

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
 JAMES W. BALDWIN, Managing Director

NAB REPORTS

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Vol. 4 -- No. 32
 JULY 2, 1936

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BROADCAST REVENUE IN WEST NORTH-CENTRAL STATES

Total receipts of 63 broadcast stations in the West North-Central states from sale of radio time during 1935 was \$5,689,765, according to the Bureau of the Census in the seventh report of the new census of business series on the broadcasting business. The report includes 14 stations in Missouri, 10 in Nebraska, 10 in Iowa, 9 in Kansas, 8 in Minnesota, 6 in North Dakota, and 6 in South Dakota.

RECOMMENDATION AGAINST ST. LOUIS CHANGES

Broadcasting Station WIL, St. Louis, Mo., applied to the Federal Communications Commission to change its frequency from 1200 to 1250 kilocycles, and to increase its power from 100 watts and 250 watts LS to 1,000 watts. At the same time the Star-Times Publishing Company applied to the Commission for the erection of a new station at St. Louis to use 1250 kilocycles, 1,000 watts power and unlimited time on the air.

Examiner R. H. Hyde, in Report No. I-246, recommends that both of these applications be denied. It was found by the Examiner that the record does not show public need for additional radio facilities in the proposed area. The Examiner found also that "the service of the new station proposed in either application would be restricted by interference during nighttime hours."

RECOMMENDS DENIAL OF WTJS CHANGES

Broadcasting Station WTJS, Jackson, Tenn., applied to the Federal Communications Commission to increase its power from 100 watts and 250 watts local sunset, to 250 watts and 500 watts local sunset, and to change its frequency from 1310 to 920 kilocycles. It asked that its unlimited hours of operation be left without change.

Examiner Ralph L. Walker, in Report No. I-244, recommended that the application be denied. The Examiner states that "operating as proposed at night, WTJS will be limited to approximately its three millivolt contour as compared with the normally protected

NOTES TO THE SALES STAFF

Broadcast advertising showed greater gains over the preceding year in May than were experienced in April. (See Developments of the Month, page 1412.)

The continued showing of strength on the part of national non-network volume, and its rise in May, contrary to the usual seasonal downswing, is indicative of further sales opportunities in this field. (See Total Broadcast Advertising, page 1413.)

Lagging local sales volume in recent months constitutes a problem with which every sales staff should be concerned. Business conditions do not warrant the degree of lag which has occurred. (See Total Broadcast Advertising, page 1413.)

Live talent national non-network business has resumed its upward movement of the past year or more, following several uncertain months. (See Non-network Advertising by Type of Rendition, page 1413.)

Transcriptions are going strong in both the national and local fields. (See Non-network Advertising by Type of Rendition, page 1413.)

one millivolt contour of stations as of the regional class. . . . The nighttime coverage of WTJS would be distinctly less than that normally expected from a regional assignment."

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

- Gold Hill Operating Company, Tacoma, Wash. (2-2248, Form A-1)
- Eastern Blenders, Inc., Wilmington, Del. (2-2249, Form A-1)
- Hoberg Paper Mills, Inc., Green Bay, Wis. (2-2250, Form A-2)
- Basin Gold Mines, Ltd., Montreal, Canada. (2-2252, Form A-1)
- Stanley Gold Mines, Ltd., Montreal, Canada. (2-2253, Form A-1)
- Douglas Aircraft Company, Inc., Santa Monica, Calif. (2-2254, Form A-2)
- Mutual Management Company, Jersey City, N. J. (2-2255, Form C-1)
- Gar Wood Industries, Inc., Detroit, Mich. (2-2256, Form A-2)
- Albuquerque Natural Gas Co., Chicago, Ill. (2-2257, Form E-1)
- Copper District Power Company, Ontonagon, Mich. (2-2258, Form A-1)
- Northern Illinois Finance Corp., DeKalb, Ill. (2-2259, Form A-2)
- Wesleyan College Committee, Savannah, Ga. (2-2260, Form D-1)
- Display Products, Inc., Detroit, Mich. (2-2261, Form A-1)
- Royal Petroleum Company, Yakima, Wash. (2-2263, Form A-1)

FOURTEENTH ANNUAL NAB CONVENTION

STEVENS HOTEL, CHICAGO, ILLINOIS

JULY 5, 6, 7, 8, 1936

RECOMMENDATIONS FOR ARIZONA STATION

Application was filed with the Federal Communications Commission for the construction of a new broadcasting station at Prescott, Ariz., by the Southwest Broadcasting Company and also by W. P. Stuart. Both asked for 1500 kilocycles, with unlimited time on the air. Stuart asked for 100 watts power, while the broadcast company asked for 100 watts and 250 watts LS.

Examiner P. W. Seward, in Report No. I-245, recommended that the application of the Southwest Broadcasting Company be granted but that the application of W. P. Stuart be denied. The Examiner found that the need for additional radio service there does exist and there is adequate talent available. Examiner Seward says that "a need for two radio broadcast stations at Prescott, Ariz., does not exist, and from a consideration of the entire record, the applicant, Southwest Broadcasting Company, seems better qualified to construct and operate the proposed radio station, that the facilities requested by this applicant will render better service to the city of Prescott, and will provide greater coverage for the surrounding area than the facilities requested by the applicant, W. P. Stuart."

ASKS COMMISSION TO REAFFIRM ACTION

The Federal Communications Commission granted KDYL, Salt Lake City, Utah, a construction permit for the erection of a station to use 1290 kilocycles, 1,000 watts and 5,000 watts LS, with unlimited time. In the meantime protest against granting this application was filed with the Commission by Paul R. Heitmeyer, an applicant for a construction permit for a station at Salt Lake City, and KLO, Ogden, Utah, and the grant was suspended. The matter was set for hearing before an Examiner.

Examiner P. W. Seward, in Report No. I-242, recommends that the Commission reaffirm its action granting this station application. At the hearing duly called protestants and applicant appeared. The Examiner states that "the protestants, Paul R. Heitmeyer and KLO, offered no evidence in support of the allegations set out in the protest."

RECOMMENDS AGAINST WOL CHANGE

Broadcasting Station WOL, Washington, D. C., applied to the Federal Communications Commission to change its frequency from 1310 to 1230 kilocycles, and increase its power from 100 to 1,000 watts. It now has unlimited time on the air and asked that that be allowed to remain as it is.

Examiner Melvin H. Dalberg, in Report No. I-247, recommends that the application be denied. The Examiner states that "the granting of this application would obviously cause objectionable interference to Station WFBR in the daytime hours." It is further contended by the Examiner that "although this applicant requests the use of a regional frequency with increased power, there would be severe interference at night to the service of WOL should this application be granted."

NEW CALIFORNIA STATION RECOMMENDED

The Ventura County Star, Inc., and the Merced Star Publishing Company, Inc., filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new broadcasting station at Ventura, Calif., to use 1170 kilocycles, 250 watts power, and daytime operation.

Examiner P. W. Seward, in Report No. I-239, has recommended that the application be granted. He found that there is a need for daytime service in the area proposed to be served and "no applications are pending which would necessarily prevent the granting of the instant application."

RECOMMENDS DENIAL OF TWO OHIO STATIONS

The Continental Radio Company applied to the Federal Communications Commission for construction permit for two broadcasting stations, one at Columbus, Ohio, to use 1310 kilocycles, 100 watts power, and unlimited time on the air, and the other at Toledo to use 1200 kilocycles, 100 watts power, and daytime operation. In both cases the Examiners recommended that the application be denied.

In the case of the proposed Columbus station Examiner Robert L. Irwin, in Report No. I-240, found that "it is not shown that there is need for the service proposed to be rendered by the applicant." The Examiner found also that the proposed station would cause objectionable interference with the normally protected service of Stations WLBC and WCMI.

In the case of the proposed Toledo station, Examiner P. W. Seward, in Report No. I-241, found also that the need for this

additional radio service in the area proposed to be served was not shown and that the granting of the application "would result in objectionable interference," and also that the granting of the application would not serve public interest.

RECOMMENDS NEW FLORIDA STATION

Bathan N. Bauer applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Miami, Fla., to use 1420 kilocycles, 100 watts power, and unlimited time.

Examiner P. W. Seward, in Report No. I-243, recommended that the application be granted. He says that "a need does exist in the proposed service area for additional radio service, particularly of a local nature and to provide additional advertising facilities." He found also that the proposed new station would not adversely affect any existing station, "nor are there any pending applications in conflict with this application."

BROADCAST ADVERTISING IN MAY

Developments of the Month

Broadcast advertising during May amounted to \$8,545,594, a decline of 3.2% from the previous month's level. Though the usual trend at this time of the year is a downward one, several contra-seasonal tendencies manifested themselves during May. Regional network and national non-network advertising rose contrary to the usual season downswing, while local broadcast advertising declined instead of rising as usual.

Non-network advertising as a whole rose 2.3% during the month, due to a national non-network increase of 5.1%. Local station volume showed the most pronounced gain, increasing 14.0%, while clear channel non-network volume declined slightly. Non-network advertising on the Pacific Coast showed the greatest gain over April, while that in the South declined the most markedly.

In the rendition field, the outstanding development of importance was an increase of 21.4% in national live talent volume. Local non-network advertising by type of rendition remained practically unchanged from the preceding month.

Principal gains during the months included the following: in the national network field—financial advertising; in the national non-network field—soap, radio, tobacco and food volume for regional networks—tobacco and beverage sponsorship; in the local field—gasoline and accessories, drugs, and beverages.

Comparison with May 1935

Radio broadcast advertising experienced a somewhat greater gain in May as compared to the corresponding month of 1935 than was the case in April. The May increase over the same month of last year was 13.2% as against 9.5% in April. Regional network and national non-network volume continued to register the most marked increases. National magazine advertising continued to gain more rapidly than radio, rising 19.0% above the previous May's level.

Non-network advertising as a whole rose 17.7%. The most marked gain occurred in the local station field, where non-network volume increased 53.5% over the preceding May. Non-network business in the South gained 41.0% as compared to last year. New England-Middle Atlantic volume alone declined, dropping 3.8%.

A material increase was registered in the national field by both transcriptions and live talent business, the latter after several months of comparative sluggishness. In the local field, transcription volume continued to exceed last year's level to a material degree. Announcement volume decreased both locally and nationally.

Broadcast advertising by various sponsoring groups was generally strong when compared to last May, few declines of importance taking place. National network drug, food and housefurnishing volume, national non-network clothing, beverage and confectionery advertising and local drug and pharmaceutical advertising constituted the principal declines. On the other hand, important gains were experienced in all phases of automotive advertising, in national network beverage, confectionery and tobacco business, regional network accessory and gasoline, food, beverage and soap advertising, national

non-network gasoline, drug, food, housefurnishing and tobacco volume and in local beverage and financial advertising.

Total Broadcast Advertising

Total broadcast advertising during the month is set forth in Table I.

TABLE I
TOTAL BROADCAST ADVERTISING

| Class of Business | 1936 Gross Time Sales | | |
|----------------------------|-----------------------|--------------------|---------------------|
| | April | May | Cumulative Jan.-May |
| National networks | \$4,830,251 | \$4,445,346 | \$24,202,213 |
| Regional networks | 113,647 | 124,648 | 538,613 |
| National non-network | 1,937,800 | 2,035,680 | 9,644,030 |
| Local | 1,947,790 | 1,939,920 | 8,499,590 |
| Total | \$8,829,488 | \$8,545,594 | \$42,884,446 |

Gross billings for stations and networks declined 3.2% as compared to the preceding month. National network volume declined 7.9%, and local advertising 0.4%. Regional network advertising rose, contrary to the usual seasonal downswing, by 7.6%, while national non-network volume showed a similar contrary tendency, increasing 5.1%. The local decline was compared to a usual rise at this time of the year.

Compared to May of 1935, total broadcast advertising increased 13.2%. The most marked gains were in the regional network and national non-network fields, which rose 29.8% and 34.2%, respectively. National network advertising gained 8.9% and local advertising 4.2%. The last-mentioned field is again showing strength, following several months of uncertainty.

Comparison with Other Media

Advertising volume by major media during the month in question is found in Table II.

TABLE II
ADVERTISING BY MAJOR MEDIA

| Advertising Medium | 1936 Gross Time and Space Sales | | |
|---|---------------------------------|---------------------|----------------------|
| | April | May | Cumulative Jan.-May |
| Radio broadcasting | \$8,829,488 | \$8,545,594 | \$42,884,446 |
| National magazines ¹ | 14,527,792 | 14,927,513 | 62,432,930 |
| National farm papers ¹ | 721,304 | 658,935 | 3,206,457 |
| Newspapers ² | 50,498,000 | 52,691,000 | 227,222,000 |
| Total | \$74,576,584 | \$76,823,042 | \$335,745,833 |

¹ Publishers' Information Bureau, Inc.

² Estimated.

Magazine volume increased 2.8% as against April, while newspaper lineage rose 4.3%. Both of these were in the nature of seasonal increases. National farm paper advertising declined 8.5%. Compared to May of last year, national magazine advertising increased 19.0%, farm paper volume 16.0%, and newspaper lineage 9.8%.

Non-network Advertising

Non-network advertising as a whole rose 2.3% during the month, due to the increase in national volume. Clear channel and high-powered regional station non-network business dropped 1.7%. Regional station volume rose 2.4% and local station advertising gained 14.0%. Non-network advertising gained on every class of

station as compared to the corresponding period of 1935. Clear channel station volume rose 10.2%, regional 15.6%, and local 53.5%. Total non-network advertising increased 17.7%.

Non-network advertising by power of station is set forth in Table III.

TABLE III
NON-NETWORK ADVERTISING BY POWER OF STATION

| Power of Station | 1936 Gross Time Sales | | |
|------------------------|-----------------------|--------------------|---------------------|
| | April | May | Cumulative Jan.-May |
| Over 1,000 watts | \$1,745,470 | \$1,717,240 | \$8,321,230 |
| 250-1,000 watts | 1,574,800 | 1,613,150 | 7,091,130 |
| 100 watts | 565,320 | 645,210 | 2,731,260 |
| Total | \$3,885,590 | \$3,975,600 | \$18,143,620 |

Non-network advertising in various portions of the country is found in Table IV.

TABLE IV
NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

| Geographical District | 1936 Gross Time Sales | | |
|---|-----------------------|--------------------|---------------------|
| | April | May | Cumulative Jan.-May |
| New England-Middle Atlantic Area | \$861,840 | \$866,250 | \$3,963,540 |
| South Atlantic-South Central Area | 799,590 | 710,250 | 3,575,510 |
| North Central Area | 1,545,580 | 1,573,200 | 7,203,510 |
| Pacific and Mountain Area | 678,580 | 825,900 | 3,401,060 |
| Total | \$3,885,590 | \$3,975,600 | \$18,143,620 |

Non-network advertising showed conflicting tendencies throughout various portions of the country when comparison is made with April. Eastern volume remained practically unchanged, while southern advertising declined 11.1%. Mid-western gross time billings rose 1.1%, while those in the Mountain and Pacific States increased 21.6%. With the exception of the New England-Middle Atlantic States, where non-network advertising declined 3.8% as against the previous May, all portions of the country experienced gains over 1935. Southern advertising rose 41.0%, North Central State volume 27.7%, and Mountain and Pacific advertising 25.4%.

Non-network Advertising by Type of Rendition

The principal development in the rendition field, as compared to the previous month, was the rise in national live talent business. This form of rendition gained 21.4% over April. National transcription volume decreased 7.0% from the preceding month's level, while announcements dropped 2.6%. With the exception of a 2.0% drop in announcement business, local broadcast advertising remained practically unchanged from April.

Following several comparatively sluggish months, national live talent volume again experienced a marked increase over the corresponding month of the preceding year, gaining 56.7%. National transcription business also showed marked strength, rising 29.3% above the May 1935 level. Announcements dropped 4.9%.

Transcriptions continued to experience the greatest relative gain in the local field, exceeding the preceding May by 48.3%. Live talent business rose 5.6% and records 16.6%. Announcements declined 9.9%.

Broadcast advertising by various types of rendition are found in Table V.

TABLE V
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

| Type of Rendition | 1936 Gross Time Sales | | | | | | |
|---------------------------------|-----------------------|--------------------|--------------------|--------------------|--------------------|--------------------|---------------------|
| | National Non-network | | Local | | Total | | Cumulative Jan.-May |
| | April | May | April | May | April | May | |
| Electrical transcriptions | \$865,070 | \$803,600 | \$261,530 | \$261,050 | \$1,126,600 | \$1,064,650 | \$4,740,820 |
| Live talent programs | 767,920 | 932,950 | 928,260 | 935,850 | 1,696,180 | 1,868,800 | 8,845,120 |
| Records | 6,050 | 8,090 | 71,550 | 70,460 | 77,600 | 78,550 | 340,120 |
| Announcements | 298,760 | 291,040 | 686,450 | 672,560 | 985,210 | 963,600 | 4,217,560 |
| Total | \$1,937,800 | \$2,035,680 | \$1,947,790 | \$1,939,920 | \$3,885,590 | \$3,975,600 | \$18,143,620 |

Sponsor Trends in April

The usual seasonal declines were experienced in the national network field, though some gains were recorded. Automotive advertising rose slightly, while financial volume increased 14.2%. In the regional network field, gasoline and accessory volume increased 37.5%, tobacco advertising 13.4%, and beverage volume 70.2%. National non-network advertising increased 48.7% in the soap and kitchen supply field, radio set volume rose 51.6%, tobacco advertising 17.4%, and foodstuff business 12.5%. Local gasoline business increased 26.7%, drug volume 19.8%, and beverage advertising 38.4%.

Comparison with May 1935

Several fields experienced marked gains in national network volume. These were as follows: automotive 64.8%, beverages

45.0%, confectionery 66.5%, and tobacco 35.2%. A number of significant decreases likewise occurred. Drug advertising declined 20.4%, food volume 11.5%, and housefurnishing business 55.6%.

In the regional network field, more important gains were as follows: gasoline and accessories 126.0%, foodstuffs 35.4%, soap and kitchen supplies 82.1%, and beverages from \$820 in May 1935 to \$16,200 during the month under review.

In the national non-network field significant gains were as follows: automotive 96.3%, gasoline and accessories 39.5%, drugs and pharmaceuticals 17.0%, foodstuffs 65.1%, housefurnishings 26.3%, and tobacco 56.5%. National non-network clothing advertising decreased 43.6%, beverage volume 35.4%, and confectionery 59.4%.

Local advertising showed comparatively little change in either direction from May of the preceding year.

Broadcast advertising by various product and service groups is presented in Table VI.

TABLE VI
RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(May, 1936)

| Type of Sponsoring Business | Gross Time Sales | | | | |
|---|--------------------|-------------------|-----------------------|--------------------|--------------------|
| | National Networks | Regional Networks | National Non-networks | Local | Total |
| 1a. Amusements | — | \$325 | \$13,190 | \$31,030 | \$44,545 |
| 1-2. Automobiles and accessories: | | | | | |
| (1) Automobiles | \$360,483 | — | 267,200 | 146,320 | 774,003 |
| (2) Accessories, gas and oil | 370,420 | 21,525 | 187,500 | 106,650 | 686,095 |
| 3. Clothing and apparel | 31,015 | — | 39,050 | 260,420 | 330,485 |
| 4-5. Drugs and toilet goods: | | | | | |
| (4) Drugs and pharmaceuticals | 371,639 | 6,544 | 302,990 | 61,350 | 742,523 |
| (5) Toilet goods | 895,551 | 3,005 | 65,560 | 19,760 | 983,876 |
| 6-8. Food products: | | | | | |
| (6) Foodstuffs | 825,422 | 34,237 | 440,650 | 238,500 | 1,538,809 |
| (7) Beverages | 333,582 | 16,200 | 39,250 | 120,440 | 509,472 |
| (8) Confections | 98,130 | 200 | 21,770 | 9,500 | 129,600 |
| 9-10. Household goods: | | | | | |
| (9) Household equipment and furnishings | 31,185 | 4,260 | 120,600 | 222,490 | 378,535 |
| (10) Soap and kitchen supplies | 325,015 | 8,782 | 102,200 | 10,630 | 446,627 |
| 11. Insurance and financial | 37,694 | 642 | 20,560 | 81,200 | 140,096 |
| 12. Radios | 113,696 | 830 | 18,630 | 14,330 | 147,486 |
| 13. Retail establishments | — | 728 | 7,650 | 148,880 | 157,258 |
| 14. Tobacco products | 393,394 | 12,370 | 85,630 | 13,400 | 504,794 |
| 15. Miscellaneous | 258,120 | 15,000 | 303,250 | 455,020 | 1,031,390 |
| Total | \$4,445,346 | \$124,648 | \$2,035,680 | \$1,939,920 | \$8,545,594 |

Details as to the trends in various product and service fields are as follows:

1a. **Amusements.** Marked increase in national non-network volume over April, resulting in 7.0% rise in total. Decline of 12.3% in total volume, due mainly to local drop.

1. **Automotive.** Compared to April, national network up 1.9% and national non-network 4.2%. Local down 2.6%. Marked gains over previous May: national network 64.8%, national non-network 96.3%, and local 44.8%.

2. **Gasoline and accessories.** National network business 4.7% below April. Other gains as follows: regional networks 37.5%, national non-network 7.1%, and local 26.7%. National network business 1.0% under May 1935. Other gains as follows: regional networks 126.0%, national non-network 39.5%. Local down 5.3%.

3. **Clothing.** Gains over April as follows: national networks 7.1%, national non-network 5.4%, and local 5.8%. Declines from previous May's level as follows: national networks 11.5%, national non-network 43.6%. Local up 5.5%.

4. **Drugs and pharmaceuticals.** National network down 1.1% from April level and national non-network 14.3%. Regional network volume up 1.4% and local 19.8%. Compared to last May, declines as follows: national network 20.4%, regional network 6.1%, and local 22.9%. National non-network up 17.0%.

5. **Toilet goods.** Declines from April level as follows: national networks 16.5%, regional networks 44.0% national non-network 7.4%, and local 8.0%. National network business unchanged from preceding May. Regional network volume down 33.0% and local 16.1%. National non-network up 5.5%.

6. **Foodstuffs.** National network business 6.5% below April. Regional network business up 6.1% and national non-network 12.5%. Local unchanged. Compared to corresponding month of 1935, national non-network up 65.1% and regional network 35.4%. National network down 11.5% and local 6.7%.

7. **Beverages.** National network 17.7% below April and national non-network 3.6%. Regional network up 70.5% and local 38.4%. Increases above last May as follows: national networks 45.0%, local 17.7%, and regional networks from \$820 to \$16,200. National non-network down 35.4%.

8. **Confectionery.** Declines from April level as follows: national networks 31.0%, national non-network 11.5%, local 11.5%. National network business 66.5% above previous May and regional network business unchanged. National non-network down 59.4% and local 42.8%.

9. **Household equipment.** National networks down 14.4% from previous month and regional networks 7.2%. National non-network up 2.4% and local unchanged. Declines from May 1935 as follows: regional networks 82.7% and local 7.4%. National non-network up 26.3%.

10. **Soaps and kitchen supplies.** Increases over April as follows: National networks 2.2%, national non-network 48.7%. Regional networks business down 22.8% and local unchanged. National network volume 8.5% above May of last year and regional network 82.1%. National non-network up 3.1%. Local down 49.0%.

11. **Insurance and financial.** National network up 14.2% and local 13.8%. Regional network down 25.6% and national non-network 21.3% from April. Gains as follows when compared to May 1935: national networks 34.5%, regional networks 37.0%, national non-network 15.4%, and local 49.9%.

12. **Radios.** Gains over April as follows: national networks 3.6% and national non-network 51.6%. Regional networks up materially and local down 14.0%. National networks 37.4% above May of last year. National non-network up from \$1,620 to \$18,630. Local down 10.4%.

13. **Department and general stores.** National non-network down 26.2% from April and local 1.3%. National non-network down 43.4% from May 1935 and local 6.7%.

14. **Tobacco products.** National network volume 1.0% below April. Other gains as follows: regional networks 13.4%, national non-network 17.4%, and local up threefold. National network business 35.2% above same month of last year and national non-network 56.5%. Regional network business down 19.5% and local 15.8%.

15. **Miscellaneous.** National network business 11.7% below April and local down 18.6%. Regional networks up 11.1% and national non-network up 11.3%. Gains as compared to previous May as follows: national networks 13.5%, regional networks 70.6%, national non-network 39.7%, and local 10.4%.

Retail Broadcast Advertising

Retail broadcast advertising as a whole remained comparatively unchanged from the April level, rising but 0.8%. This was less than during the two preceding years. Total broadcast advertising by retail establishments, however, showed an increase of 4.4% over the May 1935 level.

Outstanding increases during the month, as compared to April, were as follows: gasoline filling stations more than doubled, grocery and delicatessen stores 31.4%, restaurants 13.4%, and hardware stores 36.1%.

Compared to May of last year, a number of significant increases occurred. These were as follows: auto dealers 40.3%, clothing and apparel shops 7.2%, grocery and delicatessen stores 61.9%, furniture stores 9.2%. Department store volume decreased 9.0%.

Broadcast advertising volume by various types of retail establishments is found in Table VII.

