.

Hearings on the proposed new rules and regulations were held from June 6 to June 30, 1938, before a Committee composed of Commissioners Case (Chairman), Craven and Payne. The new rules are the outgrowth of these hearings and the recent report on Rules and Standards of Good Engineering Practice concerning Standard Broadcast Stations which was released in two parts, the first appearing January 18, 1939, and the second, April 7, 1939. Oral Argument on these Rules and Standards was held before the Commission on June 1, 1939.

The recommendation in the report of the Committee for the adoption of these Rules and Regulations and Standards of Good Engineering Practice was, with a few modifications, unanimously approved by the Commission.

The new rules and regulations contain several new provisions, as well as numerous changes and clarifications necessary due to progress in the art since the original

rules governing standard broadcast stations were promulgated some 10 years ago.

Under the new rules, the license period of Standard Broadcast Stations is increased from six months to one year. The FCC says that the instability created by the delay of Mexico in ratifying the North American Regional Broadcasting Agreement was a factor in its decision not to extend the license period of broadcast stations to a term greater than one year at this time. Under the Communications Act of 1934 the Commission is empowered to grant licenses for any period up to three years.

The new regulations change the classes of stations from Clear Channel, Regional, and Local, to Class I, Class II, Class III and Class IV. The Class II station is a new class recognized for duplicate operation on clear channels for the purpose of extending urban service.

The new rules permit the increase of the maximum night power of Class III stations to 5000 watts and the maximum night power of Class IV stations to 250 watts. The present night power limitation on these stations is 1000 watts and 100 watts, respectively.

The number of clear channels allocated for the exclusive use of stations at night, under the new regulations, is reduced from 40 to 26, and in addition, 18 clear channels are made available for duplicate operation either of Class I stations or Class I and Class II stations.

In view of the uncertainty in regard to the North American Agreement the Commission deemed it inadvisable to reduce the number of unduplicated clear channels at this time to less than 26. However, the provisions for the allocation of frequencies follow closely, but do not duplicate, those enumerated in the North American Regional Broadcasting Agreement. In general the new rules are designed to extend and improve broadcast service in the United States through an increase in signal in urban areas and an increase in coverage in rural areas.

The Commission feels that the new Rules and Regulations, together with the Standards of Good Engineering Practice, are a distinct contribution to the science and art of radio. Drawn up with the cooperation of the industry and the foremost radio engineers in the country, the FCC says the new rules and standards give to the people of the United States and its possessions the technical basis for the finest radio service in the world. The advantages of this service, however, cannot be fully realized until the North American Regional Broadcasting Agreement is ratified and made effective, the FCC says.

#### AD BUREAU TO BE DISCUSSED AT LUNCHEON JULY 10

Headquarters would like to call to the attention of all members the Bureau of Radio Advertising luncheon to be given in conjunction with the Sales Managers' Committee meeting in Atlantic City on July 10. At this meet-

ing the foundation for the new Bureau will be laid. In addition, there will be a report made by Dr. Herman S. Hettinger of his recent survey on sales management policies of radio stations.

This will be followed by a forum discussion of various sales problems. Included in the agenda are: (1) Is there any "audience measurement yardstick" we can all follow? (2) The most effective selling methods used on department stores, clothing stores, banks, insurance companies, ready-to-wear stores. (3) What can we do to get more manufacturers in all lines to do cooperative radio advertising with local stores such as they do with newspaper and direct mail. (4) Effective sales promotion ideas in the local and national field. (5) How to increase billings to chains in dry goods, foods, drug, clothing and other lines. (6) Successful methods of selling Union musical talent to make the A. F. of M. contracts as profitable as possible to the station.

#### FCC APPROPRIATION APPROVED

The Senate and House have passed the third deficiency bill including an appropriation of \$1,838,175 for the coming year for the Federal Communications Commission. The Commission this year had an appropriation of \$1,700,000 and asked for \$2,000,000. Included in the total is \$1,800,000 for regular expenses with an extra \$25,000 for printing and binding and \$13,175 for miscellaneous expenses.

#### WALKER FAVORABLY REPORTED

Paul A. Walker, who early this week was renominated a member of the Federal Communications Commission for a seven-year period from July 1 by the President, was favorably reported by the Senate Committee on Interstate Commerce. It is expected that he will be confirmed by the Senate shortly.

Mr. Walker was born in 1881 and graduated from the University of Chicago and the Law Department of the University of Oklahoma. He was a school principal and later a member of the faculty of the University of Oklahoma. He practiced law for several years and for more than 15 years was connected with the State Corporation Commission of Oklahoma, serving as Counselor and Commissioner. Mr. Walker was also employed in a number of public utility and railroad rate investigations and acted as Chairman of the Committee of the FCC which investigated the telephone companies.

#### TELEVISION REPORT ADOPTED

The FCC on Tuesday unanimously adopted the report of the Television Committee and directed the committee to continue its work. The report of the committee was printed in NAB REPORTS.



## NEW LEGISLATION

### CONGRESS

H. R. 6973 (Mr. Lea, D.-Calif.) GOVERNMENT RADIO STATIONS—Same as S. 2611. Authorizing the purchase of site and erection of building in Massachusetts for use as radio-monitoring station at cost not to exceed \$30,000. Referred to Committee on Interstate and Foreign Commerce.

S. 2689 (Senator Bone, D.-Wash.) COPYRIGHT—To amend Section 33 of Copyright Act with respect to rules covering importation of copyrighted items. Referred to Committee on Patents.

H. Res. 234 (Mr. Larrabee, D.-Ind.) FEDERAL COMMUNICATIONS COMMISSION—To authorize the FCC to take steps to provide an adequate method to obtain data and information necessary to determine the effects of power in excess of 50 kilowatts, and to provide that the FCC shall not be restrained from licensing one or more than one station to operate on power of more than 50 kilowatts for such experimental operation as may be necessary. Referred to Committee on Interstate and Foreign Commerce.

### STATE LEGISLATION

#### WISCONSIN:

S. 528 (Peters) COPYRIGHTS—To create (g), (h) and (i) of Section (2) and subsection (3m) and (3n) of Section 177.01, 177.02 and 177.03 of the statutes, relating to copyrighted compositions. Referred to Judiciary Committee.

### SESAC ADDITION

SESAC has notified its licensees that it has added the catalogue of Alberto Colombo, Hollywood, Calif.

### LABOR BOARD CONFIRMS SETTLEMENT IN WIOD CASE

The National Labor Relations Board has made an order based upon a stipulation requiring Isle of Dreams Broadcasting Corporation and Miami Daily News, Inc., Miami, Florida, to bargain, upon request, with the American Federation of Radio Artists (A. of F. L.).

The stipulated order also provided for reinstatement with a payment of \$500 to Earle Barr Hanson, an employee who had been discharged.

Charges of unfair labor practices against the companies were filed by the AFL radio artists' union. A hearing on the charges was held in Miami on May 11-13, 1939.

### CONVENTION MEETING SCHEDULE

Saturday, July 8, 10 a. m.—Program Standards Committee.

Sunday, July 9, 2 p. m.—Research Committee.

Sunday, July 9, 7 p. m.—Board of Directors.

Monday, July 10, 8.30 a. m.—Newspaper Owned Stations, breakfast meeting, Walter Damm, presiding.

Monday, July 10, 10 a. m.—National Association of Regional Broadcast Stations, John Shepard, presiding.

Monday, July 10, 10.30 a. m.—Clear Channel Group, Edwin W. Craig, presiding.

Thursday, July 13, 2 p. m.—Board of Directors, meeting to organize new Board.

Details of other group meetings in session Monday, July 10, will be found in convention program and on official bulletin Board.

## FEDERAL COMMUNICATIONS COMMISSION

### PROPOSED FINDINGS OF FACT

The Federal Communications Commission in a Proposed Findings of Fact proposes to deny the application

of WMFF, Plattsburg, New York, to permit it to install a new transmitter, to make changes in its antenna system, to change its transmitter site, and to operate on **1240 kilocycles** instead of **1310 kilocycles**, and to increase its power from 100 watts night, 250 watts day, unlimited time, to 1000 watts employing directional antenna at night.

The Commission in a Proposed Findings of Fact proposes to grant the application of the Mutual Broadcasting System, Inc., **Chicago, Illinois**, for renewal of its permit to transmit programs to broadcast stations in Canada.

In a further Proposed Findings of Fact the Commission proposes to grant the application of the Greater New York Broadcasting Corporation for a license to operate a station in **New York City** on **1100 kilocycles**, 5000 watts, unlimited time. WPG, **Atlantic City**, which now operates on that frequency with 5000 watts and shares time with WBIL of New York City, will cease operation in Atlantic City, and WOV, New York City, now operating on **1130 kilocycles** with 1000 watts will also cease operation and instead a station will operate in New York City on **1100 kilocycles**, 5000 watts, unlimited time.

The Commission in a Proposed Findings of Fact proposes to deny the application of the Pee Dee Broadcasting Corporation for a new station at **Florence, South Carolina**, to operate on **1200 kilocycles**, 100 watts night, 250 watts day, unlimited time, and proposed to grant the application of WOLS, Florence, South Carolina, to change its hours of operation from daytime to unlimited and has granted the application of the same station for license renewal.

### DECISIONS OF COMMISSION

The Federal Communications Commission in a decision has granted the application of KSAM, **Huntsville, Texas**, to increase its daytime power from 100 watts to 250 watts on **1500 kilocycles** "upon the express condition that the station's transmitting equipment shall comply with the requirements of Rules 132 and 139 of the Commission."

The application of KOBH, **Rapid City, South Dakota**, for voluntary assignment of the station's license from the Black Hills Broadcast Company to Black Hills Broadcast Company of Rapid City, and renewal of the station's license has been granted by the Commission. The station operates on **1370 kilocycles**, 100 watts night, 250 watts day, unlimited time.

The Commission has granted the application of KSAL, Salina, Kansas, to use **1120 kilocycles**, 500 watts night, 1000 watts LS, unlimited time, using a directional antenna at night, and subject to specific provisions.

The application of Panama City Broadcasting Company for the erection of a new station at **Panama City, Florida**, to use **1200 kilocycles**, 250 watts day, 100 watts night, unlimited time, has been granted by the Commission.

The Commission also granted the application of the Bowling Green Broadcasting Company for the erection of a new station at **Bowling Green, Kentucky**, to use **1310 kilocycles**, 100 watts night, 250 watts LS, unlimited time.

The Commission has also granted the application of the Westchester Broadcasting Corporation, licensee of Station WFAS, **White Plains, New York**, for transfer of control of station from Selma Seitz, transferor, to Valentine E. Macy, Jr., and J. Noel Macy, transferees. The station operates on **1210 kilocycles**, 100 watts, and shares time equally with Stations WGBB and WERB.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The next regular meeting of the Commission will be held on July 12.

The following hearings are scheduled before the Commission in broadcast cases beginning the week of July 3. They are subject to change.

### Wednesday, July 5

#### Further Hearing

NEW—Pawtucket Broadcasting Co., Pawtucket, R. I.—C. P., **1390 kc.**, 1 KW, unlimited time (DA day and night).

### Thursday, July 6

#### Further Hearing

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—C. P., **1120 kc.**, 1 KW, 1 KW LS, unlimited except from 8 to 9 p. m. Monday. Present assignment: **1120 kc.**, 500 watts, unlimited except 8 to 9 p. m. Monday.

WAPO—W. A. Patterson, Chattanooga, Tenn.—C. P., **1120 kc.**, 500 watts, 1 KW LS, unlimited time. Present assignment: **1420 kc.**, 100 watts, 250 watts LS, unlimited time.

### FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings. They are subject to change.

July 12

### International Broadcast

5653—In re: Section 42.03 (a) pertaining to International Broadcast Service.

July 14

KRLH—Clarence Scharbauer, Midland, Tex.—C. P., **1420 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1420 kc.**, 100 watts, daytime.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—C. P., **950 kc.**, 1 KW, unlimited time. Present assignment: **1120 kc.**, 100 watts, daytime.

NEW—C. T. Sherer Co., Inc., Worcester, Mass.—C. P., **1200 kc.**, 100 watts, 250 watts LS, unlimited time.

NEW—North Shore Broadcasting Co., Salem, Mass.—C. P., **1200 kc.**, 100 watts, unlimited time.

July 24

### Hearing Before Commissioner Case

KUMA—Albert H. Schermann, Yuma, Ariz.—Application for hearing upon Order of Revocation of License of Station KUMA. Present assignment: **1420 kc.**, 100 watts, specified hours.