TABLE VII

RETAIL BROADCAST ADVERTISING OVER INDIVIDUAL STATIONS

| Type of Sponsoring Business | 1936 Gross Time Sales | |
|--|-----------------------|-------------|
| | April | May |
| Automobiles and accessories: | | |
| Automobile agencies and used car dealers | \$146,820 | \$142,610 |
| Gasoline stations, garages, etc..... | 35,890 | 73,670 |
| Clothing and apparel shops..... | 293,660 | 266,700 |
| Drugs and toilet goods: | | |
| Drug stores | 19,020 | 16,300 |
| Beauty parlors | 8,650 | 16,350 |
| Food products: | | |
| Grocery stores, meat markets, etc..... | 62,900 | 82,620 |
| Restaurants and eating places..... | 20,720 | 23,400 |
| Beverage retailers | 1,570 | 1,320 |
| Confectionery stores | 1,350 | 2,250 |
| Household goods: | | |
| Household equipment dealers..... | 74,610 | 63,770 |
| Furniture stores | 112,030 | 104,600 |
| Hardware stores | 24,030 | 32,700 |
| Radio retailers | 13,430 | 10,870 |
| Department and general stores..... | 162,020 | 157,258 |
| Tobacco shops | — | — |
| Miscellaneous | 116,450 | 99,780 |
| Total | \$1,093,150 | \$1,094,198 |

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 for hearing to show cause why cease and desist orders should not be issued against them.

No. 2845. E. Frederics, Inc., 235 E. 45th St., **New York City,** engaged in the manufacture and sale of apparatus and supplies for use in hair and scalp treatments, is charged in a complaint with fixing and maintaining the prices at which its products are sold through jobbers to beauty shop owners.

The respondent corporation is said to restrict sales of its permanent waving machines, hair driers, pads, and tonics to those jobbers who enter into contracts with it, and who, in turn, are limited to reselling such products to beauty shop owners who also enter into contracts with the respondent.

The complaint points out that beauty shop owners do not sell the products manufactured by the respondent, but use them in giving permanent waves and other hair treatments, and they are permitted to use service names belonging to the respondent, namely, "Frederics," "Vita Tonic," and "Vitron."

No. 2847. A complaint has been issued against **Quality Products Co.,** 382 Jefferson St., **Brooklyn,** alleging unfair methods of competition in connection with the sale of "Hormonique Glandular Skin Treatment."

In magazines, newspapers, and other advertising material, the respondent corporation allegedly makes representations to the effect that its product penetrates the skin and stimulates into action the hormone producing glands; nourishes the skin and causes disappearance of wrinkles; gives new elasticity to sagging muscles, and banishes blackheads, whiteheads, and enlarged pores.

These representations as to the nature and effect of "Hormonique Glandular Skin Treatment," the complaint charges, are false and exaggerated, and tend to divert trade to the respondent corporation from competitors who truthfully advertise their products.

No. 2848. Unfair competition through placing in the hands of others the means of conducting a lottery is alleged in a complaint issued against **Glade Candy Co.,** 232 South Fifth East Street, **Salt Lake City, Utah.**

The respondent company, according to the complaint, sold to wholesalers and retailers packages or assortments of candy so packed and assembled as to involve use of a lottery scheme when sold to consumers. Sales are alleged to have been made by punch board and push card devices. These practices are deemed to be in violation of the Federal Trade Commission Act and contrary to public policy.

No. 2849. Prendergast-Davies Company, Ltd., 601 W. 26th St., **New York City,** wholesale and retail liquor dealer, is charged with unfair competition in violation of the Federal Trade Commission Act in a complaint.

Representations made by the respondent company are alleged to have a tendency to deceive dealers and buyers into the erroneous belief that the "Scotch whiskey" sold by the respondent is the product of an actual distillery located in Scotland and is a distinctive product of Scotland, imported from there.

The complaint charges that the respondent company, by use of the designation "Scotch whiskey" on its labels, together with the phrases, "McNab Distilleries, Ltd.," "Bottled in Scotland," and the address, "266 Clyde St., Glasgow, Scotland," represents to customers and furnishes them with a means of representing to vendees, that the whiskey sold is a true Scotch whiskey, when in fact this is not true and the McNab Distilleries, Ltd., is an English company with headquarters in London. Further, according to the complaint, the so-called "Sandy McNab Scotch Whiskey" sold by the respondent company is produced by W. H. Holt & Sons, Ltd., distillers, of Chorlton-Cum-Hardy, England, under an agreement with McNab Distilleries, Ltd. The complaint points out that this whiskey is not a distinctive product of Scotland, being neither manufactured nor bottled there, nor is it Scotch whiskey in fact nor in accordance with the standards of the Federal Alcohol Administration.

No. 2850. Charging unfair trade representations in the sale of liquor, a complaint has been issued against **United Distillers Products Corporation,** 5599 Hudson Blvd., **North Bergen, N. J.**

Engaged as a rectifier and wholesaler of liquors, the respondent company, according to the complaint, has upon its premises a still or stills for production of gin by a rectification process whereby alcohol, purchased but not produced by the respondent company, is redistilled over juniper berries and other aromatics. Such rectification of alcoholic spirits, it is alleged, does not constitute the respondent a distiller under the statute regulating internal revenue, nor as commonly understood by the public and the liquor industry. The complaint alleges that the respondent company does not distill the liquor which it bottles, labels, and sells, and that its use of the word "Distillers" in its corporate name tends to deceive buyers.

No. 2851. Van Ogden, Inc., 1905 West Van Buren Street, **Chicago,** selling chemicals, extracts and food products, and its president and treasurer, Frederick T. Gordon, are named respondents in a complaint charging unfair methods of competition, including practices by which employees of a competing firm were induced to quit their positions to accept employment with the respondent corporation.

The respondents are alleged to have falsely represented to employees of Gemac Sales Corporation, Chicago, that Van Ogden, Inc., would provide them increased compensation, promotions and additional responsibility, and thereby persuaded large numbers of experienced and skillful employees to leave Gemac Sales Corporation and to take employment with Van Ogden, Inc. The respondent also unfairly disparaged the business policy and financial standing of their competitor, the complaint alleges.

No. 2854. Allura, Inc., 626 I Street, **Sacramento, Calif.,** has been served with a complaint charging unfair competition in the

sale of an eye lotion advertised by means of radio broadcasts, pamphlets and testimonials.

Among representations of the respondent company's product were: That it constituted a substitute for glasses, a relief for astigmatism and general eye weakness, a cure for irritation, painful eye conditions, and other ailments. These allegations were not true, according to the complaint, and their publication resulted in a tendency to deceive buyers, in violation of the Federal Trade Commission Act.

Stipulations

The Commission has issued the following cease and desist orders and stipulations:

No. 01399. J. W. Marrow Mfg. Co., Inc., 3037 N. Clark St., Chicago, selling a scalp treatment and shampoo designated "Mar-O-Oil," agrees to cease advertising that the product is a competent remedy in the treatment of stubborn cases of dry and oily hair and dandruff, or any other scalp trouble, and that it has been proved by laboratory tests to be 97½ per cent effective as a cleanser, while other shampoo methods in common use are only 5 per cent effective. Certain other false representations as to the product's therapeutic properties and effects will be stopped.

No. 01400. W. F. Clark, trading as Electrical Research Laboratories, Warren, Pa., is engaged in the sale of an apparatus known as "Warren's Infra-Red Sitz Bath," offered as a therapeutic agent. He stipulates he will discontinue representing that the apparatus is an effective remedy for arthritis, neuralgia, kidney trouble, colds, asthma, alcoholism, or any other condition, "regardless of the type of ailment from which any member of the family may suffer."

The respondent admits the apparatus is used to supply warm, moist air, impregnated with fumes from volatile oils, and that the effects from its use are no more beneficial than those obtained from other methods of promoting heat, particularly a warm bath.

Under the stipulation, the respondent will stop using the words "Research Laboratories" or "Laboratories" in his trade name or in advertising literature, until he owns or operates a laboratory, and will not use the words or abbreviation "Doctor" or "Dr." to represent that his business is conducted by a physician.

No. 01401. Pankoka Products, Inc., 16 Beaver St., New York City, in the sale of a food preparation designated "Pankoka," will cease and desist from representing in advertising that the products balances all diets, aids in effecting increased ambition and endurance, in promoting sleep, and in restoring the appetite; that it is manufactured by an exclusive process and is indispensable to the human body; and from making other claims of like import.

No. 01402. Frank Spors, 834 Corine St., Le Center, Minn., signed a stipulation to discontinue using the names "Hollywood Star Face Powder" and "Hollywood Star Perfume" to designate his products, and representing inferentially by use of these names that the products so designated have any connection with Hollywood or are used by cinema stars living there.

The stipulation prohibits the respondent from making unmodified claims of earnings in excess of the average earnings of his active full-time salespersons or dealers under normal business conditions.

No. 01403. Indo-Vin, Inc., 105 W. Third St., Cincinnati, selling "Indo-Vin," recommended for treatment of stomach, liver, and kidney troubles, will stop representing that the product is a new kind of medical preparation made from a formula doctors respect; that it helps to throw off stomach poisons and clears skin eruptions caused by impurities of the body; that any definite number of doses removes gases and impurities from the system; and that every person who suffer may expect to benefit from its use.

The therapeutic properties of "Indo-Vin" are limited to those of a general tonic laxative, the respondent corporation admits.

No. 01404. Richard Smile, 515 E. 47th St., Chicago, deals in cosmetics, medicinal preparations, and incense, and trades under the names of Hindu Laboratories, Hindu Laboratories of Incense, Hindu Perfume Co., and Oriental Incense Co. He agrees to cease advertising that "Nimola Wonderful Herb Life Tonic" is competent as a treatment for disorders of the blood, nerves, kidneys, liver, and certain other ailments specified in his advertisements, and that use of the preparation brings results when the limbs become paralytic. Representations by the respondent that "Smile's Hindu Pine Balm" relieves rheumatism, backache, whooping cough, and croup are to be stopped, as are assertions that his various brands of incense create an atmosphere of success, prosperity, or happiness

The respondent stipulates that he will refrain from asserting that he maintains an office in Bombay, India; will cease including as part of his trade name, or in the name of any of his products, the terms "Hindu" or "Oriental," implying that his preparation are imported from those localities, until such is a fact; and will discontinue use of the word "Laboratories" as a part of his trade name, until he operates a laboratory.

No. 01405. Irresistible, Inc., 71 Fifth Ave., New York City, in the sale of "Irresistible Lip Lure," will desist from representing in advertising that this cosmetic penetrates the skin surface and produces four gorgeous, permanent shades, or has any permanent effect on the lips.

No. 1681. Best & Co., operating a department store at Fifth Avenue and 35th Street, New York City, will cease representing in advertisements and on labels that the "Viyella" brand of hosiery it sells does not shrink, and will not use any words tending to mislead purchasers into the belief that such products are unshrinkable, when such is not the fact.

No. 1682. In a related case, **William Hollins & Co., Inc., 450 Seventh Avenue, New York City,** selling "Viyella" Hosiery to Best & Co., signed a similar agreement. The hosiery in question is manufactured in England by William Hollins Co., Ltd., according to the stipulation.

No. 1683. Peat Import Corporation, 155 John Street, New York City, engaged in the importation and sale of peat moss, signed a stipulation to discontinue in advertising matter disparaging representations concerning the business or products of any competitor, either by printed words, pictorial representations, or by both. The stipulation sets forth that the respondent corporation circulates an advertising folder in which it asserts that "the best moss peat bogs are in Germany or Holland." The folder contains illustrations of a sample of German or Holland peat moss and a sample of Swedish peat moss, and these pictures and the printed matter accompanying them are said to constitute disparagement of the Swedish product.

No. 1684. Abe and Irving Fogel, operating three Army and Navy stores in Washington, D. C., will discontinue use of the words "Army and Navy" on signs or in advertisements. They agree to cease using the words in any way to imply that the merchandise sold in their stores consists of Army and Navy surplus goods, when such is not the fact. The stores are known as Fogel's Army and Navy Store, 945 D Street, N. W., Peoples' Army and Navy Store, 506 Ninth Street, N. W., and Irving's Army and Navy Store, 1001 E Street, N. W.

The stipulation points out that for some time past surplus products held by the Army and Navy have been practically exhausted, and the only classes of such military goods now procurable by dealers are certain obsolete or damaged goods and a few salvaged surplus items such as canteens, mess kits, pup tents and leggings.

No. 1685. Pacific Kelp Products Co., Inc., 1430 S. E. 35th Street, Portland, Ore., under its stipulation is prohibited from advertising that its remedies sold under the brand name "Kalp-O-Lite" are a cure or competent remedy for a wide variety of ailments, including skin diseases, catarrh, sinus trouble, sore throat, colds, pyorrhea and colitis. The respondent corporation also will discontinue representing that use of its remedies prevents cancer, and that it has a staff of licensed physicians or specialists.

No. 1686. George Boardman, trading as Vermel Company, 211 North Prairie Avenue, Sioux Falls, S. D., sells a skin balm for humans and animals under the designation "Vermel Skin Balm—Ozark Ripley Formula." He will discontinue representations, the effect of which is to imply that, as to dogs or other animals, his product is a remedy or cure for all forms of mange, or effective in the treatment of any form of eczema and skin diseases; that it stops irritation due to acute forms of eczema and skin diseases, and prevents infection and keeps the feet in perfect condition, when such are not the facts. The respondent also is to stop representing that his product is a competent remedy for eczema among human beings, or in the treatment of dandruff.

No. 1687. Irving Mills Corporation, 450 Broadway, New York City, distributor of cotton and rayon fabrics, agrees to stop employing the word "Mills" as part of its corporate or trade name under which to operate its business or in any way implying that the corporation actually owns and operates a mill or factory in which the articles it sells are made, when this is not true.

No. 1688. Poloris Co., Inc., 79 East 130th Street, New York City, manufacturer of a remedy of the aspirin type, "Poloris Tablets," agrees, in the sale of its product in interstate commerce or to wholesalers in New York State who resell to purchasers in various states, to cease making the following or similar represen-

tations without proper qualification or explanation: That its preparation does not affect the heart or stomach; leaves no ill after effects; gives safe, positive relief, and will allay nervous tension.

The respondent also stipulates that it will not assert that its medicine is chemically broken up in the duodenum rather than in the stomach, and therefore gives quicker relief; does not affect the heart or irritate the stomach, and is neither habit-forming nor narcotic. The respondent also will not represent that the commodity is an adequate treatment for the pathology underlying the conditions which produce pain and that it will relieve, check, remove or cure such conditions.

No. 1689. The Northwestern Chemical Co., Marietta, Ohio, manufacturing paints, varnishes, enamels and lacquers, agrees to stop using the word "Shellac" to describe a product not composed wholly of shellac, and use of the word "Shellac" as part of its trade name for any product not containing shellac in substantial quantity. The words "Shellac Compound" will not be used by the respondent company in advertising or in any way implying that the product referred to contains shellac in substantial quantity, when this is not true.

No. 1690. Irving H. Myers, 131 Third Street, Troy, N. Y., trading under his own name and the names "Mailbox" and Irving H. Myers Publications, publishes a magazine, newspaper and booklets. The respondent agrees to stop advertising that a set of booklets, "Library of Selected Opportunities," is a \$2.98 or \$3 set, or has been sold at either of such prices, or that such prices have been paid by thousands of purchasers. Other representations to be discontinued are: That the original edition of the set of booklets was bound in cloth; that the respondent has had ten years experience in the mail order business, or that he is an authority in such field, or has been employed as a business expert by mail order houses, or paid from \$10 to \$50 a report for his work, when this is not true.

No. 1691. Gimbel Bros, Inc., 33rd Street and Broadway, New York City, selling wine products purchased from the Burbank Winery Division of The John McClure Estate, Inc., 210 West 7th St., Los Angeles, Calif., agrees to stop using the description "1928 Blend" on labels or in advertising matter relating to such products. These products, according to the stipulation, do not contain wine of the vintage of 1928 in sufficient quantity to be designated as of that vintage.

No. 1692. The John McClure Estate, Inc., also (see Stipulation 1691) agrees to cease and desist from use of the "1928 Blend" designation in the sale of products not containing wine of 1928 vintage in substantial quantity.

No. 1693. William Russell Briggs, 307 North Michigan Ave., Chicago, trading as Russell Paint Co. and as Blackhawk Paint & Varnish Works, in the sale of a paint product, agrees to discontinue use in advertising of the words "White Lead" to describe a product the pigment content of which is not composed of white lead. The respondent agrees to eliminate the word "Works" from his trade name. The stipulation points out that Briggs did not own or control a factory in which the products he sold were made or compounded.

No. 1694. Union Oil Co., 617 West Seventh St., Los Angeles, manufacturer of petroleum products, including an insecticide designated "Bif," stipulates that it will cease advertising its preparation by use of the phrases, "Thirty Per Cent More Fly-Killing Power than Government Requirements" or "Tests prove Bif to have thirty per cent more killing power than the Government specifications for commercial fly sprays." The stipulation points out that the United States Government provides no standard specifications or requirements for insecticides.

No. 1695. United Enterprises, Inc., 124 Main St., Evansville, Ind., cosmetics manufacturer, entered into a stipulation to cease advertising or labeling its preparations with language purporting to indicate that its products, applied externally to the skin, will penetrate or be absorbed by it so as to nourish, revive, vitalize or revitalize, rebuild or rejuvenate the underlying tissues or cells, thereby preventing wrinkles and flabbiness, and building up sunken features, and other like accomplishments.

The respondent agrees to stop employing "Turtle Oil" as a trade name for its products not composed wholly of turtle oil. However, when the preparation does contain turtle oil in substantial part, the term "Turtle Oil," if used to designate the product, shall be accompanied by other words in conspicuous type to show clearly that the preparation contains both turtle oil and other ingredients.

Use of phrases implying that the respondent's "Acne Lotion" is an effective remedy in all cases of pimples or skin eruptions, will be discontinued, under the stipulation.

No. 1696. Reliable Merchandise Co., Inc., 657 West Madison Ave., Chicago, operating part of its business under the names "Gold Seal Laboratories" and "Gold Seal Spice Mills," and selling at wholesale several specialties for the peddler trade, known as "flash merchandise," agrees to ban use of the words "laboratories" and "mills" as part of a trade name, when in fact it did not own or control laboratories or factories; and to cease advertising to the effect that it is able to sell at low prices because of its large buying power, when such is not the fact.

The respondent company agrees not to use the expressions "Extra Strength" or "Triple Strength" to advertise preparations not of extra or triple strength; or the words "strawberry" or "orange" to designate synthetic products or products not compounded of the fruit or juice of the fruit named. However, the stipulation provides that when the preparations simulate the flavor of certain fruits, the name of such flavor, if used, shall be accompanied by the word "Imitation" in conspicuous type.

No. 2480. Representations tending to falsely disparage aluminum cooking utensils sold by competitors are prohibited under an order to cease and desist entered against Glenn Leach, trading as G. Leach and Co., Post Office Box 7297, Oakland Station, Pittsburgh, engaged in the sale of earthenware kitchen utensils.

Findings are that Leach, in advertising matter and through salesmen, defamed the products of competitors by falsely representing that the use of aluminum cooking utensils is deleterious to the health, and that the consumption of food prepared or kept in such utensils causes ulcers, cancers, and various other ailments. He was ordered to discontinue such representations.

The order directs the respondent to cease advertising that his earthenware utensils will never break when placed directly in or over an open flame, and that the regular and customary selling price of his products is a special or advertising price or their factory cost, or that only a few sales are made at such special price.

No. 2505. Abraham Platell, trading as Platell Shoe Co., 158 Duane St., New York City, has been ordered to stop representing that his shoes are made in accordance with the design or under the supervision of a doctor, when such is not the fact.

The order directs the respondent to cease employing the word "Doctor" or the abbreviation "Dr." in any way tending to deceive buyers of his shoes, and to discontinue use of the word "Manufacturing" or words of similar import, implying that he is a manufacturer, when such is not the fact.

No. 2512. An order to cease and desist has been issued against National Silver Co., 61-65 W. 23d St., New York City, prohibiting unfair competition in the sale of silverware.

The respondent company is directed to cease representing through use of the term "sectional overlay" or terms of like meaning used in advertising or in branding its product, that such silverware has extra deposits of silver at the points of wear, when such is not the fact.

Findings are that through long usage the term "sectional overlay," when used in association with silverware, has come to mean an extra deposit of silver at the points of wear, and to denote additional value in silverware.

In promoting the sale of its "Martha Washington" pattern of silverware, the respondent company is said to have stamped its pieces with the words "sectional overlay," when in fact the ornamental pieces of these sets did not have an extra deposit of silver at the points of wear so as to be properly so designated.

No. 2559. Dispensary Supply Company, Inc., 551 Fifth Ave., New York City, has been ordered to cease and desist from unfair competition in the sale of a preparation offered as a cure for excess weight.

The respondent company is directed to discontinue advertising its "Dr. McCaskey's Prescription Tablets" as a cure or remedy for obesity. These tablets, under the order, are not to be represented as harmless or safe to take and it is not to be asserted that users will reduce five pounds in a week, or any number of pounds in any stated time, or that users will obtain results similar to those obtained by a certain Dr. McCaskey in his practice as a physician or by any other physician in his practice.

Two doctors of medicine, one of them also a pharmacologist, testified to the general effect that a preparation of the constituency of the respondent company's tablets taken in the dosage recommended does not constitute a treatment or remedy for obesity and will not of itself reduce excess fat. Their testimony was not contradicted by that of any other witness.

No. 2560. David Rubenstein and Herman Schwartz, trading as Nu-Way Shoe Co., 142 Duane St., New York City, have been ordered to stop representing that their shoes are made in accordance with the design or under the supervision, of a doctor, when such is not the fact.

Findings are that the respondents' use of the fictitious names such as "Dr. Carol's Health Shoes" and "Dr. Martin's Walk-O-Pedic" had a tendency to mislead some of the shoe trade and ultimate customers into believing that the respondents' makes of shoes had been fashioned by a doctor.

No. 2741. Fifteen tin plate manufacturing companies have been ordered to cease and desist from entering into agreements not to sell or quote prices on "stock plate" to jobbers and manufacturers of tin cans and other containers. Findings are that these companies made such agreements resulting in suppression of competition and a tendency toward monopoly in the interstate sale of tin plate.

The respondent companies are: American Sheet and Tin Plate Company, Pittsburgh; Bethlehem Steel Company, Bethlehem, Pa.; Canton Tin Plate Corporation, Canton, Ohio; Columbia Steel Company, San Francisco, Calif.; John Follansbee, George T. Ladd, and Isaac M. Scott, trustees in bankruptcy for Follansbee Brothers Company, Pittsburgh; Granite City Steel Company, Granite City, Ill.; Inland Steel Company, Chicago; Jones & Laughlin Steel Corporation, Pittsburgh; McKeesport Tin Plate Company, McKeesport, Pa.; Republic Steel Corporation, Cleveland; N. & G. Taylor Company, Cumberland, Md.; Washington Tin Plate Company, Washington, Pa.; Weirton Steel Company, Weirton, W. Va.; Wheeling Steel Corporation, Wheeling, W. Va.; and Youngstown Sheet & Tube Company, Youngstown, Ohio.

No. 2749. Trading as Warner Studios, Eugene D. Petry, who operates a photograph and portrait studio at 1317 F St., Washington, D. C., and does business in other cities, has been ordered to discontinue unfair methods of competition in the conduct of such business.

Under the Commission's order to cease and desist, Petry and the canvassers he employs are prohibited from representing, directly or by implication, that photographs and portraits made in his studio have actual and regular values and customarily sell for sums in excess of the prices actually charged.

The respondent is directed to cease representing through advertising literature containing the language "Goldtone Colored in Oil," or in similar language, or in any other manner, that sepia print photographs are Goldtones or Goldtones colored in oil.

No. 2778. Misrepresentations in the interstate sale of cameras and film and a sales promotion plan are prohibited as unfair competition in an order to cease and desist against Vaughn C. Salter and Paul Tesson, trading as Falcon Camera Co., 8277 De Sota Ave., Detroit.

The respondents are directed to stop advertising that they manufacture Falcon cameras and film, and that their sales promotion plan is operated chiefly to increase the sale of film used in such cameras. Findings are that the respondents do not manufacture Falcon cameras or film, and are not interested in selling film, but concentrate on the sale of cameras and the sales promotion plan to retailers.

FTC DISMISSES COMPLAINTS

No. 2646. The Federal Trade Commission, after hearing, has ordered dismissal of its complaint against DeLuxe Manufacturing Company, 5736 12th St., Detroit, which had been charged with unfair methods of competition in the sale of bar fixtures and equipment because of the use of the word "Manufacturing" in its corporate name.

No. 2754. The Commission has entered an order dismissing its complaint against Laird & Co., Scobeyville, N. J., engaged in the manufacture and sale of applejack brandy. The complaint charged that the respondent company, by acquiring the outstanding capital stock and gaining control of the Hyland Distilling Corporation, Haskel, N. J., also manufacturing and selling applejack, violated Section 7 of the Clayton Act.