September 12

NEW—John F. Arrington, Jr., Valdosta, Ga.—C. P., **1230 kc.**, 250 watts, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

WCAU—WCAU Broadcasting Co. (a corporation of State of New Jersey), Philadelphia, Pa.—Granted consent of voluntary assignment of licenses for broadcast station WCAU and international broadcast station W3XAU, high frequency broadcast W3XIR, and relay stations W3XEO and W3XHW, from WCAU Broadcasting Company, a New Jersey corporation, to WCAU Broadcasting Company, a corporation of the State of Pennsylvania.

KIUP—San Juan Broadcasting Co., Durango, Colo.—Granted renewal of license for period July 1, 1939, to January 1, 1940.

WBBZ—Adelaide Lillian Carrell, Executrix of Estate of Charles Lewis Carrell, deceased, Ponca City, Okla.—Granted renewal of license for the period ending December 1, 1939.

### DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

WABI—Community Broadcasting Service, Bangor, Maine.—C. P. to install new equipment and DA system and change frequency from **1200 kc.** to **560 kc.**, and increase power from 100 watts night, 250 watts day, to 1 KW, unlimited, employing DA system for nighttime operation. Application designated for hearing in order to determine question of possible interference.

NEW—The Gazette Company, Cedar Rapids, Iowa.—Application amended so as to request C. P. for new station to operate on **1420 kc.**, 100 watts, unlimited time. Application designated for hearing in order to determine question of possible interference.

WPRP—Julio M. Conesa, Ponce, P. R.—C. P. to make changes in composite equipment; change frequency from **1420 kc.** to **1480 kc.**; increase power and time of operation from 100 watts night, 250 watts day, S.H., to 5 KW, unlimited. Exact transmitter site and type of antenna to be determined with Commission's approval. Designated for hearing because pending applications involve increase in service.



WWRL—Long Island Broadcasting Corp., Woodside, L. I., N. Y.—Application for renewal of license designated for hearing because of pendency of application of Arthur Faske requesting facilities of WWRL, and to determine whether public interest, convenience and necessity would be better served by granting this application than by granting that portion of the application of Arthur Faske for modification of license which seeks the WWRL facilities. Temporary license granted pending outcome of hearing.

KFNF—KFNF, Inc., Shenandoah, Iowa.—Modification of C. P. to move station to Council Bluffs, Iowa, install DA system, and extend commencement date from April 15, 1939, to 30 days after grant, and completion date to 180 days thereafter. Application designated for hearing because pending applications involve increase in service and to determine the question of possible interference.

### RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KBIX, Muskogee, Okla.; KGLU, Safford, Ariz.; KRE, Berkeley, Calif.; KQRS, Rock Springs, Wyo.; KWBG, Hutchinson, Kans.; KXO, El Centro, Calif.; WMIN, St. Paul, Minn.; WOPI, Bristol, Tenn.; WRJN, Racine, Wis.

Licenses for the following stations were extended upon a temporary basis only, pending determination upon applications for renewal, but in no event longer than August 1, 1939:

KGIW, Alamosa, Colo.; KSAL, Salina, Kans.; KVGB, Great Bend, Kans.; WBNO, New Orleans, La.

Licenses for the following stations were further extended upon a temporary basis only, pending determination upon applications for renewal, but in no event longer than August 1, 1939:

KVNU, Logan, Utah; WBHP, Huntsville, Ala.; KBGU, Ketchikan, Alaska.

### MISCELLANEOUS

The Commission has reconsidered its action taken on March 13 in setting for hearing in Allentown, Pa., the cases involving the voluntary assignment of license of station WCBA from B. Bryan Musselman to Lehigh Valley Broadcasting Company, a Pennsylvania corporation; and the voluntary assignment of license of station WSAN from WSAN, Inc., to Lehigh Valley Broadcasting Company. The Commission has unanimously granted these applications for assignment of licenses, cancelling the hearing heretofore scheduled.

NEW—Central New York Broadcasting Corp., Syracuse, N. Y., Portable-Mobile.—Granted C. P. for new relay broadcast station, frequencies 1606, 2022, 2102 and 2758 kc., 100 watts.

NEW—Columbia Broadcasting System, Inc., Cincinnati, Ohio, Portable-Mobile.—Granted C. P. for new relay broadcast station, frequencies 1646, 2090, 2190 and 2830 kc., 50 watts.

NEW—Winona Radio Service, Winona, Minn., Portable-Mobile.—Granted C. P. for new relay broadcast station, frequencies 1646, 2090, 2190 and 2830 kc., 20 watts.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted C. P. to move old main transmitter to a new transmitter site; install former transmitter with power of 1 KW, employing DA system for both day and nighttime operation, for emergency use only.

WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—Granted license to cover C. P. authorizing installation of new equipment and vertical radiator, and extension of commencement and completion dates.

WGHB—Florida West Coast Broadcasting Co., Inc., Tampa, Fla., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station, frequencies 1622, 2058, 2150 and 2790 kc., 40 watts.

WIEW—National Broadcasting Co., Inc., New York City, Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station, frequencies 1606, 2022, 2102 and 2758 kc., 25 watts.

W8XAL—The Crosley Corp., Mason, Ohio.—Granted modification of C. P. to extend completion date to January 1, 1940.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted license to cover C. P. authorizing move in transmitter site, installation of new equipment and DA for day and nighttime operation; increase in power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day; and extension of completion date to September 15, 1939.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted special temporary authority to operate simultaneously with WGBB from 4 to 5 p. m., EDST, on June 25, in order to broadcast Watch Tower Bible and Tract Society program.

WPRP—Julio M. Conesa, Ponce, P. R.—Granted special temporary authority to operate unlimited time on July 4, in order to broadcast programs of civic nature and patriotic interest in commemoration of the national holiday.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate unlimited time for the period July 1 to July 30 (provided WSVS remains silent), in order to broadcast programs as described in letter.

WSAL—Frank M. Stearns, Salisbury, Md.—Granted special temporary authority to operate from 7:30 to 10:30 p. m., EST, on June 26, in order to broadcast speeches to be made at Peninsula General Hospital Campaign Committee banquet, using 100 watts only.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Denied special temporary authority to operate unlimited time, with 1 KW, for the period June 27 to July 26, in order to broadcast civic, educational, etc., programs.

WILM—Delaware Broadcasting Co., Wilmington, Del.—Denied special temporary authority to operate simultaneously with WAZL from 8:30 p. m., EDST, to the conclusion of National and American League team games on July 26, August 2, 8 and 16.

W9XXI—The Ashland Broadcasting Co., Ashland, Ky.—Granted special temporary authority to operate relay broadcast station on the frequencies 30820, 33740, 35820, 37980 kc., 10 watts, for the period June 20 to June 24, in connection with State Championship Golf Tournament play.

W2XBF—Wm. G. H. Finch, New York City.—Granted special temporary authority to operate experimental broadcast station on the frequencies 42260 kc. in addition to the normal licensed frequencies, for the period July 1 to July 30, pending definite arrangements to be made in ultra high frequency bands.

WHAZ—Rensselaer Polytechnic Institute, Troy, N. Y.—Granted special temporary authority to remain silent August 21, 28 and September 4, in order to observe summer vacation.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted motion for leave to file amendment to application for C. P. to request increase in power from 10 KW to 50 KW.

NEW—Pawtucket Broadcasting Co., Pawtucket, R. I.—Denied, exceptions noted by counsel for petitioner, motion to dismiss respondent's (The Outlet Co., Providence) appearance in re application of Pawtucket Broadcasting Co.

NEW—C. T. Sherer Co., Inc., Worcester, Mass.—Granted motion to take depositions in re application for C. P. to operate on 1200 kc., 100 watts night, 250 watts LS, unlimited time.

W9XUY—Central States Broadcasting Co., Omaha, Nebr.—Granted motion for leave to withdraw without prejudice application for renewal of high frequency broadcast station.

WOL—American Broadcasting Co., Washington, D. C.—Granted petition for postponement of hearing, now scheduled for July 10, 1939, until some time in September, on application of John F. Arrington, Jr., for a new station in Valdosta, Ga., to use 1230 kc., 250 watts day and night, unlimited time.

KPDN—R. C. Hoiles, Pampa, Tex.—Granted special temporary authority to operate from 8 to 10 p. m., CST, on June 23, in order to broadcast Chamber of Commerce State Highway Commission Banquet.

KOME—Harry Schwartz, Tulsa, Okla.—Denied special temporary authority to operate from 8:30 to 10:30 p. m., CST, for the period June 28 to July 27, in order to broadcast Texas League baseball games, using 100 watts only.

WPG—City of Atlantic City, N. J.—Granted special temporary authority to operate from 3:15 to 4:30 p. m., EST, on June 25, provided WBIL remains silent, in order to broadcast baseball games.

United Air Lines Transport Corp., Washington, D. C.—Granted special temporary authority to operate already licensed aircraft radio transmitter aboard plane owned by United Air Lines Transport Corp., call letters KHAZT, as a relay broadcast station, on frequency 2790 kc., to relay broadcast program in connection with arrival Pacific Fleet and Golden Gate Exposition to station KPO and NBC Red Network, from 11:30 a. m. to noon, PST, on July 1.

KFRO—Voice of Longview, Longview, Tex.—Denied special temporary authority to operate from local sunset (July 7:30



p. m., CST) to 11:05 p. m., using 100 watts, during month of July.

KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period June 23 to July 22, pending KWLC's compliance with Rule 131.

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan and Bostwick, St. Albans, Vt.—Present license extended for period of two months on a temporary basis only subject to whatever action may be taken upon pending application of this station for renewal of license, involving a possible violation of Section 310(b) of the Act.

W9XTA—Schonert Radio Service, Harrisburg, Ill.—Denied motion requesting that the Commission reconsider its action in designating for hearing the application for renewal of license of high frequency broadcast station W9XTA, and grant said application without hearing.

KVSO—Ardmoreite Publishing Co., Inc., Ardmore, Okla.—Dismissed application for consent of the Commission to the transfer of control of the Ardmoreite Publishing Co., Inc., as satisfactory information relating to stock ownership has been furnished.

KEHE—Hearst Radio, Inc., Los Angeles, Calif.—Denied petition for amendment of final order adopted by the Commission on June 21, 1939.

W9XAK—Kansas State College of Agriculture and Applied Science, Manhattan, Kans.—The Commission today vacated its action designating for hearing the application for C. P. to change existing television equipment, reduce the power of the station from 125 watts to 100 watts, and change frequency assignment from the 2000-2100 kc. band to the 42,000-56,000 kc. band. Said application will be treated as an original C. P. and re-routed through the departments of the Commission for further consideration.

WHA—University of Wisconsin, Madison, Wis.—Continued hearing now scheduled for July 31 to September 11, 1939.

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Continued hearing now scheduled for July 31 to September 11, 1939.

NEW—Lakeland Broadcasting Co., Willmar, Minn.—Continued hearing now scheduled for July 31 to September 11, 1939.

KMTR—KMTR Radio Corp., Los Angeles, Calif.—Granted special temporary authority to operate ship radio station transmitter licensed to Victor E. Dalton, WCEE, as a relay broadcast station on 2790 kc., with power of 60 watts on July 4, in order to relay broadcast of start of Transpacific Yacht Race from San Francisco Bay, to be broadcast by radio station KMTR.

W8XIQ-W8XIR—WGAR Broadcasting Co., Cleveland, Ohio.—Granted special temporary authority to operate relay broadcast experimental stations on frequency 31220 kc. pending definite arrangements to be made to eliminate interference with Cleveland's Police Radio Service, for a period not to exceed 30 days.

## APPLICATIONS FILED AT FCC

### 680 Kilocycles

WPTF—WPTF Radio Co., Raleigh, N. C.—Construction permit to install new transmitter; increase power from 5 to 10 KW; increase hours of operation from limited to unlimited time, using directional antenna at night. Amended to request 50 KW power, and make changes in equipment.

### 1120 Kilocycles

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Modification of license to change hours of operation from unlimited except 8 to 9 p. m. Mondays, to unlimited. Request facilities of station WTAW.

WTAW—Agricultural & Mechanical College of Texas, College Station, Tex.—Modification of license to make changes in hours of operation by releasing time from 8 to 9 p. m. Mondays,

### 1130 Kilocycles

KSL—Radio Service Corp. of Utah, Salt Lake City, Utah.—Construction permit to install new transmitter.

### 1210 Kilocycles

KOVO—Clifton A. Tolboe, tr/as Citizens Voice & Air Show, Provo, Utah.—Modification of construction permit B5-P-2044, for

new station requesting approval of antenna, and studio site at 44 W. Center St., Provo, Utah, and transmitter site at 3rd South and 16th West, Provo, Utah.