The complaint was dismissed because Laird & Co., after the complaint was issued and before testimony was taken in the case, bought all the assets of the Hyland Corporation and surrendered to it the outstanding capital stock previously purchased. Subsequently, the Hyland Corporation was dissolved, and this was a further reason for dismissal of the complaint.

Section 7 of the Clayton Act makes it unlawful for one corporation to acquire the capital stock of a competitor where the effect may be to substantially lessen competition between the two, but

it does not prevent consolidations or mergers of competitors brought about by the acquisition of the physical assets of such competitors.

As authority for dismissing the complaint, the Commission's order cites the Supreme Court decision in the case of Arrow-Hart & Hegeman Electric Company against the Federal Trade Commission.

No. 2615. The Commission has dismissed a complaint charging the American School, 58th Street and Drexel Avenue, Chicago, with unfair competition in the sale of a correspondence school course in high school subjects.

Dismissal of complaints alleging unfair competition on the part of two New York dealers in steel wool cleaning pads and dry cleaning fluids, respectively, have also been ordered by the Commission.

No. 2657. E-Z Kleener Manufacturing Co. and others, 590 East 161st Street, New York City, had been charged with unfair representations in the sale of steel wool cleaning pads. Dismissal of the complaint was ordered on the ground that the evidence failed to sustain the allegations.

No. 2567. In the case of D. Blum & Co., Inc., 316 West 31st Street, New York City, selling a dry cleaning fluid, dismissal was ordered because certain practices charged in the complaint had been abandoned by the respondent and because there was failure of proof as to other practices charged.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

No hearings are scheduled by the Commission for the week beginning Monday, July 6.

The Broadcast Division of the Commission did not meet at its usual time this week. It will meet later in the week.

APPLICATIONS RECEIVED

First Zone

WELI—City Broadcasting Corp., New Haven, Conn.—Modification of license to change hours of operation from daytime to unlimited time, requesting 250 watts, 500 watts day, change frequency from 900 kilocycles to 930 kilocycles, and install directional antenna. Amended to change name from Patrick J. Goode to City Broadcasting Corp.

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Modification of license to change frequency from 1120 kc. to 1130 kc.; change hours of operation from limited until local sunset at KSL, Salt Lake City, Utah, using 500 watts power. Amended to change name from Joseph M. Kirby to Massachusetts Broadcasting Corp.

WDRC—WDRC, Inc., Hartford, Conn.—Modification of license 1330 to increase power from 1 KW, 5 KW day, to 5 KW day and night.

WAAB—Bay State Broadcasting Corp., Boston, Mass.—Construction permit to make changes in WNAC's present licensed transmitter to reduce maximum rated carrier power so as to be used as transmitter for WAAB when WNAC is authorized to use their 5-KW transmitter, under File No. B1-P-1083.

W2XMN—Edwin H. Armstrong, New York, N. Y.—Modification of construction permit to add frequency of 41600 kc.

Second Zone

WJR—WJR, The Goodwill Station, Detroit, Mich.—Construction permit to install new equipment and increase power from 50 KW to 500 KW.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Modification of license to increase power from 500 watts to 500 watts, 1 KW day.

NEW—United States Broadcasting Co., Toledo, Ohio.—Construction permit for a new station to be operated on 1200 kc., 100 watts, daytime only.

NEW—United States Broadcasting Co., Columbus, Ohio.—Construction permit for a new station to be operated on 1310 kc., 100 watts, unlimited time.

WCMI—The Ashland Broadcasting Co., Ashland, Ky.—Construction permit to make changes in equipment and increase power from 100 watts to 100 watts, 250 watts day. Amended in regard to equipment changes.

WLAP—American Broadcasting Corp. of Kentucky, Lexington, 1420 Ky. Authority to transfer control of corporation from T. C. Rush to J. Lindsay Nurn, 256 shares of common stock.

NEW—John E. Fetzer, Benton Harbor, Mich.—Construction permit for a new station to be operated on 1500 kc., 100 watts, unlimited time. Amended to change hours of operation from unlimited to daytime only, using 100 watts power.

W8XIK—The Crosley Radio Corp., Portable-Mobile.—License to cover construction permit for a general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 30 watts.

W8XII—The Crosley Radio Corp., Portable-Mobile.—License to cover construction permit for a general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 30 watts.

Third Zone

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—1200 Construction permit to install new equipment, vertical antenna; change hours of operation from share-WJBW to unlimited; move studio from New Orleans Hotel, 1300 Canal St., New Orleans, La., to St. Charles Hotel, 211 St. Charles St., New Orleans, La., and transmitter from 1376 Camp St., New Orleans, La., to Thalia and South Broad St., New Orleans, La. Requests facilities of WJBW. (Filed in name of Pelican State Broadcasting Co.)

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—1200 Voluntary assignment of license from The Coliseum Place Baptist Church to Edward R. Musso. Amended to change name of transferee from Edward R. Musso to J. E. Richards, John R. Maddox and Edward R. Musso, d/b as Pelican State Broadcasting Co.

WDSU—WDSU, Inc., New Orleans, La.—Construction permit to 1250 make changes in equipment.

NEW—Ernest Edward Ruehlen, Great Bend, Kans.—Construction permit for a new station to be operated on 1370 kc., 100 watts, unlimited time.

KRLH—Clarence Scharbauer, Midland, Tex.—Modification of 1420 license to change frequency from 1420 kc. to 1210 kc.

NEW—Dixie Broadcasting System, Stokes Gresham, Jr., President, Valdosta, Ga.—Construction permit for a new station to be operated on 1500 kc., 100 watts, daytime.

NEW—C. S. Gooch, d/b as Amarillo Broadcasting Co., Amarillo, 1500 Tex.—Construction permit for a new station to be operated on 1500 kc., 100 watts, daytime.

Fourth Zone

WCFL—Chicago Federation of Labor, Chicago, Ill.—Construction 970 permit to install new equipment and increase power from 5 KW to 50 KW.

WJBC—Arthur Malcolm McGregor and Dorothy Charlotte McGregor, Bloomington, Ill.—License to cover construction permit (B4-P-571) to install new equipment and increase power. Amended to change name from Wayne Hummer and H. J. Dee, d/b as Kaskaskia Broadcasting Co., to Arthur Malcolm McGregor and Dorothy Charlotte McGregor.

WMFG—Head of the Lakes Broadcasting Co., Hibbing, Minn.—1210 Construction permit to make changes in equipment and increase power from 100 watts to 100 watts, 250 watts day.

KOIL—Central States Broadcasting Co., Council Bluffs, Iowa.—1260 Construction permit to make changes in equipment.

NEW—Homer D. Banta, Burlington, Iowa.—Construction permit 1310 for a new station to be operated on 1310 kc., 100 watts, unlimited time.

KGDY—Voice of South Dakota, Huron, S. Dak.—Authority to 1340 transfer control of corporation from F. Koren, Robert J. Dean and M. W. Plowman to Greater Kampeska Radio Corp., 221 shares stock.

NEW—Central States Broadcasting Co., Council Bluffs, Iowa.—1500 Construction permit for a new station to be operated on 1500 kc., 100 watts, unlimited time.

W9XAA—Chicago Federation of Labor, Chicago, Ill.—Construction permit for increase in power and replace transmitter.

Fifth Zone

NEW—A. W. Mills, Gallup, N. Mex.—Construction permit for a 1500 new station to be operated on 1310 kc., 100 watts, unlimited time. Amended to change frequency from 1310 kc. to 1500 kc.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
 JAMES W. BALDWIN, Managing Director

NAB REPORTS

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Vol. 4 - - No. 33
 JULY 9, 1936

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ENGINEERING HEARING CALLED

The Broadcast Division of the Federal Communications Commission has directed that an informal engineering hearing be held on October 5, to determine what changes, if any, or improvements, if any, are desirable and necessary in the public interest with respect to the engineering principles of allocation within the broadcast band 550 to 1600 kilocycles. Notice will be furnished all stations setting out the issues for discussion at the informal hearing. The Division directed the Engineering and Law Departments to prepare the necessary notices setting forth the issues.

DENIAL OF TEXAS APPLICATION RECOMMENDED

The Voice of Marshall Association applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Marshall, Texas, to use 1500 kilocycles, 100 watts and specified hours.

Examiner George H. Hill in Report No. I-251 recommended that the application be denied. The Examiner found that a showing of a need of a station at Marshall was made "however, the operation of the proposed station would result in serious and objectionable interference to Station KGKB, at Tyler, Texas, and Station KPLC at Lake Charles, La." For that reason he recommended that the application be denied.

STATION REVENUE IN SIX STATES

Total receipts of 87 broadcast stations in Indiana, Michigan, Ohio, Wisconsin, Arkansas and Oklahoma, from the sale of radio time during 1935, amounted to \$10,111,645 according to the new census of business series on the broadcasting business made by the Bureau of the Census, Department of Commerce. The report includes 14 stations in Indiana, 17 in Michigan, 19 in Ohio, 14 in Wisconsin, 11 in Arkansas and 12 in Oklahoma.

RECOMMENDS LICENSE RENEWAL FOR KSEI

Broadcasting station KSEI, Pocatello, Idaho, applied to the Federal Communications Commission for a license renewal. The station operates on 900 kilocycles, 250 watts and 500 watts LS, and unlimited time.

Examiner George H. Hill in Report No. I-250 recommends that the license be renewed. The Examiner found that the technical operation of the station "has been conducted with an almost total disregard of the Communications Act of 1934 and the rules and regulations of the Commission." He found, however, that the rules were violated "without the knowledge or consent of the officers of the corporation." According to the testimony "these officers bear excellent reputations and are men of the highest integrity and character." They have promised better operation in the future and the offending employee has been removed from the station. The

station is the only one rendering consistent service in its area and "a need for the continued operation of the station exists."

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

- Imco Participating Co., London, England. (2-2265, Form E1)
- The Youngstown Steel Door Company, Cleveland, Ohio. (2-2266, Form A-2)
- Hotel Plaza, Inc., Corpus Christi, Texas. (2-2267, Form A-1)
- Hedley Chief Mines, Ltd., Vancouver, B. C. (2-2268, Form A-1)
- U. S. Hoffman Machinery Corp., New York City. (2-2269, Form A-2)
- Camaguey Sugar Co. Committee, New York City. (2-2270, Form D-1)
- Empire Properties Corp., Newark, N. J. (2-2271, Form E-1)
- Regal Textile Co., Inc., Barnesville, Ga. (2-2272, Form A-1)
- Ace Re-Insurance Co., Elizabeth, N. J. (2-2274, Form A-1)
- Motors Securities Co., Inc., Shreveport, La. (2-2275, Form A-1)
- Pacific Can Company, San Francisco, Calif. (2-2276, Form A-2)
- Gilbert Klinck Brewery Corp., Buffalo, N. Y. (2-2277, Form A-1)
- Seversky Aircraft Corp., Farmingdale, L. I., N. Y. (2-2278, Form A-1)
- American Bantam Car Company, Butler, Pa. (2-2279, Form A-1)
- Mining & Development Corp., Wilmington, Del. (2-2280, Form A-1)
- Durbar Gold Mines, Ltd., Toronto, Canada. (2-2281, Form A-1)
- Kable Brothers Company, Mount Morris, Ill. (2-2282, Form A-1)
- Forest Lawn Company, Glendale, Calif. (2-2283, Form A-2)
- Kingsport Press, Inc., Kingsport, Tenn. (2-2284, Form A-2)
- American Investment Co., of Illinois, Springfield, Ill. (2-2285, Form A-2)
- New York Stocks, Inc., Jersey City, N. J. (2-2286, Form A-1)
- Vertienties Sugar Co. Committee, New York City. (2-2288, Form D-1)
- Indiana Asphate Paving Co., Ltd., Indianapolis, Ind. (2-2289, Form A-2)

INCREASED POWER RECOMMENDED FOR WPRO

Broadcasting station WPRO, Providence, R. I., applied to the Federal Communications Commission for an increase of power from 250 watts to 500 watts and 1,000 watts LS. The station operates unlimited time on 630 kilocycles.

Examiner P. W. Seward in Report No. I-248 has recommended that the power increase be granted. He found that the granting of the request "would not interfere with the fair and efficient service of any existing licensed radio station." The Examiner found also that the directional antenna which the applicant proposes to use complies with good engineering practice and with the rules and regulations of the Commission and will render proper service.

RULES DELETED AND MODIFIED

The Broadcast Division of the Federal Communications Commission has deleted from its Rules and Regulations Rules Nos. 6, 109 as amended, 110 as amended, 111 as amended, 112 and 114.

The Broadcast Division modified Rules 116 and 119 to read as follows:

- 116. The following frequencies are designated as clear channels and are allocated for use by clear channel stations;
 - 640, 650, 660, 670, 680, 700
 - 710, 720, 740, 750, 760, 770
 - 790, 800, 810, 820, 830, 850

860, 870, 970, 980, 1000, 1020
1040, 1050, 1060, 1070, 1080
1090, 1100, 1110, 1130, 1140
1150, 1160, 1170, 1180, and 1190 kcs.

119. The following frequencies are designated as high power regional frequencies and allocated for use by high power regional stations, permitted to operate simultaneously with a power not less than 5 kilowatts:
1460, 1470, 1480, 1490 kcs.

CHANGES RECOMMENDED FOR KTFI

Broadcasting station KTFI, Twin Falls, Idaho, applied to the Federal Communications Commission for license renewal and to change its frequency from 1240 to 630 kilocycles. The station operates on unlimited time 500 watts and 1,000 watts LS and asks no change in either time or power.

Examiner George H. Hill in Report No. I-249 recommended that the application be granted. The Examiner states that programs of the type of the "Friendly Thinker" do not serve the public interest but the applicant, the Examiner states, has assured the Commission that "doubtful medical programs are not in the future to be broadcast over the station." The entire record considered, the Examiner recommended that the license of the station be renewed. He found that no objectionable interference "would result to the primary service area of Station KFI by the proposed operation."

HEARING OF 500-KW CASES CONTINUED

The Federal Communications Commission has announced that applications for 500 kilowatts which have been heretofore designated for hearings before the Broadcast Division on September 24, are continued until after informal engineering hearing set for October 5. The Commission will announce at a later date the hearing date on these applications.

DENIAL OF TENNESSEE STATION RECOMMENDED

The Chattanooga Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Chattanooga, Tenn., to use 590 kilocycles, 1,000 watts power and unlimited time on the air.

Examiner Ralph L. Walker in Report No. I-252 recommended that the application be denied. The Examiner found that while only two persons are named in the company a third really will have an interest and that a corporation will be formed to take over the license. He found also that "the proposed station may be expected to cause objectionable interference within the normal good service area of one existing station, and such interference will restrict that station beyond the point to which it is now restricted by any existing station located in the United States."

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 for hearing to show cause why cease and desist orders should not be issued against them.

No. 2852. Unfair competition in the sale of certain waterproof garments is alleged in a complaint issued against **I. B. Kleinert Rubber Co.**, 485 Fifth Avenue, **New York City**.

According to the complaint, a waterproof garment for infants sold by the respondent company under the name "Softex" was advertised as "rubberless" and "absolutely free from latex or any other form of gum rubber," when, in fact, this product had a waistband of elastic fabric made from gum rubber and an elastic banding at the leg openings made of rubber.

Those representations are alleged to have a tendency to deceive purchasers and to be in violation of the Federal Trade Commission Act.

No. 2853. A complaint has been issued charging **F. L. McWethy**, 329 Michigan Avenue, **Marshall, Mich.**, with making false and misleading representations regarding the alleged curative value and effect of "McWethy's Home Treatment," advertised as a diuretic stimulant for the kidneys.

No. 2855. False representations in advertising are alleged in a complaint issued against **A. O. Leonard, Inc.**, 70 Fifth Avenue,

New York City, manufacturing "Leonard Ear Oil" and selling it in interstate commerce.

Advertised in testimonials, pamphlets and on safety match box containers as an ear oil having curative properties capable of relieving deafness, the respondent's product, according to the complaint, is not an ear oil, nor does it have such therapeutic properties as to relieve deafness. The complaint describes the preparation as being composed of an emulsion of mineral oil, soft soap, glycerine and eucalyptol.

No. 2856. False and misleading representations in the sale of cosmetics and toilet preparations by means of alleged puzzle contests are charged in a complaint against **G. Fred Stayton** and the **Betty White Corporation**, 1912 Grand Avenue, **Des Moines, Iowa**. Stayton is president and general manager of the respondent company, successor to Paramount Products Company and Paramount Products, Inc.

Selling the "Betty White" products, consisting of some 29 items, the respondent company is alleged to have made fraudulent advertising representations to obtain salesmen for its articles.

Magazine advertisements purporting to present puzzle contests are said to have announced that a first grand prize of an automobile sedan would be given the winner and additional cash prizes would be awarded if the winner were the first person sending the correct answer. No money would be necessary, according to the advertisement, and the only requirements to win a prize would be prompt solution of the puzzle.

No. 2857. A complaint has been issued against **Florida Building Material Institute, Inc.**, of **Orlando, Fla.**, its officers, directors, and members, alleging violation of the Federal Trade Commission Act through suppression of competition in the sale of lumber and other building materials.

Members of the institute, according to the complaint "constitute a group so large and influential in the trade as to be able to control and influence the flow of trade and commerce in lumber, lumber products, building materials and builders' supplies within, to and from the State of Florida." The complaint charges that these members, as allied and banded together in the institute, are enabled more effectively to exercise control and influence over this trade to promote and enhance their own volume of trade and profits. They are charged with entering into an agreement, combination and conspiracy.

No. 2858. Unfair trade practices in the sale of latex bandages in interstate commerce are alleged in a complaint issued against **Roy C. Greenberg** and **Sarah J. Rosenheim**, trading as **Neway Manufacturing Company**, 30 South Clinton St., **Chicago**.

The respondents are said to have advertised in various magazines usually read by canvassers and sales agents, seeking to induce the purchase of "Neway Latex Bandages" by persons suffering from bodily ailments and malformations, and to obtain canvassers and sales agents.

No. 2859. Charging violation of the Federal Trade Commission Act in the interstate sale of "Bell-Ans," a proprietary remedy for indigestion, a complaint has been issued against **Bell & Company, Inc.**, of **Orangeburgh, N. Y.**

The complaint charges that the respondent company, in its advertising, is creating upon the public the impression that "Bell-Ans" has beneficial curative effects, will relieve and cure digestive disturbances due to acid conditions, and will relieve and cure indigestion, when, in fact, according to the complaint, this preparation will not relieve or cure digestive disturbances and indigestion.

No. 2860. The **Gulf Coast Oil Company of Mississippi, Inc.**, 3331 St. Charles Avenue, **New Orleans**, and **Anthony Paciera**, its president, have been served with a complaint alleging unfair competition through imitation of signs, colors and other advertising features used by Gulf Refining Co., of Pittsburgh, which has built up an extensive reputation and goodwill among users generally.

The complaint alleges that the respondent New Orleans firm, among other things, painted its stations, gasoline pumps, tank trucks and other equipment with the same shade of orange color as used by Gulf Refining Co., featured the word "Gulf" in its display advertising in a manner resembling that of Gulf Refining Co., and simulated some of the Gulf Refining Company's trade names for its gasoline and oil products.

No. 2861. **Schwabacher Brothers & Co., Inc.**, a **Seattle, Wash.**, candy distributor, is charged with unfair competition in a complaint. The respondent company is alleged to have sold its products in Washington and Alaska through use of a lottery scheme, employing a punch board device.

No. 2862. Misrepresentation in advertising of the therapeutic

value of "Zimmer Radium Emanator" is alleged in a complaint issued against **H. R. Zimmer**, 636 West 77th St., Los Angeles.

Zimmer's product is described in the complaint as a metal holder purported to contain pure, refined radium which, when placed in drinking water, renders the water radioactive.

No. 2863. Trading under the names **Jenner Manufacturing Company** and **Jenner Sales Company**, **R. C. Jenner** and **William DeLapp**, 31 Allison St., Pontiac, Mich., have been served with a complaint charging unfair competition in the sale of a small electric water heater..

Advertising in "Help Wanted" columns of newspapers, the respondents are alleged to have executed a scheme to extract money from persons in need of employment by falsely representing to them the nature of respondents' business and the character and value of their product, and the work to be performed. A cash deposit was required, which, according to the complaint, was turned by the respondents into payment for heaters furnished applicants, or was sometimes retained by the respondents.

No. 2864. **Morris Gottsegon** and **David Jacoby**, trading in interstate commerce as **Mills Sales Company**, 901 Broadway, New York City, have been served with a complaint charging unfair competition.

By means of false and misleading advertising, the respondents, according to the complaint, made representations tending to mislead customers into believing that various catalogued items of merchandise, such as tooth brushes, dental creams and razor blade hones, because of the price stamped thereon, were superior products; that the respondents were manufacturers and large scale operators able to assure purchasers of superior quality and closer prices, and that certain products were made in accordance with the design or under the supervision of a doctor, containing special scientific features.

No. 2865. **Atlantic Coast Oil Company of New York, Inc.**, of **Glendale, Queens, New York City**, is named respondent in a complaint alleging unfair methods of competition in the sale of motor oils and greases.

One allegation is that the respondent corporation sells its products in containers bearing the emblem of the Pennsylvania Grade Crude Oil Association and certain lettering and numbers implying that the content is a pure, unadulterated Pennsylvania oil, or an oil produced in the Pennsylvania strata of oil fields, and that the respondent is a member of the Pennsylvania association, when, according to the complaint, such are not the facts.

No. 2866. Charging unfair competition in the sale of imitation diamonds and rings, a complaint has been issued against **J. R. Stone**, of **Wheeling, W. Va.**, trading as **Spanish Diamond Co.**, **Chinese Ring Co.**, and **National Jewelry Co.**

In his advertising literature, the respondent, according to the complaint, made representations to the effect that the sets or stones in the rings he sells are gems that baffle and deceive experts, look like diamonds worth \$250 or \$300 each, and cannot be told from genuine diamonds costing many hundreds of dollars. Other representations of like import were made, according to the complaint, such as the assertions that the ring mountings have a "platinum-effect finish" or are "white gold-appearing sterling."

No. 2867. Alleging unfair competition in connection with the sale of bird feed and medicines, a complaint has been issued against **Hartz Mountain Products, Inc.**, 32 Cooper Square, New York City.

Through use in its corporate and trade names of the words "Hartz Mountain," either alone or in connection with the word "Genuine," on labels, in newspaper advertisements, radio broadcasts, and in other ways, the respondent corporation, the complaint alleges, represents to purchasers that its products so labeled and advertised originate in the Hartz, or Harz, Mountain district of Germany, which is said to be well known among bird fanciers as the locality where a high grade species of canary has been bred for many years.

No. 2868. **Associated Rubber Corporation**, 517 West 57th Street, New York, is charged in a complaint with unfair competition in the sale of rubber tires.

The respondent company is alleged to have advertised certain of its tires as "Standard Brand," "First Line," or "Heavy Duty," when in fact, according to the complaint, such tires were not of such quality as to be accurately described by these terms. The descriptions used are said to be well known in the trade as denoting first quality tires.

No. 2869. **Belmont Laboratories, Inc.**, 4430 Chestnut St., Philadelphia, is charged in a complaint with unfair methods of competition in the sale of "Mazon" and "Mazon Soap," preparations offered as treatments for skin diseases.

In magazines, medical journals and in other forms of advertising, the respondent corporation allegedly makes representations to the effect that the two preparations are prescribed by prominent physicians and afford quick and permanent elimination of eczema, ring worm, athlete's foot, and many other skin disorders; that "Mazon" is the original treatment of its character for the skin diseases specified in the respondent's advertising, and that it has no substitute.

No. 2870. False and exaggerated representations as to the benefits to be derived from the use of "Shaddy's Hair Rejuvenator," sold in interstate commerce, are alleged in a complaint issued against **Kelly J. Shaddy**, trading as **Magic Chemical Company**, 370 Turk St., San Francisco.

Among the respondent's assertions, allegedly made in radio broadcasts, in advertising matter and in testimonials, and which the complaint charges are untrue, are claims that his preparation eradicates dandruff, keeps the hair organs functioning normally in accordance with nature, stops falling hair, promotes the growth of hair, and is the world's safest hair dressing.

No. 2871. **South Bend Distributing Co., Inc.**, 210 East Jefferson St., South Bend, Ind., is charged with unfair competition in the sale of candy, in a complaint. The company is said to have sold candy to wholesalers and jobbers in assortments arranged to promote a game of chance.

Stipulations

The Commission has issued the following cease and desist orders and stipulations:

No. 1697. **Joseph Beim, Max Ivler, and Samuel Breiter**, trading as **Beim, Ivler & Breiter**, 558 Broadway, New York City, are engaged in wholesaling shoes under the brand "Dr. Wainer's Health Shoes." They will cease using this brand name for shoes which are not made in accordance with the design and under the supervision of a doctor and which lack orthopedic features that are the result of medical advice. The respondents agree to cease using the word "Doctor" or the abbreviation "Dr." either alone or with the word "Wainer," or in any manner to imply that their shoes are manufactured under the supervision of a doctor and contain orthopedic features, when such is not the fact.

No. 1698. **Masterpiece Cigar Co.**, 333 Commerce Ave., S. W., Grand Rapids, Mich., in the sale of cigars will discontinue marking them with exaggerated prices in excess of the prices at which they are sold or intended to be sold, and contrary to the price indicated by the internal revenue stamps on the boxes containing such cigars. The stipulation points out that the respondent company, in selling its "Mi Alvina" brand of cigars, displayed the price mark "10¢" on the boxes to which were affixed Class A tax stamps, which are used only for cigars retailing at 5 cents each.

The respondent company stipulates that it will not use on labels or elsewhere the names of the former manufacturers of "Mi Alvina" cigars to imply that such former manufacturers make the cigars, and will discontinue the word "Manufacturers" in connection with the name of any firm which does not actually make the "Mi Alvina" brand.

It is also stipulated by the respondent company that it will stop using the words "Hahana" or "Havana" to describe its cigars, when they are not made from Havana tobacco or from tobacco imported from the island of Cuba.

No. 1699. **General Leather Products, Inc.**, 30 Wilsey St., Newark, N. J., engaged in the manufacture and sale of leather luggage, entered into a stipulation to cease stamping the words "Genuine Cowhide" on its products not made from the top or grain cut of the leather, and to desist from using the word "cowhide" in any manner tending to mislead purchasers into the belief that the products so stamped are manufactured from the top or grain cut of the leather, when such is not the fact.

No. 1700. **Health Products Corp.**, 113 N. 13th St., Newark, N. J., agrees to stop advertising that "Dillard's Aspergum," an aspirin product which it manufactures and sells, "works faster" and "does not harm the heart," and will not make any other assertions tending to cause purchasers to believe that use of the product is not harmful to the heart in any instance regardless of the dosage taken.

No. 1701. **E. C. Hurd**, P. O. Box 211, Ashland, Ore., trading as **Medico Minerals Company** and selling "Medico Mineral Water," signed a stipulation to cease representing that his product has value or possesses therapeutic properties especially beneficial in cases of the kind described in his advertising matter, and that it has any curative properties other or greater than those usually obtained from the use of ordinary drinking water. According to

the stipulation, the respondent claimed that "Medico Mineral Water" is highly beneficial in cases of indigestion, stomach and kidney disorders, rheumatism, and gland troubles, and is valuable in removing the causes of many human ailments.

No. 1702. Bergdorf & Goodman Co., Inc., 754 Fifth Avenue, New York City, a member of the Uptown Creators' Guild of millinery designers and dealers, has entered into a stipulation to discontinue trade practices having the tendency and effect of establishing a boycott in the millinery business, and to otherwise restrain interstate trade in millinery.

The Commission has issued a complaint against the **Millinery Quality Guild, Inc.,** and **Uptown Creators' Guild,** both of New York City, and 27 members who design, manufacture and sell ladies' hats of high quality, alleging unfair practices in restraint of trade. Bergdorf and Goodman Company, Inc., having executed a stipulation which was accepted by the Commission, was not included as a respondent in the complaint.

In its stipulation, Bergdorf & Goodman Co., Inc., agrees to cease and desist from soliciting or obtaining from its fellow members' customers any agreement or "declaration of cooperation" wherein the signers agree to refrain from or refuse to purchase commodities of manufacturers not members of such guild or association.

No. 1703. R. O. W., Inc., 57 East 52nd Street, New York City, engaged in the importation and sale of alcoholic beverages, agrees to discontinue labeling whiskey with the words "MacNab Distilleries Limited," either alone or in connection with the address "266 Clyde St., Glasgow, Scotland," or with the words "Produce of Scotland," to imply that the product is produced by MacNab Distilleries Limited, at the Glasgow address, or that MacNab Distilleries Limited owns or operates a distillery in which such whiskey is manufactured. The stipulation sets out that MacNab Distilleries, Limited, does not exist.

No. 1704. Shulton, Inc., 358 Fifth Avenue, New York City, will stop using on labels for its soap products the words "Royal York," independently or in connection with a picture of a crown, or in any manner implying that its soap products are made in England or are of British origin, when such is not the fact. The respondent corporation also agrees to desist from use on billheads or other printed matter of the word "Soapmakers," to imply that its manufacturers soap or owns the plant where its soap products are made, when such is not the fact.

No. 1706. W. J. Ross and George H. Hyland, trading as Dr. W. J. Ross Company, Los Alamitos, Calif., stipulate that in the sale of prepared food for dogs and cats they will discontinue advertising that their products constitute a balanced ration, and are made under the same sanitary conditions as foods intended for human consumption, when such is not the fact. The respondents also agree to cease representing that their products consist of choice cuts of lean, rich meat, to imply that such meat is the sole or predominating content of their products.

No. 1712. Monopolistic trade practices tending toward maintenance of a uniform price level will be abandoned by twelve companies manufacturing decalcomanias or transfer pictures, under a stipulation entered into. Nine of these companies are said to do about 90 per cent of the total business in these pictures in the United States. The respondent companies are:

Meyercord Company, Rayner Decalcomania Company, American Decalcomania Company, all of Chicago; Palm-Fechteler & Co., New York City; Commerford-Price Company, and Consolidated Decalcomania Corporation, both of Brooklyn; National Decalcomania Corporation, Philadelphia; Palm Brothers Decalcomania Company, Cincinnati; Di-Noc Manufacturing Company, and International Transparency Company, Cleveland; Borden Decalcomania Company, San Francisco, and Kalasign Company of America, Kalamazoo, Mich.

These companies stipulate that they will cease and desist from collectively agreeing upon uniform prices, terms, discounts, or differentials, or adopting methods which tend to fix the prices, terms, discounts, or differentials at which their products shall be sold, or which are designed to equalize or make uniform such prices, terms, discounts or differentials.

Nos. 2375-2388-2396. Three corporations have been ordered to discontinue representing that they are the distillers of whiskies and other spirituous beverages they sell in interstate commerce until such is the fact.

The respondent corporations are **Old Gold Distillers, Inc.,** 3748 West 26th St., Chicago; **Liberty Distilleries, Inc.,** 18 South Hanover St., Baltimore, and **Rex Distilling Co.,** 369 Fountain St., Providence, R. I.

The orders to cease and desist prohibit the respondents from

using the words "Distillers," "Distilleries" or "Distilling" in their corporate names, on labels, in advertising matter, or in any other manner to represent that their beverages are manufactured by the process of distillation, or that they own or operate places where such beverages are distilled, unless they actually own or operate distilleries.

No. 2421. Grove Distillers & Wine Co., Inc., 347 Grove St., Jersey City, N. J., has been ordered to cease and desist from representing itself as a distiller of liquors unless and until it actually owns and operates a distillery.

With a place of business in a one-story and basement building, the respondent company operated no distilling apparatus, had never applied for a distiller's permit, and engaged only in rectifying liquors and selling them at wholesale, according to findings.

No. 2461. Lawrence F. Milan, a wholesale liquor dealer, of Catonsville, Md., trading as **Catonsville Distilling and Distributing Company,** has been ordered to cease and desist from representing, through use of the word "Distilling," that he is a distiller or owns and controls a distillery, unless and until he shall actually own and control such a place of business.

No. 2676. Dennison Brothers, Inc., 437 11th Ave., New York City, dealers in groceries, drugs and sundries, have been ordered to stop representing, by means of advertising, photographs or price lists that it manufactures the commodities it sells.

The respondent company is also directed to cease labeling a particular soap as "Butt R Milk Soap," when buttermilk is only a minor ingredient thereof, and from representing through use of labels or other identifications upon containers of oil, that a product is "Russian Mineral Oil" or some other type of "heavy oil," or that it complies with the United States Pharmacopoeia specifications for liquid petroleum, when these are not the facts.

No. 2729. Conducting a correspondence school business under the names **Commercial Extension University, Commercial Extension of Omaha,** and **Commercial Extension College, E. F. Agee, Hillcrest Building, Omaha, Nebr.,** has been ordered to discontinue representing through the use of trade names, or in any other manner, that his business is a college or university, or a branch or extension of such an institution.

No. 2811. An order to cease and desist has been issued against **Dr. J. E. Cannaday,** 316 South Ohio Avenue, Sedalia, Mo., dealer in a medicinal preparation, directing him to discontinue representing such product in interstate sales as being capable of effecting a cure or permanent relief in all cases of eczema. The respondent admitted the material allegations of the Commission's complaint to be true, and waived further proceedings.

FTC CLOSES CASES

The Federal Trade Commission has announced the closing or dismissing of the following cases:

No. 2132. An order directing **Progressive Education Society, Inc.,** 407 Hillington Way, Madison, Wis., and its president, **Irving Roy Jacobson,** to discontinue unfair methods of competition in sale of books and an extension service, has been vacated by the Commission.

At the same time the Commission issued a second amended and supplemental complaint against the corporation and Jacobson, and allowed them until August 7 to show cause why an order to cease and desist from the practices complained of should not be issued.

No. 2392. The Commission has issued an order closing its case against **Western Distillers Corporation,** Los Angeles, former wholesale liquor dealer, charged with unfair competition through use of the word "Distillers" in its corporate name when not engaged in the distilling business.

Supplemental investigation by Commission examiners shows that the respondent company appears to have been adjudged a bankrupt, to have discontinued business following sale of its assets to **San Angelo Wine and Spirits Corporation,** Los Angeles, and to have discontinued the practices alleged in the complaint.

No. 2595. Dismissal of a complaint against **Henry S. Blumenthal** and the **Ribbonew Corporation of America,** 3332 71st Street, Jackson Heights, Queens, New York, selling a device for renewing or renovating worn-out typewriter ribbons, has been ordered by the Commission.

The complaint charged the respondents threatened to bring patent infringement suits against purchasers of the products of competitors, and that the threats were not made in good faith.

The Commission dismissed the complaint upon the authority of a Circuit Court of Appeals decision in the case of **Flynn & Emerich Company** against the Federal Trade Commission. In this case the

court held that the question of public interest was not involved, and that the record showed no basis for the action of the Commission in finding the respondent had acted in bad faith in threatening to sue a competitor for alleged patent infringement.

No. 2627. Dismissal of a complaint charging unfair competition in the sale of medicated cleansing tissue has been ordered by the Commission in the case of **Tissue Brands, Inc.**, 27 West 24th Street, **New York City**. The complaint treated to representations made by the respondent concerning its product "Sankerchief," manufactured from paper and impregnated with various medicaments commonly used in treating colds.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Tuesday, July 14

HEARING BEFORE THE COMMISSION EN BANC

- NEW**—National Television Corp., New York, N. Y.—C. P. (further hearing), **2000-2100 kc.**, 500 watts, unlimited time.
NEW—National Television Corp., New York, N. Y.—Supplemental petition for special temporary authorization.
National Television Corp., New York, N. Y.—Petition for hearing on Rule 229, as amended, filed in accordance with Commission Order No. 15.
W9XG—Purdue University, Lafayette, Ind.—Protest to Commission Order No. 14 amending Rule 229 in accordance with Commission Order No. 15.

APPLICATIONS GRANTED

- NEW**—The Exponent Company, Clarksburg, W. Va.—Granted C. P. for new broadcast station at Clarksburg to operate on **1370 kc.**, 100 watts, daytime only, site to be determined.
WCNW—Arthur Faske, Brooklyn, N. Y.—Granted C. P. to move transmitter locally and install vertical radiator. Present assignment: **1500 kc.**, 100 watts night, 250 watts day, specified hours.
KCRJ—Charles C. Robinson, Jerome, Ariz.—Granted C. P. to install new equipment, new transmitter and antenna system, and change hours of operation from specified to daytime. Present assignment: **1310 kc.**, 100 watts day, specified hours.
WGNV—Peter Goelet, Chester Township, N. Y.—Granted C. P. to change equipment, erect an approved antenna system and move transmitter to Newburg, N. Y., site to be determined.
KRGV—KRGV, Inc., Weslaco, Tex.—Granted authority to install automatic frequency control.
KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—Granted modification of C. P. to move transmitter to location of new vertical radiator at 1900 Sheridan Blvd., near Denver, Colo.
KVCV—Golden Empire Broadcasting Co., Redding, Calif.—Granted modification of C. P. approval of transmitter site and studio locations, also changes in equipment and approval of vertical radiator.
WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Granted license to cover C. P., **1500 kc.**, 100 watts night, 250 watts day, unlimited time.
WJAR—The Outlet Company, Providence, R. I.—Granted license to cover C. P., **890 kc.**, 1 KW, unlimited time, to employ directional antenna day and night.
WCHV—Community Broadcasting Corp., Charlottesville, Va.—Granted renewal of license for period ending January 1, 1937; **1420 kc.**, 100 watts night, 250 watts day. Daytime unlimited. Shares nighttime with **WEED**.
KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Granted renewal of license, **1420 kc.**, 100 watts, daytime only, for period ending January 1, 1937.
WSGN—Birmingham News Co., Birmingham, Ala.—Granted renewal of license, **1310 kc.**, 100 watts night, 250 watts day, unlimited time, for period ending December 1, 1936.
KSLM—Oregon Radio, Inc., Salem, Ore.—Granted C. P. to install new equipment.
WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted modification of C. P. to install new equipment and to delete authorization to install a vertical radiator as authorized in C. P.
KFNF—KFNF, Inc., Shenandoah, Iowa.—Granted authority to determine operating power by direct measurement of antenna input in compliance with the terms of Rule 137.
- KGBX**—Springfield Broadcasting Co., Springfield, Mo.—Granted license to cover special authorization to operate on **1230 kc.**, 500 watts night with directional antenna, 500 watts day with non-directional antenna, unlimited time.
KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Granted renewal of license on temporary basis for 90 days, **1370 kc.**, 100 watts.
WATL—J. W. Woodruff and S. A. Cisler, Jr., d/b as Atlanta Broadcasting Co., Atlanta, Ga.—Granted extension of license for 90 days, **1370 kc.**, 100 watts, unlimited time.
WMBH—Joplin Broadcasting Co., Joplin, Mo.—Granted consent to transfer control of company from W. M. Robertson and W. H. Spurgeon to Joplin Globe Publishing Company.
KMMJ—The M. M. Johnson Co., Clay Center, Nebr.—Granted consent to voluntary assignment of license from M. M. Johnson Co. to KMMJ, Inc.
WNBR—Memphis Broadcasting Co., Memphis, Tenn.—Granted consent to transfer of control of the Memphis Broadcasting Company from the present stockholders, Francis S. Chamberlin, Mallory Chamberlin, Charles W. Brunner, and Ceylon B. Frazer to the Memphis Commercial Appeal, Inc.
WRDW—Augusta Broadcasting Co., Augusta, Ga.—Granted authority to transfer control of company from J. J. Powell, Louise Powell, and A. E. Groom to Arthur Lucas, William K. Jenkins and Frank J. Miller.
WEBR—Howell Broadcasting Co., Inc., Buffalo, N. Y.—Granted consent to the voluntary assignment of license of WEBR from Howell Broadcasting Co. to WEBR, Inc.
W8XY—Howell Broadcasting Co., Inc., Portable-Mobile.—Granted consent to the assignment of license for W8XY from Howell Broadcasting Co., Inc., to WEBR, Inc.
W8XX—Howell Broadcasting Co., Inc., Portable-Mobile.—Granted consent to assignment of license for W8XX from Howell Broadcasting Co., Inc., to WEBR, Inc.
KIUJ—W. C. Irvin, Santa Fe, N. Mex.—Granted consent to the voluntary assignment of license of KIUV from W. C. Irwin to J. Laurance Martin.
W10XIP—Bamberger Broadcasting Service, Inc., Portable-Mobile.—Granted modification of C. P. to make changes in equipment and increase power to 10.5 watts and extend commencement date from 10-29-35 to 4-29-36 and completion date from 6-29-36 to 10-29-36.
W10XIP—Bamberger Broadcasting Service, Inc., Portable-Mobile.—Granted license to cover C. P. modification of relay broadcast station W10XIP on an experimental basis under the provisions of Rules 1000, 1001 (h) and 1003 (d) to be used to relay programs where wire facilities are not available to be broadcast by applicant's station WOR.
NEW—O. Lee Stone, Florence, S. C.—Granted C. P. for a new station to be operated on **1200 kc.**, 100 watts day, daytime only.
KWG—Portable Wireless Telephone Co., Inc., Stockton, Calif.—Granted consent to voluntary assignment of license from the Portable Wireless Telephone Co., Inc., to the McClatchy Broadcasting Co.
KERN—The Bee Bakersfield Broadcasting Co., Bakersfield, Calif.—Granted consent to voluntary assignment of license from the Bee Bakersfield Broadcasting Co. to the McClatchy Broadcasting Co.
KFBK—James McClatchy Co., Sacramento, Calif.—Granted consent to voluntary assignment of license from James McClatchy Co. to the McClatchy Broadcasting Co.
KMJ—James McClatchy Co., Fresno, Calif.—Granted consent to voluntary assignment of license from James McClatchy Co. to the McClatchy Broadcasting Co.
WDSU—WDSU, Inc., New Orleans, La.—Granted C. P. to make changes in equipment.
WCMI—The Ashland Broadcasting Co., Ashland, Ky.—Granted amendment to C. P. to read: Make changes in equipment, install vertical radiator, and increase day power to 250 watts. Present assignment is **1310 kc.**, 100 watts, unlimited time.
WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted C. P. to increase power to 1 KW, employing directional antenna system both day and night, and move station locally from 20 Franklin St., Worcester, to Shrewsbury St., Holden, Mass.
WEEI—The Edison Electric Illuminating Co. of Boston, Boston, Mass.—Granted C. P. to install new equipment and direc-

tional antenna to be used day and night, and to increase day power from 1 KW to 5 KW.

KOIL—Central States Broadcasting Co., Council Bluffs, Iowa.—Granted C. P. to make changes in equipment.

WKBV—Knox Radio Corp., Richmond, Ind.—Granted modification of C. P. to extend completion date from 6-15-36 to 7-15-36.

WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y.—Granted modification of license to increase power from 500 watts to 1 KW, with directional antenna.

WIS—Station WIS, Inc., Columbia, S. C.—Granted license to cover C. P. to operate on 560 kc., 1 KW night and 5 KW day, unlimited time. Directional antenna to be used at night.

NEW—Juan Piza, Portable (San Juan, P. R.).—Granted C. P. to construct broadcast pickup station for temporary purposes; frequencies 1622, 2060, 2150, and 2790 kc., 50 watts, A3 Emission, unlimited time.

KXL—KXL Broadcasters, Portland, Ore.—Granted authority to install automatic frequency control.

WNEL—Juan Piza, San Juan, P. R.—Granted modification of permit to make changes in equipment, and extension of commencement date from 2-10-36 to 30 days after grant and completion date from 8-10-36 to 120 days thereafter.

KGIR—KGIR, Inc., Butte, Mont.—Granted C. P. to move both studio and transmitter locations and install vertical radiator and install new equipment.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted modification of C. P. for approval of transmitter site at McCullough Pike, near Silver Creek, New Albany, and studio at 10th and Spring St., New Albany; also approval of vertical radiator.

WSAY—Brown Radio Service & Laboratory, Rochester, N. Y.—Granted C. P. to reinstate C. P. which expired 6-1-36; also extension of commencement date to date of approval and completion date to 90 days thereafter.

WFLA-WSUN—Clearwater Chamber of Commerce & St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Granted modification of license to change the specified nighttime field intensity at the designated monitoring station from 10 to 50 mv/m. Normally licensed 620 kc., 1 KW night, 5 KW day, unlimited time, employing directional antenna system nighttime.

W8XHG—Radio Air Service Corp., Portable-Mobile.—Granted license to cover C. P. heretofore granted under the old Rules and which are still effective until 8-1-36 for new relay broadcast station on an experimental basis. Emissions A3 and Special; frequencies 31100, 34600, 37600 and 40600 kc., 10 watts, unlimited.

SET FOR HEARING

NEW—Bayou Broadcasting Co., Houston, Tex.—Amended application for C. P. for a new station to operate on 1210 kc., 100 watts, daytime only.

WGPC—Americus Broadcast Corp., Albany, Ga.—Application for renewal of license, 1420 kc., 100 watts, unlimited time, for period ending 1-1-37.

WGPC—Americus Broadcast Corp., Albany, Ga.—Application for C. P. to move transmitter and studio locations and install new equipment.

WMBH—Joplin Broadcasting Co., Joplin, Mo.—Application for C. P. to make changes in equipment, install directional antenna for nighttime operation and move transmitter and studio; to change frequency from 1420 kc. to 1380 kc., and increase night power from 100 watts to 500 watts, day power from 250 watts to 500 watts.

KVL—KVL, Inc., Seattle, Wash.—Application for C. P. amended to read: Authority to change frequency from 1370 kc. to 1070 kc.; to make changes in equipment; to delete nighttime operation; and to increase day power from 100 watts to 250 watts, subject to compliance with Rule 131.

NEW—The Courier-Post Publishing Co., Hannibal, Mo.—Application for C. P. for new station to operate on 1310 kc., 100 watts, unlimited time, site to be determined.

NEW—George P. Allison and Thomas R. Waters, Jr., d/b as Skagit Broadcasting Assn., Whitney, Wash.—Application for C. P. for new station to operate on 1420 kc., 100 watts, unlimited time.

WDAE—Tampa Times Co., Tampa, Fla.—Application for modification of license to change frequency from 1220 kc. to 550 kc.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Application for modification of license to increase power from 500 watts to 1 KW.

NEW—The Pottsville Broadcasting Co., Pottsville, Pa.—Application for C. P. for a new station to operate on 580 kc., 250 watts, daytime only.

NEW—C. F. Gaarenstroom, Fairmont, Minn.—Application for C. P. for a new station to operate on 1420 kc., 100 watts night, 250 watts day, unlimited time.

NEW—W. Hanes Lancaster and J. W. Birdwell, d/b as Johnson City Broadcasting Co., Johnson City, Tenn.—Application for C. P. for a new station to operate on 1200 kc., 100 watts night, 250 watts day, unlimited time.

NEW—Clarence C. Dill, Washington, D. C.—Application for C. P. for a new station at Bethesda, Md., to operate on 1390 kc., 1 KW, unlimited time, and to use directional antenna both day and night.

NEW—State Capitol Broadcasting Assn. (R. B. Anderson, pres.), Austin, Tex.—Amended application for C. P. for a new station at Austin, Tex., to operate on 1120 kc., 500 watts night, 1 KW day, specified hours, and to install a directional antenna for nighttime operation only.

NEW—C. W. Snider, Wichita Falls, Tex.—Application for C. P. amended to read: To erect a new station in Wichita Falls, Tex., to operate on 1500 kc., 100 watts night, 250 watts day, unlimited time, site and type of antenna to be determined. Hearing with other applications pending.

NEW—John C. Looney, d/b as High Fidelity Broadcasting Service, Milton, Mass.—Application for C. P. for a new station at Milton, Mass., to operate on 1570 kc., 1 KW, unlimited time, using vertical wire radiator supported by wooden tower.

NEW—Peninsula Newspapers, Inc., Palo Alto, Calif.—Amended application for C. P. for a new station in Palo Alto to operate on 1160 kc., 500 watts, daytime only, site and type of antenna to be determined.

NEW—Valley Broadcasting Co., Cleveland, Ohio.—Application for C. P. for new station in Cleveland to operate on 890 kc., 1 KW, unlimited time, site and antenna to be determined.

NEW—Frank F. Airey, Twisp, Wash.—Application for C. P. for a new station in Twisp, Wash., to operate on 1220 kc., 250 watts, daytime only.

NEW—H. A. Hamilton, Asheville, N. C.—Application for C. P. for a new station in Asheville, N. C., to operate on 1200 kc., 100 watts, unlimited time.

NEW—The Southwestern Broadcasting Co., La Junta, Colo.—Application for C. P. for a new station in La Junta, Colo., to operate on 1370 kc., 100 watts, unlimited time.

KINY—Edwin A. Kraft, Juneau, Alaska.—Application for C. P. to install new equipment, erect a vertical radiator, change frequency from 1310 kc. to 1430 kc., increase power from 100 watts to 250 watts.

NEW—Valley Broadcasting Co., Youngstown, Ohio.—Application for C. P. for a new station at Youngstown, Ohio, to operate on 780 kc., 1 KW, unlimited time. Site and antenna design to be determined.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Application for C. P. to install new equipment and directional antenna for both day and night; change frequency from 1370 kc. to 1390 kc.; increase night power from 100 watts to 500 watts and day power from 250 watts to 1 KW.

NEW—A. Frank Katzentine, Miami Beach, Fla.—Application for C. P. for new station at Miami Beach, Fla., to operate on 1500 kc., 100 watts, unlimited time, site to be determined.

APPLICATION DENIED

NEW—Mrs. E. M. Watkins, Eagle Pass, Tex.—Denied authority to transmit programs relative to the Texas Centennial Pageant from 8 to 12 p. m., EST, July 4, 1936, from a float on the streets of Eagle Pass, Tex., through the facilities of the A. T. & T. Co., and the Mexican Tel. & Tel. Co. to Station XEPN, Piedras Negras, Coahuila, Mexico.

SPECIAL AUTHORIZATIONS

W6XAI—Pioneer Mercantile Co., Bakersfield, Calif.—Granted special temporary authority to operate without an approved frequency monitor for a period of 30 days. Will be held responsible for deviations of more than 50 cycles from assigned frequency even though permitted to operate without approved frequency monitor.