### 1310 Kilocycles

WSAV—Arthur Lucas, Savannah, Ga.—Voluntary assignment of construction permit B3-P-1714, from Arthur Lucas to WSAV, Inc.

KHUB—John P. Scripps, Watsonville, Calif.—Modification of license to change hours of operation from daytime to unlimited time, using 100 watts night and 250 watts day power.

### 1370 Kilocycles

WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Construction permit for changes in transmitting equipment. Amended re equipment.

### 1420 Kilocycles

WFMJ—William F. Maag, Jr., Youngstown, Ohio.—Modification of construction permit B2-P-1727 as modified for a new station, requesting extension of completion date from 7-28-39 to 9-27-39.

WJMS—WJMS, Inc., Ironwood, Mich.—Construction permit for equipment changes and increase in power from 100 watts to 100 watts night, 250 watts day.

## MISCELLANEOUS

W1XO—Travelers Broadcasting Service Corporation, Mobile, area Connecticut.—Construction permit for changes in equipment; decrease in power from 50 to 25 watts; specify frequencies 31220, 35620, 37020, 39260 kc., in accordance with new rules.

NEW—The Travelers Broadcasting Service Corporation, Portable-Mobile, area of Hartford, Conn.—Construction permit for a new relay broadcast station on 31220, 35620, 37020, 39260 kc., power 0.2 watts, A-3 emission.

NEW—WIBX, Inc., Portable-Mobile, area of Utica, N. Y.—Construction permit for a new relay broadcast station on frequencies 1622, 2058, 2150 and 2790 kc., 50 watts power, A-3 emission.

W1XA—General Electric Co., Bridgeport, Conn.—License to cover construction permit (B1-PVB-12). Amended to specify frequencies 66000-72000 kc.

W9XC—Central Broadcasting Co., near Mitchelville, Iowa.—Modification of construction permit B4-PEX-23 for extension of completion date from 6-18-39 to 9-18-39.

W9XAI—The Journal Co. (Milwaukee Journal), Milwaukee, Wis., Portable-Mobile.—Construction permit for changes in equipment and decrease power from 50 to 25 watts, specify frequencies 30820, 33740, 35820, 37980 kc., in accordance with new rules.

W2XVT—Allen B. DuMont Laboratories, Inc., Passaic, N. J.—Construction permit for changes in equipment; increase power to 5 KW; request frequencies 44000-50000, 78000-84000 and 102000-108000 kc.; and request waiver of Rule 43.13(b). Amended to request frequencies of 78000-84000 kc.

NEW—Joseph N. Peckham, Auburn, N. Y.—Construction permit for a new television station at 23 E. Genesee St., Auburn, N. Y., on 42000-56000 kc., 100 watts power, Special emission. Amended to request 44000-50000 kc., A-3 and A-5 emission.

W2XWC—Kolorama Laboratories, Inc., Irvington, N. J.—Construction permit for change of location from Irvington, N. J., to Carlstadt, N. J. (Washington Ave. near Moonachie Ave.).

WDAC—University of Wisconsin, Portable-Mobile, vicinity of Madison, Wis.—License to cover construction permit B4-PRY-150.

KBTA—Red River Broadcasting Co., Inc., Portable-Mobile, area of Duluth, Minn.—License to cover construction permit B4-PRY-171.

W6XAO—Don Lee Broadcasting System, Los Angeles, Calif.—Construction permit to change present location from 1076 West 7th St., Los Angeles, Calif., to 1 Lee Drive, Hollywood, Calif., and specify frequency band 44000-50000 kc., in accordance with new rules.



## FEDERAL TRADE COMMISSION ACTION

### COMPLAINTS

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

**Acme Steel Company**—Violation of Section 3 of the Clayton Act, which prohibits exclusive dealing agreements, is alleged in a complaint issued against Acme Steel Company, Chicago, the country's largest manufacturer of steel strap and band tying-tools, machines and equipment and the straps, bands and seals used in connection therewith.

The complaint alleges that in leasing and licensing the use of tying-tools and equipment for the tying or binding of boxes, packages and bundles, the respondent company requires the lessee or licensee or other user to enter into an agreement or understanding that he will use in connection with the tools and equipment so leased or licensed only such strapping and seals as are purchased from the respondent, the latter reserving the right to terminate the lease at any time.

It is alleged that the respondent leased or licensed its unit-load tool equipment, used for large jobs like tying bundles for loading on railroad cars, on the condition and agreement that the lessee, licensee or user purchase his entire requirement of bands and seals for use in the operation thereof from the respondent, as long as he is in the possession of such equipment, and on the further condition that if any lessee or licensee should use in the operation of such machines and equipment any tying material other than that purchased from the respondent company, the right to the use and possession of the respondent's machines and equipment may be terminated and such property repossessed. (3818)

**A. S. Aloe Company**—A complaint has been issued charging A. S. Aloe Company, large dealer in surgical products, with unlawful receipt of price discriminations in violation of the Robinson-Patman Act. The company has its headquarters in St. Louis and branch distributing houses in Kansas City and Los Angeles.

It is alleged that the Aloe company induced manufacturers, jobbers, importers and distributors of surgical products to discriminate in price between different purchasers buying articles of like grade and quality by charging competitors of the Aloe company higher prices than those charged Aloe.

The complaint alleges that the discriminations favoring the Aloe company are not uniform on each surgical product sold or from each dealer and that the Aloe company pays the sellers from approximately 10 per cent to approximately 30 per cent less for such products of like grade and quality than do the competitors, depending upon the surgical product and the seller, or either of them. (3820)

**Ardell Razor Blade Corp.**—Unauthorized use of well-known trade names in the sale of razor blades is alleged in a complaint issued against Ardell Razor Blade Corporation, Newark, N. J., and its selling agent, Fuller Blade Company, Inc., New York.

The respondents are alleged to have etched on both faces of certain razor blades sold and distributed by them the words: "Made IN U.S.A. EDISON Surgical Chrome Steel. Ed-I-Co Blade Company, New York". Such blades allegedly were packed in cartons on which were printed the words: "EDISON RAZOR BLADES EDISON LEADS WHERE BLADES ARE SOLD".

The respondent are further alleged to have etched on both faces of certain other blades the words: "DeLuxe EASTMAN. Fuller Blade Co., Inc.", and cartons in which these blades were packed featured the word "EASTMAN" with the words "DeLuxe Razor Blades".