- WOI—Iowa State College of Agri. & Mechanic Arts, Ames, Iowa—Granted special temporary authority to remain silent July 4, 1936, in order to observe holiday.
- WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Granted extension of special temporary authority to operate without an approved frequency monitor for a period beginning June 24, 1936, and ending in no event later than July 15, 1936.
- WRAW—Reading Broadcasting Co., Reading, Pa.—Granted special temporary authority to operate station without antenna ammeter for a period not to exceed ten days, provided, the readings of the plate voltmeter and ammeter are maintained at current values.
- WNBF—Howitt-Wood Radio Co. Inc., Binghamton, N. Y.—Granted special temporary authority to operate a 100 watt portable test on the frequency of 1460 kc. for a period not to exceed 30 days, during daylight hours from one hour after sunrise until one hour before sunset in order to determine new transmitter site.
- KIDO—Frank L. Hill and C. G. Phillips, d/b as Boise Broadcast Station, Boise, Idaho—Granted extension of special temporary authority to operate with temporary antenna for a period beginning June 23, 1936, and ending in no event later than July 22, 1936, pending action on application to install new antenna system, move transmitter, install directional antenna.
- KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted special temporary authority to operate a 50 watt portable test transmitter between the hours of 12:00 midnight and 6:00 a. m., CST, in order to determine new transmitter site, for a period not to exceed 30 days.
- WHAZ—Rensselaer Polytechnic Institute, Troy, N. Y.—Granted special temporary authority to remain silent on Monday nights during the month of August and on the first Monday night in September, due to summer vacation.
- KGGF—Hugh J. Powell and Stanley Platz, d/b as Power and Platz, Coffeyville, Kans.—Granted special temporary authority to operate from 7:15 to 9:15 p. m., CST, July 2, 7, 9, 14, 16, 21, 25, 28, and 30, 1936, and from 8:15 p. m. to 9:15 p. m., CST, July 1, 5, 15, 22 and 29, 1936, provided station WNAD remains silent.
- WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted special temporary authority to operate station without approved frequency monitor for a period not to exceed three days.
- KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to remain silent July 4, 1936, in order to observe national holiday.
- KFJR—Ashley C. Dixon—KFJR Inc., Portland, Ore.—Granted special temporary authority to operate station without an approved frequency monitor for a period not to exceed 30 days.
- KPDN—Pampa Daily News, Inc., Pampa, Tex.—Granted special temporary authority to operate from 2:00 a. m. to 3:00 a. m., CST, July 3, 17; August 3, 17; September 2, 17; October 3, 17; and November 3 and 17, 1936, in order to broadcast Canadian DX and Newark News DX programs.
- WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 6:30 p. m. to 10:00 p. m., CST, July 11, 1936, in order to broadcast special program.
- KFNF—KFNF, Inc., Shenandoah, Iowa—Granted special temporary authority to use the time assigned to station KUSD (but not used by that station, KUSD has authority to remain silent) for the period ending in no event later than 3:00 a. m., EST, September 1, 1936.
- WPTF—WPTF Radio Co., Raleigh, N. C.—Granted special temporary authority to operate unlimited time July 4, 1936 only, in order to broadcast North Carolina Democratic primary election returns.
- WTAW—Agricultural and Mechanical College of Texas, College Station, Tex.—Granted special temporary authority to operate from 11:00 a. m. to 11:25 a. m., CST, July 20, 21, 22, 23 and 24, 1936.
- WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 6:30 p. m. to 8:30 p. m., CST, July 3, 1936, in order to broadcast addresses from the Calumet Armory at the Upper Peninsula Convention and reunion of Spanish American War Veterans.
- WOCL—A. E. Newton, Jamestown, N. Y.—Granted special temporary authority to remain silent July 4, 1935, in order to observe legal holiday.
- KGCA—Charles Walter Greenley, Decorah, Iowa—Granted special temporary authority to remain silent from June 26, 1936, to July 31, 1936.
- WMBG—Havens and Martin, Inc., Richmond, Va.—Granted extension of special temporary authority to operate from 5:30 p. m. to 7:00 p. m. EST, on Sundays, for the period beginning July 1, 1936, and ending in no event later than July 3, 1936, provided WBBL remains silent) in order to broadcast special programs
- KTAT—KTAT Broadcast Co. Inc., Fort Worth, Tex.—Granted special temporary authority to operate without a plate voltmeter for a period of 10 days; provided that the readings of the plate ammeter and antenna ammeter are maintained at current values.
- KIUM—Lee Tracy, aboard Yacht "ADORE"—Granted special temporary authority to operate ship transmitter WIFW located aboard Yacht ADORE as a broadcast pickup station for the period beginning July 4, 1936, and ending in no event later than August 2, 1936, to broadcast Trans-Pacific yacht race to Hawaii.

RATIFICATIONS

The Commission ratified the following acts authorized on dates shown:

- WIEW—National Broadcasting Co. Inc., New York, N. Y.—Granted temporary authority to operate broadcast pickup station WIEW as licensed on June 10th aboard Airliner, in connection with broadcast program flying time. (Action taken 6-8.)
- W2KKI—National Broadcasting Co. Inc., New York, N. Y.—Granted authority to conduct tests in accordance with Rule 218. (Action taken 6-19.)
- KIIH—KFAB Broadcasting Co., Lincoln, Nebr.—Granted temporary authority to operate broadcast pickup station KIIH as licensed from Airplane on June 20, to broadcast flight of Roscoe Turner. (Action taken 6-19.)
- KNEF—Radio Service Corp. of Utah, Salt Lake City, Utah—Granted temporary authority to operate broadcast pickup station KNEF as licensed June 21, to broadcast golf tournament. (Action taken 6-19.)
- KIKK—S. H. Patterson, Colorado Springs, Colo.—Granted temporary authority to operate broadcast pickup station KIKK as licensed June 26 to June 28, inclusive, to broadcast Pikes Peak or Bust celebration. (Action taken 6-23.)
- WOGG—General Electric Co., Schenectady, N. Y.—Granted temporary authority to operate broadcast pickup station as licensed June 27 and 28 in Goodyear Blimp, broadcasting Great Lakes Exposition Opening. (Action taken 6-23.)
- WHDL—Radio Station WHDL, Olean, N. Y.—Granted temporary authority to operate without approved frequency monitor period not to exceed 3 days. (Action taken 6-23.)
- WJAR—The Outlet Co., Providence, R. I.—Granted authority to extend program test period for 30 days from June 27. (Action taken 6-24.)
- KID—Radio Station KID, Idaho Falls, Idaho—Granted extension temporary authority to employ temporary antenna for 30 days pending action on application. (Action taken 6-24.)
- WTBO—Associated Broadcasting Corp., Cumberland, Md.—Granted special temporary authority to operate from 7:30 p. m., CST, until the conclusion of President Roosevelt's address, on June 27, 1936, in order to broadcast this address. (Action taken 6-22.)
- WSMK—WSMK, Inc., Dayton, Ohio—Granted special temporary authority to operate from 9 p. m. to 10 p. m., EST, simultaneously with station KQV, for the period beginning June 23, 1936, and continuing for the duration of the Democratic National Convention. (Action taken 6-23.)
- KOTN—Universal Broadcasting Corp., Pine Bluff, Ark.—Granted special temporary authority to operate unlimited time for the period beginning June 25, 1936, and ending in no event later than 30 days thereafter, in order to broadcast special Arkansas Centennial Programs each night. (Action taken 6-25.)
- WAPI—WAPI Broadcasting Corp., Birmingham, Ala.—Granted special temporary authority to operate simultaneously with station KVOO from 8 p. m., CST, to the end of the Louis Schmeling fight, June 19. (Action taken 6-19.)

- KABG—Ben S. McGlashan, Aboard Yacht EL PERRITO—Granted special temporary authority to operate ship transmitter WDFL aboard Yacht EL PERRITO as a broadcast pickup station to broadcast paddle boat races between Catalina Island and Santa Monica on June 27 and 28. (Action taken 6-26.)
- The Broadcast Division granted a petition filed by A. W. Mills, requesting permission to amend his application for a new station at Gallup, New Mexico by changing the frequencies from 1310 kc. to 1500 kc. (Action taken 6-23.)
- The Broadcast Division granted a petition filed by Lester E. Cox, Thomas L. Evans and C. C. Payne (Station KCMO) requesting that the Division reconsider its action of March 17, 1936, in designating for hearing their application for C. P. and grant same without a hearing. Said grant to be subject to the requirement that the antenna be marked in accordance with Rule 131d.
- WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Granted extension program test period for 30 days from June 13. (Action taken 6-29.)
- KABF—James McClatchy Co., Sacramento, Calif.—Granted temporary authority to operate broadcast pickup station KABF as licensed (rebroadcast KOH), July 4, to broadcast celebration from Rodeo grounds, Reno, Nev. (Action taken 6-29.)
- W2XF-W2XK—National Broadcasting Co. Inc., New York, N. Y.—Granted temporary authority to extend equipment tests period ten days beginning June 27. (Action taken 6-26.)
- WKBV—Knox Radio Corp., Richmond, Ind.—Granted temporary authority to extend program test period for 30 days from July 5. (Action taken 6-26.)
- KIIQ—KMTR Radio Corp., Los Angeles, Calif.—Granted temporary authority to operate broadcast pickup station KIIQ as licensed July 3 and 4, to broadcast start Trans-Pacific Yacht Race. (Action taken 6-26.)
- W9XJI—The Reynolds Radio Co. Inc., Denver, Colo.—Granted temporary authority to extend equipment tests for 10 days. (Action taken 6-30.)
- KNEF—Radio Service Corp., Salt Lake City, Utah—Granted temporary authority to operate broadcast pickup station KNEF as licensed July 2 to 7, inclusive, to broadcast speed trials. (Action taken 6-30.)
- WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to remain silent during month of July in order to observe summer vacation. (Action taken 6-30.)
- W3XEX—WTAR Radio Corp., Norfolk, Va.—Granted special temporary authority to conduct service tests at its new location at the WTAR Transmitter Bldg., located 1.7 miles east of Norfolk, Va., on the Beach Blvd., for a period not to exceed 30 days, pending receipt and action on formal application for modification of C. P. and license to cover same. (Action taken 6-30.)
- WMFJ—W. Wright Esch, Daytona Beach, Fla.—Granted extension special temporary authority to use RCA Victor, Type 100-E transmitter pending completion of construction as authorized by C. P. authorizing installation of such transmitter, but for the period beginning 3 a. m., EST, July 1, 1936, and ending in no event later than 30 days thereafter. (Action taken 6-30.)
- WOEH—National Broadcasting Co. Inc., Aboard Douglas Airplane, NC-223-Y—Granted special temporary authority to operate broadcast pickup station WOEH on plane NC-223-Y piloted by Howard Hughes and accompanied by NBC operator announcer, as pickup station on frequencies in addition to licensed frequencies to describe flight from Los Angeles to Nome to Siberia and return to New York via Nome and California for delivery to NBC national network. Operation for the period beginning June 30 and ending in no event later than July 29. Frequencies 1606, 2020, 2102, 2760, 4797.5, 6425, 8655, 12862.5 kc., 100 watts. (Action taken 6-30.)
- WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted extension temporary authority to operate 560 kc., with power of 1 KW night, during the month of July 1936, pending the filing of an action on license to cover C. P. for this authority. (Action taken 6-30.)
- KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted special temporary authority to operate a 50 watt portable test transmitter on frequency of 1460 kc., in the vicinity of St. Paul, between hours of 12 midnight and 6 a. m., CST, for period not exceeding 30 days in order to determine new transmitter site. (Action taken 6-30.)
- KGFG—Oklahoma Broadcasting Co. Inc., Oklahoma City, Okla.—Granted special temporary authority to operate station without an approved frequency monitor for a period not to exceed 30 days. (Action taken 6-30.)
- WSYB—Philip Weiss, tr/as Philip Weiss Music Co., Rutland, Vt.—Granted special temporary authority to operate EDS time instead of EST as licensed during the time that EDST is recognized as official time in Rutland but for a period ending in no event later than 3 a. m., EST, January 1, 1937. (Action taken 6-30.)
- WOW—Woodmen of the World Life Ins. Assoc., Omaha, Nebr.—Granted extension special temporary authority to operate with power of 5 KW night, period beginning July 1, 1936, and ending in no event later than 30 days thereafter. (Action taken 6-30.)
- WDBO—Orlando Broadcasting Co. Inc., Orlando, Fla.—Granted extension special temporary authority to operate additional power of 750 watts night for the period beginning June 30, 1936 and ending in no event later than July 29, 1936. (Action taken 6-30.)
- KCMO—Lester E. Cox, Thomas L. Evans, and C. C. Payne, Kansas City, Mo.—Granted extension special temporary authority to use and operate the 100 watt transmitter formerly used by station KGBX in Springfield, Mo., transmitter to be located in Commerce Trust Bldg., in Kansas City, Mo., for period beginning 3 a. m., EST, July 1, 1936, and ending in no event later than July 30, 1936. (Action taken 6-30.)
- KGKB—East Texas Broadcasting Co., Tyler, Tex.—Granted special temporary authority to operate from 7:00 a. m. to 2 p. m. and 4 p. m. to 10 p. m., CST, during the month of July, instead of hours now licensed pending compliance with Rule 131. (Action taken 6-30.)
- WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted extension special temporary authority to operate with power of 50 watts from local sunset to 11 p. m., EST, Tuesdays, Thursdays, Saturdays and Sundays, during the month of July, 1936, pending action on application for modification of license requesting this authority. (Action taken 6-30.)
- KEC-KEI-KKL—RCA Communications, Inc., Bolinas, Calif.—Granted special temporary authority to operate point-to-point telegraph stations KEC, KEI, KKL to communication with broadcast pickup station WOEH aboard plane NC-223-Y for the period beginning June 30 and ending in no event later than July 29, for contact control service to facilitate reception of program material by Pt. Neyes receiving station for delivery to NBC network. Frequencies KEC 5265 kc., KEI 9490 kc., KKL 15475 kc., 40 KW. (Action taken 6-30.)
- WKP-WQP—RCA Communications, Inc., Rocky Point, N. Y.—Granted special temporary authority to operate point-to-point telegraph stations WKP and WQP to communicate with broadcast pickup station WOEH aboard NC-223-Y for the period beginning June 30 and ending in no event later than July 29 for contact control service to facilitate reception of program material by Riverhead, N. Y., receiving station for delivery to NBC network. Frequencies for WKP 6950 kc., WQP 13900 kc., 40 KW. (Action taken 6-30.)
- WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Granted extension special temporary authority to operate EDST instead of EST as licensed during period that EDST is recognized as official time in St. Albans, Vt., but for the period beginning 3 a. m., EST, July 1, 1936, and ending in no event later than 3 a. m., EST, Jan. 1, 1937. (Action taken 6-30.)
- WADC—Allen T. Simmons, Village of Tallmadge, Ohio—Granted modification of C. P. to change type of equipment. (Action taken 6-30.)
- The Broadcast Division granted the petition of Independence Broadcasting Co. Inc. (Station WHAT), to intervene in the hearing on the application of Eastern States Broadcasting Corp., Bridgeton, N. J. (Docket No. 3012) and denied the answer in opposition to petition by the Eastern States Broadcasting Corp. (Action taken 6-26.)
- The Broadcast Division granted the petition filed in behalf of station KVOS requesting authority to participate in the proceedings relative to the application of Gomer Thomas for a C. P., Bellingham, Wash., and denied that part of their petition requesting that said application be heard in consolidation with the pending KVOS

application for renewal of license and the application of the Skagit Broadcasting Association. The Broadcast Division also *denied* petition seeking relief similar to that in connection with station KVOS filed in behalf of the Whatcom County Democratic Central Committee, the Laundry Workers Local Union No. 127, the Board of County Commissioners of Whatcom County, the Bellingham Central Labor Council, the Culinary and Beverage Workers Union No. 529, the General Teamsters Local Union No. 231 of Bellingham, Wash., and the International Longshoremens' Assoc. Local 38-98. (Action taken 6-26.)

The Broadcast Division denied the petition filed by WCB, Inc., to correct Commission's records and dismiss its application for transfer of control (Docket No. 3895). (Action taken 6-26.)

ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. No. 189: Golden Empire Broadcasting Co., Sacramento, Calif.—Denied C. P. for new broadcast station to operate on 1310 kc., 100 watts, unlimited time (site to be determined). Chief Examiner Arnold sustained. Effective Sept. 8, 1936.

NEW—Ex. Rep. No. 189: Royal Miller, Sacramento, Calif.—Granted C. P. for new broadcast station to operate on 1310 kc., 100 watts, daytime (site to be determined). Chief Examiner Arnold sustained. Effective Sept. 8, 1936.

NEW—Ex. Rep. No. 191: F. W. Atkinson, Watsonville, Calif.—Granted C. P. for new broadcast station to operate on 1310 kc., 250 watts, daytime (site to be determined). Examiner Bramhall reversed. Order effective Aug. 15, 1936.

Ex. Rep. No. 216: Mason City Broadcast Co., Mason City, Iowa—Denied C. P. for new broadcast station to operate on 1420 kc., 100 watts, unlimited time. Examiner M. H. Dalberg sustained.

Northern Iowa Broadcasting Co. Inc., Mason City, Iowa—Denied C. P. for new broadcast station to operate on 1420 kc., 100 watts, unlimited time. Examiner M. H. Dalberg sustained.

Mason City Globe Gazette Co., Mason City, Iowa—Granted C. P. for new broadcast station to operate on 1210 kc., 100 watts, unlimited time. Examiner M. H. Dalberg sustained. Order effective August 1, 1936.

NEW—Ex. Rep. No. 218: Central Broadcasting Co., Eau Claire, Wis.—Denied C. P. for new broadcast station to operate on 1050 kc., 250 watts, daytime (site to be determined, subject to Commission's approval). Examiner M. H. Dalberg reversed. Order effective August 15, 1936.

WDBO—Ex. Rep. No. 224: Orlando Broadcasting Co. Inc., Orlando, Fla.—Granted modification of license to increase power from 250 watts to 1 KW, 580 kc., unlimited time, subject to Rules 131 and 139. Examiner R. L. Walker sustained. Order effective July 15, 1936.

WIRE—Ex. Rep. No. 226: Indianapolis Broadcasting Inc., Indianapolis, Ind.—Granted C. P. to make changes in equipment and increase power from 500 watts night, 1 KW day to 1 KW night, 5 KW day, 1400 kc., unlimited time. Examiner R. H. Hyde sustained. Order effective August 1, 1936.

NEW—Ex. Rep. No. 228: The Farmers & Bankers Life Ins. Co., Wichita, Kans.—Denied as in default C. P. for new broadcast station to operate on 1210 kc., 100 watts, unlimited time. Examiner R. H. Hyde sustained. Order effective July 2, 1936.

NEW—Ex. Rep. No. 141: Joplin Broadcasting Co., Pittsburg, Kans.—Denied C. P. for new broadcast station to operate on 1200 kc., 100 watts, daytime. Examiner M. H. Dalberg sustained. Order effective July 2, 1936.

Pittsburg Publishing Co., Pittsburg, Kans.—Denied C. P. for new broadcast station to operate on 1500 kc., 100 watts, unlimited time. Examiner M. H. Dalberg reversed. Order effective July 2, 1936.

Harold F. Foraker & Ray D. Luzadder, d/b as The Wichita Broadcasting Co., Wichita, Kans.—Denied C. P. for new broadcast station to operate on 1500 kc., 100 watts, unlimited time. Examiner M. H. Dalberg sustained. Order effective July 2, 1936.

NEW—Ex. Rep. No. 153: Roberts MacNab Co., Jamestown, N. Dak.—Denied C. P. for new broadcast station to operate on 1310 kc., 100 watts, unlimited time. Examiner M. H. Dalberg reversed. Order effective September 15, 1936.

WEAN—Ex. Rep. No. 205: The Shepard Broadcasting Service Inc., Providence, R. I.—Granted C. P. to install new equipment, move transmitter and increase power from 500 watts to 1 KW, 780 kc., unlimited time, with directional antenna. Ex-

aminer, J. P. Bramhall reversed. Order effective August 15, 1936.

KVSO—Ex. Rep. No. 206: The Ardmoreite Publishing Co., Inc., Ardmore, Okla.—Granted C. P. to make changes in equipment and to operate with 100 watts day and night. Examiner R. H. Hyde reversed. Order effective September 22, 1936.

WFBR—Ex. Rep. No. 209: The Baltimore Radio Show, Inc., Baltimore, Md.—Granted modification of license to increase power, 1 KW day, 500 watts night; 1270 kc., unlimited. Examiner M. H. Dalberg sustained. Effective July 15, 1936.

WOOD—Kunsky-Trendle Broadcasting Co., Grand Rapids, Mich.—Granted C. P. to change equipment, move transmitter (site to be determined, subject to Commission's approval), and to increase power to 1 KW day, 500 watts night; 1270 kc., share time with WASH. Examiner M. H. Dalberg sustained. Effective July 15, 1936.

WASH—Kunsky-Trendle Broadcasting Co., Grand Rapids, Mich.—Granted C. P. to change equipment, move transmitter (site to be determined, subject to Commission's approval), and to increase power to 1 KW day, 500 watts night; 1270 kc., share time with WOOD. Examiner M. H. Dalberg sustained. Effective July 15, 1936.

NEW—Ex. Rep. No. 170: Ralph Perez Perry, Santurce, P. R.—Denied C. P. for new broadcast station to operate on 1340 kc., 250 watts, unlimited time. Examiner R. L. Walker sustained. Order effective September 22, 1936.

KG CX—Ex. Rep. No. 164: E. E. Krebsbach, Wolf Point, Mont.—Granted C. P. to move transmitter, to make changes in equipment, change frequency from 1310 kc. to 1450 kc., increase power from 100 watts to 250 watts LS, change hours of operation from specified hours to unlimited time. Examiner J. P. Bramhall sustained. Order effective August 8, 1936.

NEW—Ex. Rep. No. 162: Bell Broadcasting Co., Temple, Tex.—Granted C. P. for new broadcast station to operate on 1370 kc., 100 watts, daytime. Examiner M. H. Dalberg sustained. Order effective July 15, 1936.

NEW—Ex. Rep. No. 158: Chicago Broadcasting Assn., Ltd., Chicago, Ill.—Denied C. P. for new broadcast station to operate on 1500 kc., 100 watts, unlimited time. Examiner R. L. Walker sustained. Order effective September 22, 1936.

NEW—Ex. Rep. No. 186: Advertiser Publishing Co., Ltd., Honolulu, T. H.—Denied C. P. for new relay broadcast station to operate on 11850 and 15230 kc., 2 KW, six days per week (Thursday to Tuesday, inclusive, 2½ hours per day). Examiner R. L. Walker. Order effective September 22, 1936.

NEW—Ex. Rep. No. 204: Christina M. Jacobson, d/b as The Valley Elec. Co., San Luis Obispo, Calif.—Granted C. P. for new broadcast station to operate on 1200 kc., 250 watts, daytime. Examiner G. H. Hill sustained. Order effective September 29, 1936.

NEW—E. E. Long Piano Co., San Luis Obispo, Calif.—Denied C. P. for new broadcast station to operate on 1200 kc., 100 watts, unlimited time. Examiner G. H. Hill sustained. Order effective September 29, 1936.

NEW—Ex. Rep. No. 200: Merced Star Publishing Co., Merced, Calif.—Granted C. P. for new broadcast station to operate on 1040 kc., 250 watts, daytime. Examiner J. P. Bramhall sustained. Order effective July 15, 1936.

KFJM—Ex. Rep. No. 199: University of North Dakota, Grand Forks, N. Dak.—Granted C. P. to change equipment, change frequency from 1370 kc. to 1410 kc., and increase power from 100 watts to 1 KW day, 500 watts night, subject to Rules 131, 132 and 139; unlimited time. Examiner R. L. Walker reversed. Order effective September 29, 1936.

NEW—Ex. Rep. No. 196: V. H. Lake and H. E. Stanford, d/b as L. & S. Broadcasting Co., Atlanta, Ga.—Denied C. P. for new broadcast station to operate on 1210 kc., 100 watts, daytime. Examiner R. H. Hyde sustained. Order effective September 29, 1936.

WTFI—Ex. Rep. No. 195: Liberty Broadcasting Co., Atlanta, Ga.—Granted C. P. to move transmitter and studio (site to be determined), 1450 kc., 500 watts, unlimited time. Examiner R. L. Walker sustained. Order effective September 8, 1936.

WCAO—Ex. Rep. No. 187: The Monumental Radio Co., Baltimore, Md.—Denied modification of license to increase power from 500 watts, 1 KW LS, to 1 KW; 600 kc., unlimited time. Examiner M. H. Dalberg sustained. Order effective September 15, 1936.

WICC—Southern Connecticut Broadcasting Corp., Bridgeport, Conn.—Denied modification of license to increase power from 500 watts, 1 KW LS, to 1 KW; **600 ke.**, specified hours. Examiner M. H. Dalberg sustained. Order effective September 15, 1936.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Granted modification of license to increase power from 500 watts to 1 KW day, 500 watts night; **610 ke.**, unlimited time. Examiner M. H. Dalberg reversed as to daytime power. Order effective September 15, 1936.

KFRO—Ex. Rep. No. 161: Voice of Longview, Longview, Tex.—Denied C. P. to change equipment; increase power from 100 watts day to 250 watts day, 100 watts night; change hours from daytime to unlimited; change frequency from **1370 ke.** to **1210 ke.** Examiner G. H. Hill sustained. Order effective August 1, 1936.

NEW—Oil Capital Broadcasting Assn., Kilgore, Tex.—Granted C. P. for new broadcast station to operate on **1210 ke.**, 100 watts, unlimited time. Examiner G. H. Hill sustained. Order effective August 1, 1936.

KWEA—International Broadcasting Corp., Shreveport, La.—Denied renewal of license, **1210 ke.**, 100 watts, unlimited time. Examiner G. H. Hill sustained. Order effective August 1, 1936.

NEW—Ex. Rep. No. 142: Black Hills Broadcast Co., Rapid City, S. Dak.—Granted C. P. for new broadcast station to operate on **1370 ke.**, 100 watts, unlimited time. Examiner J. P. Bramhall sustained. Order effective August 1, 1936.

NEW—Ex. Rep. No. 55: J. C. and E. W. Lee (Riverside Broadcasting Co.), Riverside, Calif.—Denied C. P. for new broadcast station to operate on **820 ke.**, 250 watts, daytime. Examiner R. L. Walker reversed. Order effective September 8, 1936.

NEW—Ex. Rep. No. 108: Robert K. Herbst, Fargo, N. Dak.—Denied C. P. for new broadcast station to operate on **1310 ke.**, 100 watts, unlimited time, transmitter and studio sites to be determined. Examiner P. W. Seward sustained. Order effective September 15, 1936.

NEW—Ex. Rep. No. 129: F. N. Pierce, Taylor, Tex.—Denied C. P. for new broadcast station to operate on **1310 ke.**, 100 watts, daytime. Examiner R. L. Walker sustained. Order effective September 8, 1936.

NEW—Eugene DeBogory, tr. as Tem-Bel Broadcasting Co., Temple, Tex.—Denied C. P. for new broadcast station to operate on **1310 ke.**, 100 watts, daytime, site to be determined. Examiner R. L. Walker reversed. Order effective September 8, 1936.

MISCELLANEOUS

Pittsburg Broadcasting Co., Pittsburg, Kans.—Overruled petition asking Commission to advance date for oral argument on Examiner's Report I-220, not set for September 17, 1936.

WOWO—The Main Auto Supply Co., Fort Wayne, Ind.—Granted control of license to Westinghouse Electric & Manufacturing Co., Pittsburgh, Pa. Reconsidered action of May 1 and May 21.

WGL—F. C. Zieg (Allen Wayne Co.), Fort Wayne, Ind.—Granted application for assignment of license to Westinghouse Electric & Manufacturing Co., Pittsburgh, Pa. Reconsidered action of May 1 and May 21.

Lincoln Memorial University, Harrogate, Tenn.—Suspended effective date of grant for C. P. to erect new broadcast station pending outcome of hearing to be held on application because of protest of Ted R. Woodard, applicant for a station at Kingsport, Tenn.

WKRC—WKRC, Inc., Cincinnati, Ohio.—Reconsidered and granted application to increase daytime power to 5 KW instead of $2\frac{1}{2}$ KW. Station to use directional antenna day and night.

WSB—Atlanta Journal Co., Atlanta, Ga.—Granted permission to intervene at hearing of application of KMMJ for modification of license to operate on **740 ke.** with $2\frac{1}{2}$ KW.

WACO—Central Texas Broadcasting Co., Inc., Waco, Tex.—Granted permission to intervene at hearing of application of John S. Braun for C. P. for a broadcast station at Waco to operate on **1500 ke.**, 100 watts, daytime.

WTAR—WTAR Radio Corp., Norfolk, Va.—Approved spec. of directional antenna system which operates so as to radiate in the direction of CKSO, Canada, not to exceed 1,000 watts and in the direction of WMC, Memphis, and WEAN, Providence, R. I.

WWJ—Evening News Association, Inc., Detroit, Mich.—Granted petition to intervene at hearing on application of Cadillac Broadcasting Co. for new station at Dearborn, Mich., to operate on frequency **1140 ke.**, 500 watts, daytime.

WROK—Rockford Broadcasters, Inc., Rockford, Ill.—Granted modification of license in conformity with its action of January 10, 1936, when authority was granted to change hours of operation from sharing with WNBL to unlimited time. Effective date July 1, 1936.

WEEL—Edison Electric Illuminating Co. of Boston, Boston, Mass.—Dismissed at the request of applicant request for C. P. to operate on **590 ke.**, 5 KW, unlimited time.

ORAL ARGUMENT

The Broadcast Division designated September 24th as the date for oral argument in re Examiner's Report 1-227, based on application of E. F. Pepper (KGDM), Stockton, Calif., to change time of operation from daytime to limited time, i.e., to resume operation after the dominant station on its channel (**1100 ke.**) suspends operation at night.

SET FOR HEARING—Continued

NEW—The News Press Publishing Co., Santa Barbara, Calif.—Amended application for C. P. to erect a new station at Santa Barbara, Calif., to operate on **1220 ke.**, with 500 watts, unlimited time, site and type of antenna to be determined.

APPLICATIONS RECEIVED

First Zone

WATR—The WATR Company, Inc., Waterbury, Conn.—Construction permit to make changes in transmitting equipment; install a directional antenna for day and night use; change frequency from **1190 ke.** to **1290 ke.**; increase power from 100 watts to 250 watts; change hours of operation from limited time to unlimited time; and move transmitter from 47 Grand Street, Waterbury, Conn., to Baldwin Avenue, Waterbury, Conn.

WOV—International Broadcasting Corp., New York, N. Y.—Construction permit to install new transmitter and vertical antenna.

WLLH—Merrimac Broadcasting Co., Inc., Lowell, Mass.—Authority to install automatic frequency control.

WNBC—State Broadcasting Corp., New Britain, Conn.—Construction permit to make changes in equipment; change power from 250 watts to 250 watts, 1 KW day; install directional antenna for day and night use; and change hours of operation from daytime to unlimited time. Amended to change name from William J. Sanders to State Broadcasting Corp.

W2XBH—Radio Pictures, Inc., Long Island City, N. Y.—Modification of license to delete frequencies **2000-2100, 42000-56000, 60000-86000 ke.** and add **1614, 2398, 23100, 41000, 86000-400000 ke.** and additional frequencies **1600, 2012-2016 or 2276-2280, 41600 ke.** for possible interference for free facsimile transmission.

W2XF—National Broadcasting Co., Inc., New York, N. Y.—License to cover changes in power to 12 KW, also request for A1 and A2 emission for test purposes.

W2XK—National Broadcasting Co., Inc., New York, N. Y.—License to cover construction permit for increase in power to 15 KW.

Second Zone

KDKA—Westinghouse Electric & Mfg. Co., Pittsburgh, Pa.—Construction permit to install new equipment, new antenna, and increase power from 50 KW to 500 KW.

WAVE—WAVE, Inc., Louisville, Ky.—Construction permit to **940** install a new transmitter.

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

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—License **1260** to cover construction permit (B2-P-838) as modified for new equipment and increase in power.

WADC—Allen T. Simmons, Village of Tallmadge, Ohio.—Modification of construction permit (B2-P-689) for changes in equipment and increase in power, requesting authority to make changes in authorized equipment.

WSMK—WSMK, Inc., Dayton, Ohio.—Modification of license to 1380 change hours of operation from simultaneous day-KQV, specified hours night, to unlimited time, and increase power from 200 watts to 250 watts.

NEW—Lenawee Broadcasting Co., Ferris Hodge, Edward Hodge, 1440 Leon C. Rogers, Clifford J. Hood, John S. Michener, Frank Zimmerman, Karl M. Schneider, Adrian, Mich.—Construction permit for a new station to be operated on 1440 kc., 250 watts, daytime.

NEW—John E. Fetzer, Benton Harbor, Mich.—Construction permit for a new broadcasting station to be operated on 1500 1500 kc., 100 watts, daytime. Amended to omit request to have this application contingent upon WKBZ's application for 1200 kc.

W3XEX—WTAR Radio Corporation, Norfolk, Va.—Modification of construction permit to change transmitter site to Virginia Beach Blvd., 1.7 miles from Norfolk, Va.

W3XEX—WTAR Radio Corporation, Norfolk, Va.—License to cover above.

W3XES—Monumental Radio Co., Baltimore, Md.—License to cover construction permit for a new general experimental station.

NEW—The WGAR Broadcasting Co., Cleveland, Ohio, Portable-Mobile.—Construction permit for a new relay station to be operated on 31100, 34600, 37600, 40600 kc., 100 watts.

NEW—The WGAR Broadcasting Co., Cleveland, Ohio, Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 35 watts.

NEW—The WGAR Broadcasting Co., Cleveland, Ohio, Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 3 watts.

NEW—The WGAR Broadcasting Co., Cleveland, Ohio, Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 35 watts.

NEW—The Crosley Radio Corp., Cincinnati, Ohio.—Construction permit for a high frequency station to be operated on 31600, 35600, 38600, 41000 kc., 100 watts.

NEW—The Crosley Radio Corp., Cincinnati, Ohio.—Construction permit for a high frequency station to be operated on 31600, 35600, 38600, 41000 kc., 100 watts.

NEW—Scranton Broadcasters, Inc., Portable-Mobile.—Construction permit for a new relay station to be operated on 31100, 34600, 37600, 40600 kc., 5 watts.

NEW—Miami Valley Broadcasting Corp., Portable-Mobile.—Construction permit for a new relay station to be operated on 31100, 34600, 37600, 40600 kc., 40 watts.

NEW—Pittsburg Radio Supply House, Portable-Mobile.—Construction permit for a new relay station to be operated on 150000, 200000, 250000, 300000 kc., 5 watts.

Third Zone

WSM—The National Life & Accident Insurance Co., Nashville, 650 Tenn.—Construction permit to install a new transmitter and increase power from 50 KW to 500 KW.

KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—1040 Extension of special experimental authorization to change frequency from 1040 kc. to 1060 kc., hours of operation from share-KRLD to simultaneous WBAL from 6 a. m. to LS daily, suspend until 8 p. m., and unlimited from then until midnight, for period to 2-1-37.

WJBW—Charles C. Carlton, New Orleans, La.—Construction permit to install new transmitter; erect a vertical antenna; change hours of operation from share-WBNO to unlimited time; increase power from 100 watts to 100 watts, 250 watts day; and move studio from 947 Howard Ave., New Orleans, La., to Godchaux Building, 619 Canal Street, New Orleans, La. Requests facilities of WBNO.

WAIM—Wilton E. Hall, Anderson, S. C.—Modification of construction permit (B3-P-737) to change hours of operation from daytime to unlimited time, using 1 KW power; install directional antenna for night use. Amended for approval of transmitter site at Anderson College, Anderson, S. C.

NEW—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Construction permit for a new station to be operated on 1210 kc., 100 watts, daytime.

NEW—William Jerome Vereen and Thomas Hoyt Wimpy, d/b 1240 as Southern Farmer Station, Moultrie, Ga.—Construction permit for a new station to be operated on 1240 kc., 1 KW,

unlimited time. Amended to change name from Vereen-Wimpy to William Jerome Vereen and Thomas Hoyt Wimpy, d/b as Southern Farmer Station.

WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Authority to install automatic frequency control.

KRRV—Red River Valley Broadcasting Corp., Sherman, Tex.—1310 Modification of construction permit (B3-P-999) to make changes in equipment, for approval of transmitter site at 1910 South Crockett, 1½ miles from center of city, Sherman, Tex., and to change requested studio site from 221 S. Travis Avenue, Sherman, Tex., to 1910 South Crockett, Sherman, Tex.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Modification of 1420 construction permit (B3-P-588) for a new station, requesting approval of antenna system and to make changes in authorized equipment.

Fourth Zone

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Modification 560 of construction permit (B4-P-230) for new equipment and increase in power, requesting extension of completion date from 7-21-36 to 1-21-37.

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Modification 560 of construction permit (B4-P-230) as modified to install new antenna, move transmitter from Beacon Hill Addition, 1008 McGee Street, Springfield, Mo., to Highway No. 13, Springfield, Mo.

WILL—University of Illinois, Urbana, Ill.—Construction permit 890 to install directional antenna, move transmitter from 400 S. Wright St., Urbana, Ill., to south of Champaign, Ill.

KMA—May Seed & Nursery Co., Shenandoah, Iowa.—Modification 930 of construction permit (B4-P-764) for move of transmitter, changes in equipment, and change in hours of operation, requesting further changes in equipment, unlimited time and move of transmitter to 450 feet north of present site.

NEW—C. W. Corkhill, Sioux City, Iowa.—Construction permit 1200 for a new station to be operated on 1200 kc., 100 watts, unlimited time.

KFH—Radio Station KFH Co., Wichita, Kans.—License to cover 1300 construction permit (B4-P-447) for changes in equipment and increase in power.

KSCJ—Perkins Brothers Co. (The Sioux City Journal), Sioux 1330 City, Iowa.—License to cover construction permit (B4-P-639) to install auxiliary equipment for emergency purposes only, using 250 watts power.

WHBL—Press Publishing Co., Sheboygan, Wis.—License to cover 1410 construction permit (B4-P-945) for new equipment and move of transmitter.

NEW—Charles Porter and Edward T. Eversole, Festus, Mo.—1420 Construction permit for a new station to be operated on 1420 kc., 100 watts, limited time. Amended to change hours of operation from limited time to unlimited time, giving transmitter site as 100 Main Street, Festus, Mo.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Construction 1460 permit to make changes in equipment; move transmitter from Radio Center, Minnesota, to approximately 3 miles west of present site, Radio Center, Minnesota. Amended to install vertical antenna, move transmitter to approximately 4½ miles northwest of St. Paul, Minn.

NEW—Howard A. Miller, Galesburg, Ill.—Construction permit 1500 for a new station to be operated on 1500 kc., 100 watts, daytime, some nighttime. Amended to change hours of operation from daytime to specified hours.

NEW—Northwestern Publishing Co., Danville, Ill.—Construction 1500 permit for a new station to be operated on 1500 kc., 250 watts, daytime.

NEW—KFNF, Inc., Portable-Mobile.—Construction permit for a new relay station to be operated on 31100, 34600, 37600, 40600 kc., 5 watts.

NEW—KFNF, Inc., Portable-Mobile.—License to cover above.

NEW—KFNF, Inc., Portable-Mobile.—Construction permit for a new relay station to be operated on 31100, 34600, 37600, 40600 kc., 5 watts.

NEW—KFNF, Inc., Portable-Mobile.—License to cover above.

NEW—K. E. Schonert, d/b as Schonert Radio Service, Harrisburg, 103800, 142400, 400000 kc., 50 watts.

NEW—K. E. Schonert, d/b as Schonert Radio Service, Harrisburg, Ill.—Construction permit for a new high frequency broadcast station to be operated on 25950 kc., 50 watts.

Fifth Zone

KFI—Earle C. Anthony, Inc., Los Angeles, Calif.—Construction 640 permit to install a new transmitter, directional antenna, and increase power from 50 KW to 500 KW. Directional antenna to be used both day and night.

KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—Authority 1210 to determine operating power by direct measurement of antenna.

NEW—The News Press Publishing Co., Santa Barbara, Calif.—Construction 1220 permit for a new station to be operated on 1280 kc., 500 watts, unlimited time. Amended to change requested frequency from 1280 kc. to 1220 kc.

NEW—Curtis P. Ritchie, Trinidad, Colo.—Construction permit 1310 for a new broadcast station to be operated on 1310 kc., 100 watts, unlimited time.

KERN—The Bee Bakersfield Broadcasting Co., Bakersfield, Calif. 1370 —License to cover construction permit (B5-P-1112) to install new equipment and antenna.

NEW—Jesse G. Bourus, Everett, Wash.—Construction permit for 1500 a new station to be operated on 1500 kc., 100 watts, 250 watts day, unlimited time. Amended to change power from 100 watts, 250 watts day, to 100 watts, make changes in authorized equipment, and change in transmitter site at Everett, Wash.

W6XKK—Don Lee Broadcasting System, San Francisco, Calif.—License to cover construction permit for a new general experimental station.

NEW—Intermountain Broadcasting Corp., Portable.—Construction permit for a new relay station to be operated on 31100, 34600, 37600, 40600 kc., 2 watts.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
 JAMES W. BALDWIN, Managing Director

NAB REPORTS

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 JULY 16, 1936

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LARGEST CONVENTION IN NAB HISTORY

The Fourteenth Annual Convention of the NAB, held at Chicago, Illinois, July 5-8, was the largest convention in the history of the Association. Total enrollment was 816, with a delegate list of 261.

Proceedings Will Be Printed

The proceedings of the Fourteenth Annual Convention of the NAB will be published in NAB REPORTS as soon as the official transcript is available.

Officers and Directors for Ensuing Year

The following constitute the Officers and Directors of the Association for the current year:

- President—Charles W. Myers, KOIN-KALE, Portland, Oregon.
- First Vice President—John Elmer, WCBM, Baltimore, Maryland.
- Second Vice President—Gardner Cowles, Jr., KSO-KRNT, Des Moines, Iowa.
- Treasurer—Harold Hough, WBAP, Fort Worth, Texas.
- Managing Director—James W. Baldwin, Washington, D. C.

Directors

- *Edward A. Allen, WLVA, Lynchburg, Virginia.
- Ralph R. Brunton, KJBS, San Francisco, California.
- Harry C. Butcher, WJSV, Washington, D. C.
- *Arthur B. Church, KMBC, Kansas City, Missouri.
- Edwin W. Craig, WSM, Nashville, Tennessee.
- Wright W. Gedge, WMBC, Detroit, Michigan.
- John J. Gillin, Jr., WOW, Omaha, Nebraska.
- Alfred J. McCosker, WOR, Newark, New Jersey.
- J. O. Maland, WHO, Des Moines, Iowa.
- *Eugene P. O'Fallon, KFEL, Denver, Colorado.
- *John Patt, WGAR, Cleveland, Ohio.
- Gordon Persons, WSFA, Montgomery, Alabama.
- *Frank M. Russell, WRC-WMAL, Washington, D. C.
- T. W. Symons, Jr., KFPY, Spokane, Washington.
- *L. B. Wilson, WCKY, Covington, Kentucky.

* Elected this year.

RESOLUTIONS ADOPTED AT NAB CONVENTION

(Note: Missing numbers represent Resolutions which failed of adoption.)

Resolution No. 2

RESOLVED, That the National Association of Broadcasters sincerely thanks the Hon. Judge Eugene Octave Sykes, Chairman of the Broadcast Division, Federal Communications Commission, for the information, practicability and usefulness of his message delivered at its fourteenth annual convention, and that the membership believes that his message will serve as a potent aid in assisting

the licensees of American broadcasting stations to cooperate with the Federal Communications Commission.

Resolution No. 3

RESOLVED, That the National Association of Broadcasters hereby expresses its sincere thanks to Mr. C. H. Sandage for his contribution to the interest and value of the fourteenth annual convention of this Association.

Resolution No. 4

RESOLVED, That the National Association of Broadcasters hereby extends its hearty thanks to Mr. Glenn Snyder, Mr. Ralph K. Atlass, Mr. H. Leslie Atlass, Mr. H. C. Crowell, Mr. Gene T. Dyer, Mr. W. E. Hutchinson, Mr. Quin A. Ryan, Mr. F. A. Sanford, Mr. Niles Trammel, and Mr. Clinton R. White of the Local Convention Committee, for their admirable services in making the fourteenth annual convention of the National Association of Broadcasters an outstanding success.

Resolution No. 5

RESOLVED, That the National Association of Broadcasters hereby extends its hearty thanks to the management of the Stevens Hotel, and to Mr. Wm. P. Hennessy, Director of Conventions, Chicago Association of Commerce, for their splendid service in making the fourteenth annual convention of this Association an outstanding success; also to the management of the Stevens Hotel, and other hotels for their courtesies in accommodating so many of our guests.

Resolution No. 6

RESOLVED, That the official acts of the Managing Director since the thirteenth annual convention be and the same are hereby approved.

Resolution No. 7

RESOLVED, That the Managing Director be and he hereby is authorized to take such steps as may be necessary adequately to represent the best interests of the broadcasting industry in the forthcoming conferences preparatory to the Fourth Meeting of the CCIR, scheduled for the spring of 1937, and in the meeting of the CCIR.

Resolution No. 8

RESOLVED, That the President be and he hereby is authorized and directed to appoint a committee of three, one of whom shall be the Managing Director, to determine the procedure for most effective presentation of the United States position and proposals to the next administrative international conference scheduled to be held in Cairo early in 1938.

Resolution No. 9

RESOLVED, That the Managing Director be instructed to proceed immediately with the creation of a bureau of agency recognition in accordance with the plan approved and recommended by the Commercial Committee, with the understanding that the said bureau will be finally established only if the cost of its first year of operation is underwritten by the stations proposing to avail themselves of its services.

Resolution No. 10

RESOLVED, That the Board consider the continuance of the establishment of one or more annual NAB awards for conspicuous examples of public service rendered by American broadcasting stations.

Resolution No. 11

RESOLVED, That the NAB continue to cooperate with the Federal Communications Commission and educational groups in all practical efforts to study the application of education to radio.

Resolution No. 12

RESOLVED, That the NAB go on record as favoring the issuance of radio station licenses for a term of at least three years.

Resolution No. 14

RESOLVED, That the Committee on Radio Research for the year 1936-1937 consist of seven members appointed by the president, so as to represent the following groups, in addition to the Managing Director: (1) each major network contributing to the project; (2) local stations; (3) regional stations; and (4) clear channel or high powered stations.

BE IT FURTHER RESOLVED, That the committee be empowered to select five of its membership to represent the broadcasting industry on the Joint Committee on Radio Research.

RESOLVED, That this convention approve the activities of the N. A. B. Radio Research Committee during the past year, and that it commend the excellent progress made by the Joint Committee on Radio Research sponsored by the National Association of Broadcasters, Association of National Advertisers, and American Association of Advertising Agencies.

RESOLVED, That the Board of Directors of the National Association of Broadcasters be empowered to devote for exploratory purposes upon recommendation of the N. A. B. Radio Research Committee the sum of \$10,000.00, and that additional funds be devoted to the project if necessary, and if, in the opinion of the Board, this can be done without impairing the financial position of the Association.

Resolution No. 16

RESOLVED, That the Board of Directors of the NAB be directed and are instructed to carry on negotiations with copyright owners to the end that a per-piece or measured service plan be obtained.

Resolution No. 17

RESOLVED, That the Board of Directors of the NAB be directed to solicit the cooperative assistance of the Radio Manufacturers Association and all others interested in the advancement of the radio art to foster a national educational campaign furthering a public appreciation of radio. We recommend that if the necessary cooperation and funds can be obtained that the directors consider the employment of a competent person to direct this program.

Resolution No. 18

RESOLVED, That the NAB approves of the action taken by the Board of Directors in respect to the Bureau of Copyright and urges the wholehearted support of all members of the program which has been described in the reports made to the membership.

Resolution No. 19

WHEREAS, it is the sense of this convention that the interests of those attending are becoming more and more varied and

WHEREAS, there has been an ever increasing tendency toward the formation of smaller groups within the Association, and

WHEREAS, experience has proven this to be a healthy development, tending to interest a greater number of individuals in the work of the Association, and

WHEREAS, the sales promotion problems of the industry and individual stations both are becoming increasingly important
NOW THEREFORE BE IT RESOLVED, That

1.) This Association favors the formation of a Sales Managers Section of the NAB, to be affiliated with the Commercial Committee.

2. This Association recommends to the Board of Directors their approval of this project, and recommends that the Board authorize the Managing Director to pay such incidental expenses as are necessary for postage, printing and similar items out of funds of the Association.

Resolution No. 20

BE IT RESOLVED, by the National Association of Broadcasters that an effort be made to entertain all ladies who attend

the conventions of the National Association of Broadcasters and that during their attendance thereof an effort be made to entertain these ladies who cannot be with us in the meetings held in the interests of our problems.

Resolution No. 21-a

BE IT RESOLVED herewith that the National Association of Broadcasters appreciates the interest in their problems; and

WHEREAS, one who is known to us as "Jim" Hughes of Rock Island, Illinois, and who has attended many of our meetings in the past, and who would be in Chicago today were it not for the fact that health has presented a problem for him and that as he is now in a Rock Island Sanitarium endeavoring to regain his health, we trust that before another N. A. B. convention is held, Jim will be able to be with us.

Resolution No. 21-b

WHEREAS, it has come to the attention of this Convention that Edwin Spence of Baltimore, who has served the NAB for a number of years in a very splendid manner as Chairman of the Convention Committee, is ill

THEREFORE BE IT RESOLVED, That this Convention in session sends greetings and wishes for a very speedy recovery.

Resolution No. 22

WHEREAS, as the Radio Broadcasting Industry continues to grow in size it becomes more and more apparent that if broadcasters are to intelligently handle their state, regional and national programs, they must be organized in State, Regional and National Units.