It is alleged that use by the respondents of the words "Edison", "Ed-I-Co", "Ed-I-Co Blade Company" and "Eastman" misleads

and deceives the purchasing public into the belief that razor blades so designated are manufactured by Thomas A. Edison, Inc., and Eastman Kodak Company, whereas these companies have not authorized the respondents to so use their names.

It is alleged that the respondent companies, through their misleading use of these well and favorably known trade names, have obtained unfair competitive advantages. (3831)

**Fuller Blade Company, Inc.**—See Ardell Razor Blade Corp.

**John J. Fulton Company**, 88 First St., San Francisco, distributor of "Uvursin", advertised as an oral treatment for diabetes mellitus, has been served with a complaint alleging misrepresentation. The respondent distributes to purchasers of the preparation a suggested diet, and recommends that the diet be followed in connection with the use of the preparation.

The complaint alleges that the respondent corporation's product has no therapeutic value in the treatment of diabetes mellitus, and that when used with the diet recommended by the respondent, or any other diet, does not add to or increase the efficacy or therapeutic value of the diet as a treatment for diabetes mellitus. (3819)

**Lorna Gay Company**—See Knight Company.

**Howard D. Johnson Company**—Advertising ice cream and food as "home made" when they really are factory manufactured, is charged in a complaint issued against Howard D. Johnson Company, 89 Beale Street, Wollaston, Mass.

Typical of these advertisements, the complaint alleges, is "Howard D. Johnson food is wholesome—home cooked", and "Howard D. Johnson home made ice cream."

The complaint charges that the products are factory made, of the ingredients and by the ordinary methods of production used in factories manufacturing such products for sale. (3827)

**Knight Company**—A complaint charging misleading and deceptive representations in the sale of cosmetics and toilet preparations has been issued against a group of 20 respondents having operating headquarters in Des Moines, Iowa.

The respondents are Richard E. Williams, Steve W. Phillips, Walter C. Phillips, Warren Lee Eastman, Ernie A. Storesund, Don Parmalee and A. L. Anderson, trading under some or all of the following trade names: The Knight Company, June Knight, Marena Company, Lorna Gay Company, and other names; G. G. Grant, W. W. Young, Paul Manning, and the following who are in business as a partnership or otherwise under the trade name The Committee for General Investments: F. W. Fitch, Mrs. F. W. Fitch, L. W. Fitch, Mrs. L. W. Fitch, G. W. Fitch, Mrs. G. W. Fitch, R. H. Young, Mrs. R. H. Young, L. R. Sandahl and Mrs. L. R. Sandahl.

The complaint alleges that the respondents' plan of operation is briefly as follows:

The respondents get into contact with prospective purchasers of cosmetics and toilet articles by mail, soliciting such "prospects" to enter into a simple contest for a prize of comparatively small value, and for that purpose they enclose a reply postal card and circular letter in which they confusingly intermix references to various prizes and contests. When a prospect enters a preliminary contest by mailing the postal card he is advised in reply that he has been awarded the first 100,000 "booster" points. A so-called promptness certificate is sent him, which he is to return with an order for the respondents' products, for which he must remit \$1, and a punch or pull card is sent for his use in reselling at a profit to himself the products ordered, provided he does not desire to use them himself. At a later stage he is informed for the first time that his chance of winning a prize depends upon the value of the cosmetics and other toiletries purchased by him from the respondents.

It is alleged that until the close of the contest, there is a continuous flow of circular letters and other literature similar in text and purport from the respondents to all contestants, urging that they purchase the respondents' products and representing that each has a chance to win the prize in each sub-contest and also the grand prize, and that one more order may make a contestant the winner.

It is alleged that the respondents make these representations well knowing that many of the contestants are purchasing their products for resale in rural communities and small cities and towns where the probable maximum demand for such preparations cannot be sufficient to give the contestant any chance to win. (3833)

**Arthur Longfield**—Simulation of the labels, wrappers and bottles of Lea & Perrins Worcestershire Sauce, is alleged in a complaint issued against Arthur Longfield, 522 Myrtle Ave., Brooklyn, distributor of a table sauce designated "Longfield's Celebrated Worcestershire Style Sauce".

Worcestershire sauce, the complaint alleges, was originally made in the County of Worcestershire, England. From 1835 until 1877 it was manufactured exclusively there. From 1877 to 1898 it was imported from England in casks, partly finished, and completed in this country according to the private formula of Lea and Perrins, the bottling and labeling also having been done here. Later it was manufactured in the United States by representatives of the original company under the original formula.

The complaint alleges that the respondent has packaged his product in a manner closely resembling the containers of Lea & Perrins Sauce, and also has copied from the famous Lea & Perrins label the language: "From the recipe of a nobleman in the country", enclosed in scrolls similar to those depicted on the original. The complaint names the English nobleman, whose identity has often aroused curiosity, as Sir Marcus Sandys, who brought the recipe from India. (3823)

**Marena Company**—See Knight Company.

**Mattia & Briganti Company**—See Premier Color Works.

**McDowell, Pyle & Co., Inc.**, 221 West Pratt St., Baltimore, is charged in a complaint with use of games of chance, gift enterprises or lottery schemes in the sale and distribution of peanuts to ultimate consumers.

Punchboards are alleged to be supplied by the respondent to dealers who use them in selling and distributing the respondent's peanuts. (3832)

**Mendoza Fur Dyeing Works, Inc.**—In a complaint, Mendoza Fur Dyeing Works, Inc., 135 West 29th St., New York, is charged with misrepresentation.

The complaint alleges that for the purpose of inducing customers to forward pelts to the respondent for dyeing and processing, such customers are provided with various sketches and designs for use in their manufacture of fur garments from pelts dyed and processed by the respondent and labels to be attached to the garments designating them as "Mendoza Furs."

In advertising material the respondent is alleged to represent that the sketches supplied by it are designed by famous Parisian couturiers; that the labels are those of famous Parisian couturiers, and that the use of such labels is authorized by them. The respondent also represents that garments labeled "Mendoza Furs" are designed and manufactured in Paris, France, and have won a prize or award in competition with other designers and processors there. The advertisements carry reproductions purporting to be of labels of couturiers such as Schiaparelli, Vionnet, Heim, Max and Jeanne Lanvin and others. (3824)

**Milton Products Company**—Two Chicago dealers in courses or books of instruction have been served with complaints, charging misleading representations.

Respondent in one case is Milton Meyer, trading as Milton Products Company, 2440 Lincoln Ave., and in the other case, Universal Detective System, Inc., 188 West Randolph St. Meyer also sells watches, optical goods, skeleton keys and other articles, his catalog listing about 2,000 items.

Books of instruction allegedly were sold by Meyer under the titles: "Learn to Play the Piano by Easy Method at Home", "Learn to Vamp Easily", "Play Hawaiian or Steel Guitar in Five Minutes", and "The Famous Five Minute Courses." The respondent's representations as implied in these titles and as made in his advertising matter exceeded the possibilities of accomplishment, according to the complaint.

Among other commodities sold and allegedly misrepresented by the respondent Meyer, the complaint lists books of instruction in ventriloquism, fortune telling, crystal gazing, hypnotism and clog dancing, telescopes advertised as being of fine quality and two and one-half power, and watch cases guaranteed as gold finished and not to tarnish.

Universal Detective System, Inc., selling correspondence courses in detective work, allegedly advertised so as to imply that there is a great demand for detectives; that the respondent is in a position to obtain detective jobs for graduates; that the work is highly remunerative and that anyone can become a detective. Other alleged misleading representations were that the respondent corporation is an operative detective agency of wide extent and that its course exemplifies a unique method in detective work through use of the name "Universal Detective System, Inc.", and by designating its students as members of such "system."

The latter respondent also is alleged to have misleadingly represented by reproductions of photographs of city and police officers engaged in demonstrating fingerprinting and other crime detection activities, together with the use of such officers' names and positions, that the officers and the cities with which they are connected endorsed the respondent and its course. (3825-3829)

**Premier Color Works**—Complaints alleging misrepresentation by two companies distributing medicinal preparations have been issued.

Michael P. Briganti and Fred C. Mattia, individually and trading as Premier Color Works, and Mattia and Briganti Company, 382 Pearl St., New York, manufacture and sell a line of effervescent and laxative products under the brand name "Ave Maria." Statements and representations printed on the cartons and containers of the preparations include "\* \* \* Made in U. S. A. from a highly recommended formula of Dr. Arnaldo Piutti, Director of the Pharmaceutical Institute of 'Reggio Universita de Napoli' (Italy)," and "Highest Awards in the Hygienic Divisions of International Expositions."

The complaint charges that the products were not made from the formula as advertised; were not exhibited at international expositions and did not receive the awards depicted on the containers and cartons.

Sunlak Company, 226 East 6th St., Cincinnati, distributes a medicinal preparation known as "Sumlakia," recommended as a cure for epilepsy.

Among representations made by the respondent company is "Equally important as its therapeutic qualities is the comforting assurance that Sumlakia is made out of non-narcotic ingredients. It is safe. If it does not help, it should, at least, not harm, not even an aged person or an infant." (3826-3828)

**Prime Hat Company, Inc.**—Misleading representations in the sale of hats made from old materials is alleged in a complaint issued against Prime Hat Company, Inc., 97 East Houston St., New York, and against Vincent Gerbino, Samuel Scifo, Vito Digregorio and John Scifo, individually and as officers of the corporation.

Purchasing felts and other materials obtained from old, worn and used hats, the respondents are alleged to renovate them and provide new trimmings, sweatbands and size labels so that they appear as new hats, and to sell them to dealers without any marks to inform the public that they are in fact made from old and used felt hat bodies and renovated to look like new.

The respondents are alleged also to use the words "Quality Hats" and the words "Made Over Hat" on sweatbands. By such usage, it is alleged, the respondents fail to disclose to purchasers that such hats are made from old and used hat bodies as distinguished from hats made from new but shopworn hat bodies reclaimed from merchants' shelves. (3830)

**Universal Detective System, Inc.**—See Milton Products Company.

## STIPULATION

The Commission has entered into the following stipulation:

**Kulp Lamp Company**—Lester Kulp, individually and also trading as Kulp Lamp Company, 700 South Clinton St., Chicago, has entered into a stipulation to desist from misrepresentation in the sale of incandescent lamps.



The respondent agrees to discontinue use on his letterheads, invoices or otherwise, of the words "Manufacturer of" or any other words of similar meaning as descriptive of the business in which he is engaged or the effect of which may tend to convey the belief to purchasers that he makes or manufactures the incandescent lamps sold by him, or that he actually owns and operates or directly controls the plant or factory in which the products are manufactured, when these are not the facts. (2483)

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Associated Sales Company**—Two dealers using lottery methods in the sale and distribution of merchandise to ultimate purchasers have been ordered to cease and desist.

Hyman Mendels, individually and trading as J. J. Henderson, with places of business at 113 Hudson St., Jersey City, N. J., and 221 West 42nd St., New York, it was found, has been supplying push cards, order blanks and circulars to customers explaining his plan of allotting premiums or prizes to patrons of the push cards in the sale of fountain pen desk sets, clocks and other merchandise.

Philip F. Rubenstein, individually and trading as Associated Sales Company, 605 South First St., Milwaukee, Wis., also is found to have supplied customers with push cards and circulars explaining his plan of selling clocks, clothing, kitchen ware and other merchandise and allotting premiums.

Each respondent is ordered to cease and desist from supplying, mailing, shipping or transporting to agents or distributors or members of the public, push or pull cards, punch boards or other lottery devices to enable such persons to sell or distribute merchandise, or selling or disposing of merchandise by the use of such devices. (3179-3496)

**Ever-Keen Dry Shaver Company**—J. H. Tigerman, individually and trading as Ever-Keen Dry Shaver Company, and as Royce Dry Shaver Company, 43 East Ohio St., Chicago, has been ordered to cease and desist from lottery methods and misrepresentation in the sale and distribution of electric dry shavers to ultimate purchasers.

"Ever-Keen Electric Dry Shavers" and "New Royce Dry Shavers" are assembled by the respondent, and the Commission finds that in the distribution of the merchandise the respondent includes push cards, order blanks, pamphlets and instructions explaining a sales plan allotting extra premiums or prizes to the operators of the push cards.

The Commission also finds that the respondent has disseminated false and misleading representations with reference to his electric razors, purporting to be descriptive of their value and effectiveness. Representations are that the products are equal in value to \$15 electric dry shavers and that they are "acclaimed as the best dry shaver on the market regardless of price." Findings are that the products are of inferior grade and workmanship and last only a short period of time. (3757)

**Kolynos Company**, New Haven, Conn., has been ordered to discontinue misleading representations in the sale of "Kolynos" toothpaste.