Such organizations will also serve to keep the rank and file better informed and give the numerous broadcasters more of a voice in the affairs of the industry.

NOW THEREFORE BE IT RESOLVED, the Board of Directors of the NAB be and are hereby instructed to bend every effort during the year 1936-37 to foster such organizations as chapters of the NAB.

COURT BROADCASTING CASES

Paul R. Heitmeyer has filed two appeals in the Court of Appeals of the District of Columbia against decisions of the Federal Communications Commission in which the Commission refused to grant him construction permits for stations to be located at Salt Lake City, Utah, and Cheyenne, Wyo.

In the case of the Utah station the Examiner who heard the case recommended that the Heitmeyer application be granted if another grant then pending was denied. In the other case the Examiner recommended that the application be granted. In both cases the Broadcast Division of the Commission heard argument and decided that the applications should not be granted. The appeal is against these decisions.

Broadcasting Station KGBZ, York, Nebr., appealed in the same court for an order granting a stay of execution of the Commission's order taking the station off the air. Should the stay be granted the station could continue operation. The Commission has filed answer urging that the Court uphold its decision taking the station off the air.

The Eastland Company, the Palmer Broadcasting Syndicate, Inc., and the Congress Square Hotel Company all filed appeals in the Court of Appeals of the District of Columbia in connection with the decision of the Federal Communications Commission of May 1 granting an application of a construction permit to the Portland Broadcasting System, Inc., for a station at Portland, Me.

MUST FILE BROADCAST FACILITY RATES

Chief Examiner Davis G. Arnold of the Federal Communications Commission has handed down Report No. III-9 dealing with a request of the Rochester Telephone Corporation, Rochester, N. Y., taking up as a supplemental issue broadcast facilities.

In this case the telephone company contended that the Commission has only limited jurisdiction over it, while the Chief Examiner contends in his report that it has full jurisdiction.

In connection with the case the Examiner found that "facilities for broadcast purposes are furnished by the respondent." In his conclusions on this point the Examiner states that "pursuant to Section 202(b) (of the Communications Act) the respondent is required to file with the Commission their schedules and charges in connection with this type of service."

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

American Coach & Body Company, Cleveland, Ohio. (2-2291, Form A-2)
Cumberland Basin Mines, Inc., Denver, Colo. (2-2293, Form A-1)
Consolidated Retail Stores, St. Louis, Mo. (2-2295, Form A-2)
Richman Brothers Company, Cleveland, Ohio. (2-2296, Form A-2)
Lord Craven Hotel Corporation, New Bern, N. C. (2-2297, A-1)
Gannett Company, Inc., Rochester, N. Y. (2-2298, Form A-2)
Northwest Publications, Inc., St. Paul, Minn. (2-2299, Form A-2)
U. S. Radiator Corp. Committee, Detroit, Mich. (2-2300, Form D-1)
Abasand Oils, Ltd., Toronto, Canada. (2-2301, Form A-1)
Dejay Stores, Inc., New York City. (2-2302, Form A-2)
Gardner-Denver Company, Quincy, Ill. (2-2303, Form A-2)
North American Car Corp., Chicago, Ill. (2-2304, Form A-2)
Reiter-Foster Oil Corp., Tulsa, Okla. (2-2305, Form A-1)
Hudson Motor Car Co., Detroit, Mich. (2-2306, Form A-2)
First Reinsurance Co. of Hartford, Hartford, Conn. (2-2307, Form A-2)
V. J. Emore Stores, Inc., Clanton, Ala. (2-2308, Form A-1)
Public Service Electric & Gas Co., Newark, N. J. (2-2309, Form A-2)
Kansas Pipe Line & Gas Co., Topeka, Kans. (2-2310, Form A-1)
John R. Wright Corp., Detroit, Mich. (2-2311, Form A-1)
Akron Brass Mfg. Company, Wooster, Ohio. (2-2312, Form A-2)
Interstate Debenture Corp., Newark, N. J. (2-2313, Form E-1)
Standard Oil Company, New York City. (2-2314, Form A-2)
Soundview Pulp Company, San Francisco, Calif. (2-2315, Form A-2)
North Bangor Slate Co., Bangor, Pa. (2-2318, Form A-2)
Stearman-Hammond Aircraft Corp., San Francisco, Calif. (2-2319, Form A-1)
San Antonio Milam Building, Inc., San Antonio, Tex. (2-2322, Form F-1)
Ryerson & Haynes, Inc., Jackson, Mich. (2-2323, Form A-2)
Petersen Engine Company, Inc., Brooklyn, N. Y. (2-2324, Form A-1)

NEW STATION RECOMMENDED WITH CONDITIONS

The Community Broadcasting Company filed an application with the Federal Communications Commission asking a construction permit for a new broadcasting station at Toledo, Ohio, to use 1200 kilocycles, 100 watts power, and daytime operation.

Examiner Ralph L. Walker, in Report No. I-254, recommended that the application be granted "in the event the applications of WALR and the Continental Radio Company are denied * * * subject to the later approval by the Commission of the exact transmitter site." The Examiner found if the other pending applications referred to above are denied, that "the granting of the pending application will not result in objectionable interference."

RECOMMENDATIONS ON WALR

Broadcasting Station WALR, Zanesville, Ohio, applied to the Federal Communications Commission to move to Toledo, Ohio. The station operates with 100 watts power, unlimited time, on 1210 kilocycles.

Examiner Ralph L. Walker, in Report No. I-253, recommends that "the Commission either revoke its order of September 25, 1934, granting the application here involved, or, in the alternative, that the Commission modify said order to permit the operation of Station WALR, at Toledo, Ohio, during daylight hours only."

The Examiner states that the operation of WALR at Toledo "will result in serious and objectionable interference which will substantially reduce the present good service area of Station WJIM, at Lansing, Mich., and listeners in a substantial area which now receives a satisfactory signal from WJIM will be deprived of that service."

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 for hearing to show cause why cease and desist orders should not be issued against them.

No. 2869. Belmont Laboratories, Inc., 4430 Chestnut St., Philadelphia, is charged in a complaint with unfair methods of competition in the sale of "Mazon" and "Mazon Soap," preparations offered as treatments for skin diseases.

In magazines, medical journals and in other forms of advertising, the respondent corporation allegedly makes representations to the effect that the two preparations are prescribed by prominent physicians and afford quick and permanent elimination of eczema, ring worm, athlete's foot, and many other skin disorders; that "Mazon" is the original treatment of its character for the skin diseases specified in the respondent's advertising, and that it has no substitute.

These representations are untrue, according to the complaint, which alleges that the ingredients in "Mazon" have been known to the medical profession for many years, and that there are a number of proprietary preparations for skin diseases similar to "Mazon."

Nos. 2872-2873. Two companies and their officers are named respondents in separate complaints charging unfair methods of competition in connection with the sale of field and garden seed.

In one complaint, the respondents are **American Field Seed Co.**, 1929 West 43rd St., Chicago, also trading as **Sun-Field Seed Service** and **Standard Seed Co.**, and its officers, **Ernest E. Elder**, president, and **J. F. Sinn**, vice-president and treasurer. These respondents deal only in field seed.

Sinn also is named a respondent in the second complaint, as are the **Berry Seed Co.**, Clarinda, Iowa, of which he is president, and the company's other officers, **Charles M. Kelly**, vice-president, **Joseph F. Faassen**, secretary, and **Charles S. McKee**, treasurer. Both field and garden seed are sold by these respondents.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 1707. Edna Wallace Hopper, Inc., 4316 North Kilpatrick Ave., Chicago, engaged in the compounding or manufacture of cosmetics and toilet preparations, agrees to discontinue advertising that its "Special Restorative Cream" will restore the oils of youth to the skin or supply the skin with natural oils, and will keep the skin young and free of wrinkles or age lines. Other representations to be abandoned are that the preparation is the discovery of a great French scientist or of a famous beauty expert, and that the respondent company's "White Youth Pack (clay)" is of French origin.

No. 1708. The Parmeda Company, Bowling Green, Va., stipulates that in the sale of "Parmeda," which it manufactures, it will cease the use in advertising matter of the phrase, "Hair Tonic and Restorative," and of representations that its preparation "restores the natural color to gray and fading hair," or that it will "bring back the color of the hair to a natural shade." According to the stipulation, the product does not accomplish these things. The respondent corporation also will desist from the assertion that its product will stimulate hair growth or promote hair and scalp health and will stop falling hair, and that its product is not a dye.

No. 1709. Scientific Laboratories of America, 2567 38th Ave., Oakland, Calif., manufacturer of household remedies, agrees to discontinue use of the words "Scientific" and "Laboratories" as part of its trade name or in any way which may imply that it owns or operates a scientific laboratory, when this is not true. Under the stipulation, its remedies will no longer be advertised as prepared in one of the world's largest laboratories, nor will it be represented that the company spent many years in research before offering its remedies to the public; or that it has a staff of expert chemists. The respondent company agrees not to use in advertising matter the word "Doctor" or the abbreviation "Dr." to imply that the product so labeled has been compounded in accordance with the prescription of a doctor and contains special scientific features, when this is not a fact.

No. 1710. Whitney Payne Corporation, 152 West 42nd St., New York City, manufacturer and distributor of medical preparations under the trade names "Pheno-Cosan" and "Pheno-Cosan Medicated Soap," agrees to cease alleging in advertising matter that these preparations will cure or permanently relieve eczema, psoriasis, or general skin diseases, and will discontinue use of all representations not correctly describing its products and the results which can be obtained by their use.

No. 1711. Frank J. Speckert, 105 Cherry St., Seattle, Wash., selling "Leyden's Hair Tonic," agrees to stop representing the product in a manner implying that it will impart nourishment to the hair roots, thereby bringing gray or faded hair back to its natural color, or that through its use the product will restore the natural or original color to gray or faded hair, or that it will

impart color to hair except in the sense that it may dye it. The respondent stipulates that it will cease advertising that the preparation is capable of bringing the scalp to a healthy condition or of removing dandruff completely, stopping falling hair and starting it to grow, stopping itching scalp, or restoring new life to the hair. Speckert also agrees to desist from employing the phrase "It is good for children to use as well as adults," and of the assertion, "It is positively harmless."

No. 1713. Salts of Siloam Company, 1112 Porter Building, Portland, Ore., is engaged in packing mineral salts obtained from the waters of Soap Lake, Wash. According to its stipulation, the company's product, though laxative and diuretic in its action, and of possible use as a cleansing agent, was not properly designated, either directly or by implication, as having curative, remedial or beneficial properties other than those belonging to a laxative, diuretic or cleansing agent. The respondent agreed to cease and desist from representations that its product had curative or beneficial properties other than those mentioned, and from use of the statement, "This Water Analyzed by the United States Government," or any other assertions implying that the United States Government actually made an analysis of the water of Soap Lake, as set forth in the company's advertising, when this was not true.

No. 1714. Maud J. Taylor, 184 Summer St., Boston, trading as M. J. Taylor Company, engaged in printing and engraving social and business stationery, will discontinue using in advertising matter the words "engraving," "engraved" and "engravers" as descriptive of the respondent's products, which are not, in fact, made in accordance with the process of producing an impression on paper from inked plates containing inscriptions which have been carved, cut or stamped, according to the process of engraving or embossing. The respondent also will not use the word "engrave" alone or in connection with the word "semitone," implying that her products are manufactured by the well-known engraving or embossing process, when this is not true.

No. 1715. Nu-Tone Laboratories, Inc., 115 South Market St., Chicago, manufacturing electrical, radio and household specialties, will cease advertising to the effect that its "Nu-Tone Aerial Eliminator," when used according to directions, will result in less static, in a perfect tone, perfect selectivity, or greater distance, or that its use will reduce static and noise or eliminate all outside wires, in the sense that it will obviate the use of an outside aerial. In soliciting the sale of its "Line Noise Eliminator," the respondent company agrees to desist from representations to the effect that it will eliminate line noise or reduce static and noise, when used on a radio set.

No. 1716. Charles E. Berry, Jr., 1826 20th St., Washington, D. C., trading as Best Products Company, agrees that in selling combination cigarette lighters and cases he will cease and desist from the use in advertising matter of any pictorial representations imitating the "Ronson" combination lighter and case manufactured and sold by Art Metal Works, Inc., Newark, N. J., and which is priced at \$7.50.

According to the stipulation, Berry obtained a quantity of combination lighters and cases, so made as to imitate in design and appearance the "Ronson" product. In his advertisements carrying a picture of a lighter and case simulating the "Ronson" type, Berry is said to have offered it for sale at \$1, thereby implying that purchasers could obtain the "Ronson" type product at a greatly reduced price.

No. 1717. Lew Bradley, Room 505, Tabor Building, Denver, Colo., operates a correspondence school under the name of Modern Institute of Denver. In selling courses of instruction, he agrees to discontinue the use in advertising matter of exaggerated and inaccurate representations concerning the probability of students obtaining Civil Service positions, and stop misleading assertions as to the number of Civil Service employees being appointed and the probability of examinations being held. Misleading representations to the effect that the Government is in need of Civil Service employees and that the positions are permanent, steady, and well-paying are barred, under the stipulation.

The respondent also stipulates that he will neither advertise nor enter into any so-called agreements to refund tuition fees to his students who fail to obtain positions, unless he specifies the time within which such refunds are to be made.

No. 1718. Graham-Brown Shoe Company, Main and Austin Sts., Dallas, Tex., stipulates that in the sale of shoes it will stop using the word "Doctor" or the abbreviation "Dr." with the name "Austin" as a brand for its shoes which are not manufactured under the supervision of a doctor and do not contain orthopedic features resulting from medical advice and service. The respondent company also will cease use of the title "Doctor" or its abbreviation, either alone or with other words, implying that its

shoes are made in accordance with the design of a doctor and contain orthopedic features, when such is not the case.

No. 1719. Ben Greenberg & Brother, Inc., 2911 South La-Salle St., Chicago, agrees that in the sale of pillows it will desist from use of the word "kapok," alone or with the word "processed," or with any other words as a brand name for pillows not filled with kapok, or otherwise imply that the filling of such products is composed of kapok, when such is not the fact. Kapok is the silky fiber obtained from the seed of the Javanese kapok tree, and, after being subjected to a certain blowing process, is said to be a superior filling for pillows and mattresses.

No. 1720. Annette Lauzette, Inc., 30 East Randolph St., Chicago, trading as "Lanzette Laboratories," in the sale of a pumice stone device for removing superfluous hair will cease representations to the effect that the use of depilatories may cause erosion of the skin or blood poisoning; that, either shaving or the use of depilatories makes hair return thicker and darker, or that the use of waxes enlarges pores and increases hair growth. The respondent corporation also will stop advertising, directly or by inference, that the medical profession generally recognizes the pumice stone method to be probably the best known method of removing hair, when such is not the fact.

No. 2214. Unauthorized use of several well-known trade names, such as Edison, Marconi, Majestic and others, in the sale of radio sets, tubes and appliances, is prohibited under an order to cease and desist issued against six manufacturing and sales companies operating in New York, Boston and other cities.

The respondents are: **Marconi Radio Corporation, Edison Radio Stores, Inc.,** both of 23 East 21st Street, New York City; **Stuart Radio Corporation,** 58 Stuart Street, Boston; **Joseph E., S. A. and A. M. Frank and G. Blumenthal,** trading under the names **Perfection Radio Stores, Harvard Radio Stores and Post Radio Company,** formerly operating in various communities of Massachusetts, New York, Pennsylvania, Maryland, and in Washington, D. C.

These respondents are ordered to cease representing through advertisements, trade promotion literature and through the use of corporation, company or trade names, that the radio sets, tubes and appliances manufactured or assembled for, or by, and sold by them, are radio sets, tubes and appliances made, sold, sponsored or licensed by Thomas A. Edison, Thomas A. Edison, Inc., American Telephone & Telegraph Company, Western Electric Company, Marconi Wireless Telegraph Company of America, Radio Corporation of America, Victor Talking Machine Company, Brunswick-Balke-Collender Company, Warner Brothers Pictures, Inc., and its subsidiary, Brunswick Radio Corporation, Grigsby-Grunow Company, and General Electric Company.

The order also bars representation through use of the names "Edison," "Edison-Bell," "Edison Radio Stores, Inc.," "Edison International," "Bell," "Marconi," "Marconi Radio Corporation," "Victor," "Brunswick," "Bronswick," "Majestic," "Radio Corporation of America," "General Electric Company," or the letters "R. C. A.," "R. S. A.," "R. C. I.," "G. E." or "E. B.," or through picturization of a bell, alone or in connection with other words or symbols, that the radio sets, tubes, and appliances made or assembled for or by and sold by the respondents are made, assembled, approved or licensed by the Edison Company, American Telephone & Telegraph Company, and the other large, well-known companies above designated.

A third provision of the order prohibits the use on radio sets, tubes, and appliances sold by the respondent companies, of escutcheon plates, brands, or other marks bearing the names "Edison," "Edison Radio Stores, Inc.," "Edison International," "Edison-Bell," "Bell," or the representation of a bell, and various other names and initials of large and well-known companies so as to imply that these products are made, assembled, sold or licensed by these prominent manufacturers.

Findings are that Joseph E. Frank controls the business of the several respondent corporations and companies, and extended his business activities throughout the United States and into foreign countries, attempting to register with the Spanish Government the names "Edison" and "Marconi" as trade marks or trade names for radio and television sets and related products. This registration was denied by the Spanish Government upon objection of Thomas A. Edison, Inc., and the Marconi Wireless Telegraph Company of America, according to findings.

No. 2371. Morgen Distilling Corporation, 107 Hudson St., Jersey City, N. J., has been ordered to discontinue representing through use of the word "Distilling" in its corporate name, on labels, in advertising matter, or in any other manner that it is a

distiller, that it manufactures by a process of distillation the products it sells, or that it owns or operates a place where its spirituous beverages are distilled, until it actually owns or operates such a place.

Nos. 2423-2424-2432-2442-2449. Selling whiskies, gins and other spirituous beverages, five corporations have been ordered to discontinue representing they are distillers until such is a fact.

The orders to cease and desist direct that the respondent corporations discontinue representing through use of the words "Distilling," "Distillery," or "Distillers" in their corporate names, on stationery, labels, or in any other manner that they are distillers of spirituous beverages, that such beverages are manufactured by them through the process of distillation, or that they own or control places where such beverages are manufactured by distillation unless that be true.

The respondent corporations are **International Distilling & Distributing Corporation, Washington, D. C.**; **Sunrise Distilling Corporation, Chicago**; **LaSalle Distillery, Inc., Stamford, Conn.**; **Raritan Distillers Corporation, Perth Amboy, N. J.**, and **United Distillers Corporation, Providence, R. I.**

No. 2428. **Esbeco Distilling Corporation, 25 Jefferson St., Stamford, Conn.**, has been ordered to cease representing through use of the word "Distilling" in its corporate name that it is a distiller of liquors, until such time as it shall actually own, operate or control a distillery.

No. 2430. An order has been issued prohibiting unfair competition on the part of **Finishing Products Company, Inc., 3725 East 13th Street, Indianapolis**, in the sale of lacquers, stains, fillers, and other wood-finishing products.

Practicing what is known as commercial bribery, the respondent company, according to the Commission's findings in the case, attempted to promote the sale of its products by secretly paying to superintendents or finishing foremen in furniture factories sums of money to induce them to influence their employers to purchase the respondent's products in preference to those of competitors.

Findings are that through the medium of Walter J. Murray, its president, and Frank A. Metzger, its former vice-president, and David G. Small, its salesman, respectively, the respondent company secretly gave money or gratuities to superintendents and finishing foremen employed by customers in Sheboygan, Wis., Stevens Point, Wis., Sheboygan Falls, Wis., Appleton, Wis., Piqua, O., and Zeeland, Mich.

The order to cease and desist prohibits the respondent company, in the sale of its products, from giving and offering to give, directly or indirectly to superintendents, finishing foremen or other employees of furniture factories and other purchasers of furniture finishing products, without the knowledge and consent of their employers, money or gratuities to induce such employees to recommend the respondent company's products to their employers, or to induce such employers to purchase such products in preference to or to the exclusion of competing products.

No. 2438. **Old Rose Distilling Co., 222 West Madison St., Chicago**, has been ordered to cease and desist representing through use of the word "distilling" in its trade name that it is a distiller of liquors, owning, operating or controlling a distillery, unless and until it shall own, operate or control such a plant.

Nos. 2443-2678. **Potomac Distilling Corporation, 2700 Wilmarco Ave., Baltimore, Md.**, and **Old Colonel Distillery, Inc., 427 West Main St., Louisville, Ky.**, have been ordered to discontinue unfair methods of competition by improper use of the words "Distilling" or "Distillery" in their corporate names.

Each company is directed to stop representing through use of the word "Distilling" or "Distillery," respectively, in its corporate name, on stationery and in advertising matter, that it is a distiller of liquors; that these liquors or other spirituous beverages are manufactured by it through the process of distillation, or that it owns, operates or controls a place of business in which these products are distilled, unless and until it shall actually own, operate or control such a distillery.

No. 2497. **Henry L. Hughes, Inc.**, and its subsidiary, **Autograf Toothbrush Company, 300 Madison Avenue, New York City**, have been ordered to cease and desist from making misleading representations in the interstate sale of their product.

The order directs that the respondents cease representing through the medium of labeling, stamping or imprinting on the handles of toothbrushes sold by them, that such articles are made wholly in the United States, when in fact the handles have been imported from a foreign country, the name of which has been obliterated or obscured.

The order also directs the respondents to discontinue represent-

ing by imprinting on boxes, cartons or other packages containing their toothbrushes, the words "Made in U. S. A.," implying that these articles are manufactured in the United States, when in fact the handles have been imported from abroad.

No. 2553. **Gus Martel, New Fairfield, Conn.**, has been ordered to discontinue false representations in connection with the sale of correspondence courses of instruction in physical culture and boxing.

Martel is prohibited, among other things, from representing in advertising matter or in any other manner that his courses can be immediately mastered by amateur or professional fighters, and by non-amateurs or non-professionals in a relatively short period of time.

No. 2597. **Sanderson Adjustment Bureau, Inc., 1042 Citizens and Southern National Bank building, Atlanta, Ga.**, has been ordered to discontinue unfair methods of competition in the sale of collection systems for the use of merchants, professional men, and others.

The order requires the respondent corporation to cease representing in advertising that it is an old established concern selling collection systems for which there is a great demand, and that reliable men with managerial ability and sufficient capital to invest should earn from \$500 to \$1500 a month selling such systems, while the minimum earnings for agents should be \$50 a week.

No. 2658. Prohibiting unfair competition in the sale of leather luggage, an order has been issued to cease and desist against **Meyer Brodie and Morris White, trading as M & M Bag and Suit Case Co., 15 West 20th Street, New York City.**

The order directs cessation of the practice of labeling or stamping luggage made in whole or in part from split leather as "Warranted Walrus Grained Leather" without at the same time and in connection therewith, clearly stating that split leather has been used in the manufacture of such luggage.

No. 2683. An order has been issued against **Dr. S. B. Heining** directing him to discontinue unfair methods of competition in offering for sale and selling dental plates manufactured in his laboratory at 440 Huron St., **Chicago.**

Dr. Heining's method of business, according to findings, is to have laymen who reply to his advertisements, take impressions of their own teeth and gums with wax materials he sends them, and, upon return of the impressions, make from them the dental plates he sells to the purchasers.

Under the order, Dr. Heining is required to cease representing that purchasers of his artificial teeth can make as correct impressions of their own teeth and gums as members of the dental profession; that from such impressions he can make dentures that will give full power of mastication and look and feel better than the wearer's natural teeth, and that purchasers can obtain from him artificial teeth that fit as well and are as comfortable as those made in the usual manner by members of the dental profession.

No. 2759. Under an order to cease and desist, the **Hollywood Mask, Inc., 105 West Monroe St., Chicago**, is prohibited from misrepresenting in advertising matter the nature and effect of the cosmetic preparations it sells in interstate commerce.

The order directs the respondent corporation to discontinue representing that any of its cosmetics serve as a food for the skin, tissues or muscles, or have a beneficial effect in nourishing, filling out and tightening the lines of broken tissues; that they eliminate dryness, banish wrinkles and remove blackheads, and that they penetrate the skin beyond the epidermis, so as to produce any beneficial results on the underlying muscles, tissues, or layers of skin.

No. 2831. **Buno Company, Inc., 507 Green St., Philadelphia**, has been ordered to stop making misleading representations in the sale of its medicinal preparation called "Buno."

The order directs the respondent to stop alleging that this product will keep the skin clear and healthy, give instant relief from sunburn, mosquito and other insect bites, and that it is an effective treatment for dandruff, eczema, athlete's foot, and other skin eruptions.

FTC VACATES ORDER

No. 2168. The Federal Trade Commission has entered an order vacating a cease and desist order issued in November, 1934, against **Maid-O-Best, Inc., of St. Paul**, and its president, G. M. Moses, and against **Morris Averbach, of St. Paul, trading as The Muriel Company.**

The Commission directed that the order to cease and desist be set aside, and that taking of testimony on the charges of the prior complaint begin at a time to be determined.