The respondent is directed to cease disseminating advertisements to the effect that Kolynos is an outstanding, competent or effective germicidal or antiseptic agent; that it will remove stains other than ordinary surface stains; that it will keep the mouth thoroughly clean and healthy or assure sound teeth, and that it will restore brightness to teeth dull or discolored because of other than ordinary surface stains.

The order also prohibits the representation that this dentifrice is more concentrated or economical to use than competing products or that it will accomplish results not attainable by use of competing dentifrices. (3587)

**Lake Erie Chemical Company** and U. S. Ordnance Engineers, Inc., corporations located at 2200 Scranton Road, Cleveland, have been ordered to cease and desist from making certain representations in connection with the sale and distribution of warfare products in foreign trade. The order was issued under the Federal Trade Commission Act as extended by the Export Trade Act (Webb-Pomerene Act of 1918).

In effect the Commission found, among other things, that the respondents caused about 700 copies of a certain catalog to be made up and circulated among foreign purchasers, advertising respondents' products in such manner as to represent that respondents had such official, semi-official, or close relationship with the United States Government, through its Army, Ordnance Department and Chemical Warfare Service, as to afford respondent U. S. Ordnance Engineers, Inc., access to, and use of, all information and experience, including experimental and development work of these military subdivisions of the Government, relating to warfare products and to Government standards and specifications therefor; that U. S. Ordnance Engineers, Inc., is favored and especially fitted by such relationship to supply purchasers with munitions and related products conforming to U. S. Government standards, and that U. S. Ordnance Engineers, Inc., is successor in business to the Lake Erie Chemical Company. The Commission found the representations to be false and misleading in that respondents had no such relationship. (2484)

**Patterson School**—A Rochester, N. Y., school preparing students for United States Civil Service examinations has been ordered to discontinue misleading representations in the sale of correspondence courses.

Respondents are Arthur R. Patterson, Albert C. Kehr, Arthur W. Edson, Eva O. Brown and Minnetha Coe, trading as Patterson School.

They are directed to cease representing that Civil Service positions are at the disposal of the respondents; that they can in any manner control appointments to such positions; that they can assist applicants in any manner other than by preparing them to take Civil Service examinations and that they have any information pertaining to such examinations other than or in advance of regular official notices. (3228)

**Politis Remedy Company**—Harry Politis, formerly trading as Politis Laboratory, 4504 North Vancouver Ave., Portland, Oreg., has been ordered to discontinue misleading representations in the sale of Politis, advertised as a remedy for skin afflictions. The respondent is now in business under the name Politis Remedy Company.

Politis is directed to cease representing his preparation as a cure, remedy or competent treatment for eczema, athlete's foot, poison oak, impetigo, and other skin diseases and to discontinue representing, through use of the word "Laboratory" as a part of a trade name, that he conducts or maintains a laboratory for manufacturing or testing or for experimenting with the preparation he sells. (3227)

**Royce Dry Shaver Company**—See Ever-Keen Dry Shaver Company.

**U. S. Ordnance Engineers, Inc.**—See Lake Erie Chemical Company.

# FCC Assignments For July

Duties of Commissioners, Secretary, and Chief Engineer of the FCC as allocated by Order No. 28, dated November 29, 1937, which provides "That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon:

**ASSIGNMENT FOR  
MONTH OF  
July**

"All applications for aeronautical, aircraft, geophysical, motion picture, airport, aeronautical point to point, municipal and state police, marine relay, marine fire, and emergency and special emergency radio facilities.

**Commissioner  
Norman S. Case**

"All applications for licenses following construction which comply with the construction permit; applications for extensions of time within which to commence and complete construction; applications for construction permit and modification of construction permit involving only a change in equipment; applications to install frequency control; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for special temporary authorization; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter site; and applications for relay broadcast stations.

**Commissioner  
T. A. M. Craven**

"All radio matters of every character (except broadcast, operator licenses and amateur and ship stations) within the territory of Alaska.

**Commissioner  
George Henry Payne**

"All uncontested proceedings involved in the issuance of certificates of convenience and necessity; and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act.

**Commissioner  
Frederick I. Thompson**

"All matters arising in connection with the administration of tariff circulars of the Commission adopted pursuant to Section 203 of the Act, including the waiver of notice for the filing of tariffs.

**Commissioner  
Thad H. Brown**

"All matters arising under the Rules of Practice and Procedure of the Commission relating to withdrawals, dismissals, or defaults of applications or other proceedings, subject to the statutory right of appeal to the Commission; and to hear and determine all interlocutory motions, pleadings and related matters of procedure before the Commission.

**Commissioner  
Paul A. Walker**

"That the Secretary of the Federal Communications Commission is hereby authorized to determine, order, certify, report or otherwise act, with the advice of the General Counsel and the Chief Engineer, upon:

- (a) all applications for operator licenses, and
- (b) all applications for amateur and ship stations.

**Secretary  
T. J. Slowie**

"That the Chief Engineer of the Federal Communications Commission is hereby authorized to determine upon all applications and requests, and to make appropriate order in letter form for the signature of the Secretary in the following matters:

- (a) operation without an approved frequency monitor;
- (b) operation without an approved modulation monitor;
- (c) operation without thermometer in automatic temperature control chamber;
- (d) operation without antenna ammeter, plate voltmeter or plate ammeter;
- (e) operation with substitute ammeter, plate voltmeter or plate ammeter;
- (f) operation with temporary antenna system;
- (g) operation with auxiliary transmitter as main transmitter;
- (h) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application;
- (i) where formal application is not required, application for new or modified equipment or antenna system;
- (j) where formal application is not required, change of specifications for painting and lighting of antenna towers;
- (k) operation to determine power by direct method during program test periods;
- (l) relocation of transmitter in the same building;
- (m) operation with reduced power or time under Rules 142 and 151;
- (n) approval of types of equipment;
- (o) where it appears that terms of construction permit have been complied with, authorization for equipment and program tests or extensions thereof;
- (p) denial of requests for equipment and program tests where specifications of construction permit have not been met;
- (q) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorization it appears that the terms of the construction permit have not been met;
- (r) extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission;
- (s) changes in equipment necessary to comply with technical requirements specified in authorizations, orders, rules or releases (except formal applications);
- (t) representations of compliance with technical requirements specified in authorizations, orders, rules or releases (except formal applications);
- (u) operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location."

**Chief Engineer  
Ewell K. Jett**