The vacated order to cease and desist prohibited unfair representations in the sale of flavoring compounds, foodstuffs, toilet articles and household novelties.

FEDERAL COMMUNICATIONS COMMISSION ACTION

The Broadcast Division of the Commission did not meet at its regular time this week. A meeting will be held later.

No hearings are scheduled before the Commission during the week beginning Monday, July 20.

APPLICATIONS RECEIVED

First Zone

- WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—
710 Construction permit to install a new transmitter, new antenna, and increase power from 50 KW to 500 KW.
- WHDH—Matheson Radio Co., Inc., Boston, Mass.—Special experimental authorization to operate from sunset at Denver, Colo., to 11 p. m., EST, using directional antenna, from 8-1-36 to 2-1-37.
- NEW—George M. Haskins, Hyannis, Mass.—Construction permit for a new station to be operated on 1210 kc., 100 watts, 250 watts day, unlimited time.
- NEW—Continental Radio Co., Washington, D. C.—Construction permit for a new station to be operated on 1230 kc., 1 KW, unlimited time. Amended to give transmitter site as approximately 1 mile northwest of north corner of District of Columbia, Montgomery County, Md., and install directional antenna for day and night use.
- NEW—Julio M. Conesa, Mobile, Puerto Rico.—Construction permit for a new relay station to be operated on 1622, 2058, 2150, 2790 kc., 75 watts.

Second Zone

- NEW—Radio Air Service Corp., Portable-Mobile.—Construction permit for a new relay station to be operated on 31100, 34600, 37600, 40600 kc., 10 watts.
- NEW—The Ohio State University, Portable.—Construction permit for a new relay station to be operated on 31100, 34600, 37600, 40600, 93300, 12440, 155500, 248800 kc., 1 watt.
- NEW—Radio Air Service Corp., Portable-Mobile.—Construction permit for a new relay station to be operated on 31100, 34600, 37600, 40600 kc., 10 watts.
- NEW—Radio Air Service Corp., Portable-Mobile.—License to cover above.

Third Zone

- NEW—Pee Dee Broadcasting Co., James A. Bradley, Pres.,
950 Florence, S. C.—Construction permit for a new station to be operated on 950 kc., 1 KW, daytime.
- NEW—Carolina Advertising Corp., Florence, S. C.—Construction permit for a new station to be operated on 1200 kc., 100 watts, unlimited time.
- WJNO—Hazlewood, Inc., West Palm Beach, Fla.—License to 1200 cover construction permit (B3-P-159) as modified for a new station.
- WSIX—Jack M. Draughon & Louis R. Draughon, d/b as 638
1210 Tire & Vulcanizing Co., Nashville, Tenn.—Modification of construction permit (B3-P-227) for move of transmitter and studio, requesting extension of completion date from 8-4-36 to 11-1-36.
- WATL—J. W. Woodruff & S. A. Cisler, d/b as Atlanta Broadcasting Co., Atlanta, Ga.—Construction permit to install a new transmitter, make changes in antenna, increase power from 100 watts to 100 watts, 250 watts day, move studio from Room 707, Volunteer Life Bldg., Forsyth & Luckie Sts., Atlanta, Georgia, to 26 Cain Street, Atlanta, Georgia, and transmitter from Yaarab Shrine Mosque, 660 Peachtree Street, Atlanta, Georgia, to 26 Cain Street, Atlanta, Georgia.
- NEW—Carolina Advertising Corp., Columbia, S. C.—Construction permit for a new station to be operated on 1370 kc., 100 watts, 250 watts day, unlimited time.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Construction permit to install a new transmitter, change frequency from 1370 kc. to 1120 kc., power from 100 watts, 250 watts day to 1 KW.

Fourth Zone

- WLBL—State of Wisconsin, Dept. of Agriculture & Markets,
900 Stevens Point, Wisc.—Construction permit to install a new transmitter and antenna, change power and hours of operation from 2½ KW, specified hours to 5 KW, daytime, move transmitter from 8½ mi. N. E. of Stevens Point (near Ellis), Wisconsin, to 1 mi. S. of Auburndale, Wisconsin.
- NEW—Walter H. McGenty, Rice Lake, Wisc.—Construction permit for a new station to be operated on 1200 kc., 100 watts, 250 watts day, unlimited time.
- KGFW—Central Nebraska Broadcasting Corp., Kearney, Nebr.—
1310 Construction permit to install a new antenna, move studio and transmitter from 919 West 27th Street, Kearney, Nebraska, to site to be determined, Omaha, Nebraska.
- WMIN—Edward Hoffman, St. Paul, Minn.—Construction permit for a new station to be operated on 1370 kc., 100 watts, 250 watts day.
- WHLB—Head of the Lakes Broadcasting Co., Virginia, Minn.—
1370 Modification of construction permit (B4-P-329) to make changes in equipment, install a vertical antenna, for approval of transmitter and studio sites at 6th Ave. W. & 17th, Virginia, Minn., and extend commencement and completion dates.
- KOVC—George B. Bairey, Valley City, N. D.—Modification of
1500 construction permit (B4-P-224) for a new station requesting authority to install a new transmitter and antenna and for approval of transmitter site at 312½ Fifth Ave., Valley City, North Dakota.

Fifth Zone

- KHQ—Louis Wasmer, Inc., Spokane, Wash.—Modification of
590 construction permit (B5-P-925) as modified, giving transmitter site as R. F. D. No. 3, Spokane, Wash., and height of antenna to be determined.
- KMO—KMO, Inc., Tacoma, Wash.—Construction permit to make
1330 changes in equipment, install a vertical antenna, increase power from 250 watts to 1 KW, and change transmitter site from 1623 East "J" St., Tacoma, Wash., to site to be determined, Tacoma, Wash.
- KMED—Mrs. W. J. Virgin, Medford, Ore.—Construction permit
1410 to make changes in transmitter, install a new antenna, move transmitter from Sparta Building, Main & Riverside Avenues, Medford, Ore., to Ross Lane, Medford, Ore.
- NEW—Earle C. Anthony, Inc., Portable-Mobile.—Construction permit for a new relay station to be operated on 31100, 34600, 37600, 40600 kc., 25 watts.
- NEW—Standard Radio, Inc., Hollywood, Calif.—Authority to transmit electrical transcriptions to foreign countries (CJRJ, Winnipeg, Manitoba, Canada, and other Canadian stations).
- NEW—Earle C. Anthony, Inc., Mt. Wilson, Calif.—Construction permit for a new high-frequency station to be operated on 31600, 35600, 38600, 41000 kc., 100 watts.
- NEW—Lee Tracy, Mobile, aboard yacht *Adore*.—Construction permit for a new relay station to be operated on 1622, 2058, 2150, 2790 kc., 100 watts.
- NEW—Earle C. Anthony, Inc., Los Angeles County, California, near Buena Park.—Construction permit for a new international station to be operated on 6020, 9510, 11750, 15150, 21480 kc., 10 KW.

Puerto Rican Zone

WPRP—Julio M. Conesa, Ponce, P. R.—Modification of license 1420 to operate an additional hour from 11 p. m. to 12 daily.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
 JAMES W. BALDWIN, Managing Director

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Vol. 4 - No. 35
 JULY 23, 1936

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DETAILS OF OCTOBER 5 BROADCAST HEARING ANNOUNCED

The Federal Communications Commission this week made public details of the informal hearing to be held before the Broadcast Division of the Commission on October 5 in connection with Docket No. 4063 relating to the allocation of frequencies in the broadcast band and with the prevention of interference in that band. In an official statement on this subject the Commission announced the following:

Notice is hereby given of an informal hearing before the Broadcast Division of this Commission, to be held in the offices of the Commission at Washington, D. C., beginning at 10 A. M., October 5, 1936, for the purpose of determining what principles should guide the Commission in matters relating to or affecting the allocation of frequencies and the prevention of interference in the band 550-1600 kc, and, in particular, what changes, if any, should be made in the Commission's existing regulations or in the standards heretofore applied by it and its Engineering Department, in order to give effect to those principles.

Individual applications, individual assignments, and requests for allocation of broadcast facilities to particular groups or organizations will not be considered.

The Broadcast Division of the Commission desires to obtain the most complete information available with respect to this broad subject of allocation, not only in its engineering but also in its corollary social and economic phases, to the end that such regulations and standards as it may retain or adopt will make possible such use of the band 550-1600 kc as will provide maximum service (both transmission and reception) in the public interest. The improvements in, and the increased knowledge of, the engineering aspects of broadcasting since the inauguration of the present allocation system in 1928 will be taken into consideration; also the amendment of June 5, 1936, to the Communications Act of 1934, repealing Sec. 302 and modifying Sec. 307 (b).

Specifically, the Broadcast Division will consider proposals and evidence for or against such proposals, as to the principles that should guide it with respect to its regulations and standards on such subjects as the following:

I. Classification of broadcast stations:

1. Desirability of establishing new classes, or of subdividing, modifying or abolishing any existing class.
2. Proper definition of each class with respect to purpose and character of service.
3. Number of frequencies to be allocated to each class.

4. Suitability of various bands of frequencies (e.g., propagation characteristics and noise levels) in the range 550-1600 kc for the service to be rendered by each class.
5. Extent to which freedom from interference is to be secured to each class and extent to which duplicated use, night or day, of frequencies allocated to each class is to be permitted, including
 - (a) number of stations to be permitted to operate simultaneously on frequencies of each class;
 - (b) mileage-frequency separation tables as a method for determining permissible duplications;
 - (c) advisability of establishing subclassifications of any of the principal classes;
 - (d) use of frequencies allocated to one class by stations of another class;
 - (e) possibility of duplicated use of a frequency by two 50 kw stations separated by a substantial distance;
 - (f) consideration of hour of sunset as the dividing line between daytime and nighttime permissible duplications, and location at which sunset or other hour should be taken as such dividing line;
 - (g) application of directional antennas; and
 - (h) application of synchronization.
7. Maximum and minimum power requirements with respect to each class, including
 - (a) increases in power above 50 kw on any class of frequency;
 - (b) horizontal increases in power on frequencies on which nighttime duplicated operation is permitted, and
 - (c) differentiation in maximum power at day and at night.

II. Standards to be applied in determining coverage and the presence or absence of objectionable interference.

1. Propagation characteristics of the various frequencies in the range 550-1600 kc, including comparison of east-west and north-south transmission, effect of intervening mountain ranges, and seasonal variations.
2. Prevailing attenuation in various parts of the country.
3. Proper ratio of desired to undesired signal.
4. Signal intensity necessary to render satisfactory service in various types of community (e.g., urban, residential, rural, etc.).
5. Relative electrical noise levels, natural and man-made, in the range 550-1600 kc and in various types of communities.
6. Frequency separation, including
 - (a) the prescribed 10 kc separation between frequencies used by broadcast stations;
 - (b) the customary 50 kc separation between frequencies used by broadcast stations in the same community;
 - (c) mileage-frequency separation tables as a method for determining minimum geographical separation between stations using frequencies separated by from 10 to 40 kc;
 - (d) permissible disparity in power between stations on adjacent frequencies;
 - (e) practicable standards of receiver selectivity, and
 - (f) practicable standards of receiver fidelity.
7. Proper definition of blanketing signal.
8. Legitimate assumptions with respect to Heaviside layer and sunspot cycle.

III. Geographical distribution of broadcast facilities.

1. Weight to be given to such factors as area, population and economic support.
2. Desirability of establishing a system for evaluating facilities (e.g., a quota system) in order to comply with Sec. 307 (b) of the Communications Act of 1934, as amended, and "to provide a fair, efficient, and equitable distribution of radio service" among the several States and communities.

3. Feasibility of allowing adherence to sound engineering principles automatically to effect the distribution required by Sec. 307 (b).

IV. Standards and methods of measurement with respect to

1. Power.
2. Tolerance.
3. Field intensity.
4. Determination of service.
5. Determination of interference.

V. Apparatus performance requirements to be imposed on broadcast stations.

1. Frequency stability.
2. Antenna efficiency.
3. Modulation.
4. Suppression of harmonics.
5. Fidelity of transmission.
6. Transmitter location.

VI. Effect of any proposals regarding the foregoing subjects.

1. Socially and economically, upon the public and the industry.
2. Internationally, upon use of the band 550-1600 kc by other countries in North and Central America.
3. Upon possible future use of frequencies in the band 6000-30,000 kc and in the band above 30,000 kc for broadcasting.

This outline is not to be taken as excluding evidence and proposals bearing on allocation matters not specifically enumerated, provided such evidence and proposals otherwise come within the limitations set forth in this notice.

Cross-examination of witnesses will be limited to questions by Commissioners and members of the Commission's legal and technical staffs.

Persons or organizations desiring to appear and testify should notify the Commission of such intention on or before September 15, 1936. In such notification the number of witnesses who will appear and the time estimated to be occupied by each should be stated. This information is necessary in order more efficiently to organize the hearing. Proposals seeking amendment of existing regulations should be accompanied by written drafts of the amendments desired, to be submitted at the time such proposals are made during the hearing.

Prior to this hearing, the Broadcast Division will publish the results of the so-called "clear channel survey," undertaken during the past year, in order that all persons who desire to appear at the hearing will have as much information as is practicable with respect to the performance of stations operating under practical conditions.

By the Commission,

(Seal)

JOHN B. REYNOLDS,
Acting Secretary.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

- Brown Forman Distillery Co., Louisville, Ky. (2-2325, Form A-1)
- Merchants Industries, Inc., Dayton, Ohio (2-2326, Form A-2)
- Security Holders Protective Committee, Newark, N. J. (2-2327, Form D-1)
- Charleston Shipbuilding & Drydock Co., Charleston, S. C. (2-2329, Form A-1)
- Chamberlin Metal Weather Strip Co., Detroit, Mich. (2-2330, Form A-2)
- Johnson Furniture Co., Shreveport, La. (2-2331, Form A-1)
- Froedtert Grain & Malting Co., Greenfield, Wis. (2-2332, Form A-2)
- Carroll Stores of America, Inc., West Haven, Conn. (2-2333, Form A-1)
- Powdrell & Alexander, Inc., Danielson, Conn. (2-2334, Form A-2)
- Silver Dollar Mining Co., Wallace, Idaho (2-2335), Form A-1)

TEXAS STATION RECOMMENDED

The Navarro Broadcasting Association filed an application with the Federal Communications Commission asking for a construction permit for a new broadcasting station to be erected at Corsicana, Texas, to use 1320 kilocycles, 100 watts power and daytime operation.

Examiner George H. Hill in Report No. I-260 recommended that the application be granted subject to the condition that the towers be marked in accordance with the specifications of the Bureau of Aeronautics. The Examiner found that there is need for the additional radio service in the area and that there is adequate local talent to supply the needs of such a station. Some interference would be caused with Station WRR, Dallas, Texas, however, says the Examiner, "it is shown that it would not be classed as serious."

BROADCAST RECEIPTS IN WEST SOUTH CENTRAL STATES

Total receipts of the 65 broadcast stations in the west south central states from the sale of radio time last year amounted to \$3,684,427 according to the Bureau of the Census, Department of Commerce in a report of the new business census series on the broadcasting business.

The report covers all stations in the four west south central states including 11 stations in Arkansas, 12 in Louisiana, 12 in Oklahoma and 30 in Texas.

NEW FLORIDA STATION RECOMMENDED

Earl Weir filed an application with the Federal Communications Commission asking for a permit to erect a new broadcasting station at St. Petersburg, Florida, to use 1370 kilocycles, 100 watts power and unlimited time on the air.

Examiner Melvin H. Dalberg in Report No. I-261 recommended that the application be granted. The Examiner states that it is apparent that there is a genuine need for local broadcasting facilities. There is no question, says the Examiner, "of objectionable interference involved in this application."

NEW SERVICE ANNOUNCED FOR BROADCASTERS AND EDUCATORS

Another constructive move to improve local educational radio programs has been announced jointly by the United States Commissioner of Education, J. W. Studebaker and James W. Baldwin, managing director of the National Association of Broadcasters.

Recognizing that radio scripts, improved production techniques and closer cooperation of educators and broadcasters were the keys to better local educational radio programs, Commissioner Studebaker, requested the Educational Radio Project to prepare materials to meet these needs. The result is "Interviews with the Past," a series of 15 minute radio scripts with accompanying suggestions for production by high school or college radio units.

"Interviews with the Past" are imaginary interviews by a group of reporters for a local school paper. They interview successfully six celebrities of the past who reply to the young newspapermen and newspaperwomen in the exact language history records them as using.

Celebrities interviewed are: Benjamin Franklin, William Shakespeare, Queen Elizabeth, Napoleon Bonaparte, Catherine of Russia, and George Washington.

Scripts, a production manual, a glossary of radio terms, incidental theme music and bibliographies are being mailed today from the Office of Education to city school superintendents, heads of higher institutions and CCC district advisers who wish to produce the programs with school groups during the coming school year with the cooperation of their local station managers. Copies of this material are also going out to the Nation's station managers from the National Association of Broadcasters office.

Before drawing up the manual of suggestions for broadcasting, Maurice Lowell, the Project's production director, cast and produced the "Interviews with the Past" program with the help of a radio guild from McKinley High School, Washington, D. C., over Station WMAL.

Production Director Lowell observed the difficulties of this group, and on the basis of these observations wrote a "Radio Manual of Suggestions for Production," to serve as a guide for schools, universities, CCC camps and other nonprofessional groups. He also prepared a glossary of terms used in studios.

Music arrangements for theme and signature by school orchestras or choruses were written by Music Director Rudolf Schramm.

Since it was discovered in the experimental production of the series that the broadcasts stimulated interest in the lives of the celebrities, the Project prepared a series of bibliographies for distribution among schools and CCC camps.

Written by Dr. Donald G. Calhoun, formerly professor of history at the University of Southern California, and feature writer for the Los Angeles Times, and Miss Dorothy Donnell, formerly educa-

tional editor, Macmillan Book Company, magazine editor, and author of children's books, the scripts were edited by Leo S. Rosencrans, Educational Radio Project's script director, who formerly was with the National Broadcasting Company. Mr. Rosencrans is author of "Sally of the Talkies," "Nickelodeon" and other nationally-known programs. He is co-author with Irene Rich of "Behind the Screen."

An advisory committee of historians and educators guided the preparation of the series. The committee includes Dr. C. C. Tansill, professor of history, American University; Belmont Farley, director of publicity, National Educational Association; Miss Olga Jones, administrative assistant in the editorial division, Office of Education, and William Dow Boutwell, editor-in-chief of the Office of Education, and director of the Project.

While Commissioner Studebaker expects that most educators and broadcasters will wish to produce the series during the Fall, some school officials have indicated their desire to put the series on the air during their Summer school session. Mr. Baldwin indicated that many station managers will welcome this new material for Summer production.

In cooperation with the National Broadcasting Company and the Columbia Broadcasting System, the Educational Radio Project is now producing five program series as experimental demonstrations of new educational broadcasting techniques. These programs go over Nation-wide hook-ups and include: "The World Is Yours"—dramatizations based on activities of the Smithsonian Institution; "Safety Musketeers"—safety education; "Answer Me This"—social science; "Have You Heard?"—natural science and "Education in the News."

In order that teachers, school officials and other workers in educational radio may have an opportunity to learn the latest methods of the art, the Educational Radio Project established a workshop in cooperation with New York University. A script exchange service has also been set up to serve educators in need of educational scripts.

RECOMMENDS NEW CALIFORNIA GRANT

K. K. Kidd and A. C. Kidd, applied to the Federal Communications Commission for a construction permit for the erection of a new station at Taft, Cal., to use 1420 kilocycles, 100 watts and daytime operation.

Examiner R. H. Hyde, in Report No. I-259 has recommended that the application be granted. The Examiner states that "the evidence shows that there is a public need and a demand in the applicants' area for the proposed new broadcast service," also, that "the construction and operation of the proposed station could not reasonably be expected to cause interference to the fair and efficient service of any other station or stations."

WATSON AND BLAZ WANTED

Broadcasting station KFH, Wichita, is anxious to know the whereabouts of M. V. Watson and Ned E. Blaz connected with National Features Service, Inc.

COURT APPROVES BANK NIGHT

"Bank night" is not a lottery according to a ruling of the Supreme Court of Massachusetts. The court held that a man could not be held guilty of promoting a lottery without specifically selling lottery tickets.

As is generally known bank night is a night set aside by various theatres during which a sum of money is given to a patron whose name is drawn from among those of patrons who hold gratuitously distributed tickets.

SOUTH DAKOTA STATION RECOMMENDED

The Sioux Falls Broadcasting Association, Inc., applied to the Federal Communications Commission for a construction permit for the erection of a new station at Sioux Falls, S. D., to use 1200 kilocycles, 100 watts power and unlimited time on the air.

Examiner George H. Hill in Report No. I-262 recommends that the application be granted subject to the approval of the antenna and transmitter sites. He found that there is need for the facilities of a local station at Sioux Falls and states that no interference would result to any existing service from the operation of the proposed station.

STAY ORDERS GRANTED

The Court of Appeals of the District of Columbia has granted a stay order to station KGBZ, York, Nebr., and in another case a stay order was granted to the Palmer Broadcasting Syndicate.

Station KGBZ was taken off the air by the Federal Communications Commission and was actually off the air from July 7 to July 14. Under the court's stay order, however, the station is back on the air until its appeal against the decision of the Commission is disposed of.

The Commission granted a construction permit to the Portland Broadcasting System, Inc., for the erection of a new station at Portland, Me. The Palmer Broadcasting Syndicate and several others who had applications pending for a station at the same time appealed to the Court against the decision of the Commission. The court has granted a stay order against the erection of the new station pending disposition of the case.

RECOMMENDS DENYING NEW STATION

Ted R. Woodard applied to the Federal Communications Commission for a construction permit for the erection of a new station at Kingsport, Tenn., to use 1210 kilocycles, 100 watts power and daytime operation.

Examiner Ralph L. Walker in Report No. I-257 has recommended that the application be denied. The Examiner found that "the operation of a station as proposed will result in objectionable interference to a new station now being constructed at Middleboro, Ky.; likewise, the service area of the proposed station would be restricted by objectionable interference from the Middleboro station."

MOVE OF KGKO RECOMMENDED

Broadcasting station KGKO, at Wichita Falls, Texas, applied to the Federal Communications Commission to install new equipment and to move its transmitter and studios to Fort Worth, Texas. The station operates on 570 kilocycles, 250 watts and 1,000 watts LS and unlimited time.

Chief Examiner Davis G. Arnold in Report No. I-255 recommends that the Commission confirm a former order granting the station permission to make the move. Following the granting of this permission by the Commission chambers of commerce and radio stations objected to the move and the case was set for further hearing.

The Chief Examiner in recommending to the Commission that it allow the change to be made states that "considering the entire record it is not shown that the protestants have discharged the burden of proof resting upon them."

MEXICAN STATION WANTS TO IMPORT POWER

The Federal Power Commission has announced receipt of an application from the Piedras Negras Broadcasting Company, Piedras Negras, Coahuila, Mexico, for authority to import electric energy from the United States, to be purchased from the Central Power & Light Company at a point of delivery on the Texas side of the Rio Grande River near Eagle Pass, Texas.

The application was filed under the requirements of Section 202 (e) of the Federal Power Act, and is the twenty-third application involving the international transmission of electric energy received by the Commission.

The applicant, which serves the City of Piedras Negras and vicinity, states that the amount of energy expected to be imported during the next twelve months will be approximately 950,000 kilowatt-hours, to be used for stand-by emergency service and to supplement, when necessary, the output of the broadcasting company's power plant in Piedras Negras.

Adding that the proposed importation will be in the public interest because of the need for emergency service in Piedras Negras and because it will provide an outlet for surplus energy in the United States, the applicant further states that due to recent heavy rainfall the power house at Piedras Negras has been incapacitated, making the City of Piedras Negras and vicinity dependent upon energy to be obtained from the United States.

DAYTIME HOURS RECOMMENDED FOR NEW STATION

Jonas Weiland filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new station at Kinston, N. C., to use 1200 kilocycles, 100 watts and 250 watts LS and unlimited time on the air.

Examiner Ralph L. Walker in Report No. I-258 recommended that the application be granted for daytime operation only; denying nighttime operation.

The Examiner states that "operation of the proposed station during the day would not result in objectionable interference to any existing station, but its operation at night would cause objectionable interference to and curtail the good service area of Station WLVA, Lynchburg, Va."

RECOMMENDS NEW TEXAS STATION

Dorrance D. Roderick applied to the Federal Communications Commission for a construction permit for the erection of a new

broadcasting station at El Paso, Texas, to use 1500 kilocycles, 100 watts power and unlimited time on the air.

Examiner George H. Hill in Report No. I-256 recommends that the application be granted "on condition that the towers of the proposed station be marked and lighted in accordance with the specifications of the Department of Commerce."

The Examiner contends that a city the size of El Paso can support two broadcasting stations, the proposed new one and KTSM, and he states that no objectionable interference would result from the operation of the proposed station.

BROADCAST STATION CORRECTIONS

The Federal Communications Commission has issued the following list of broadcast station alterations and corrections (underlined> to the edition dated January 1, 1936 for the month of June.

| <i>Call Letters</i> | <i>Main Studio Location</i> | <i>Name of Licensee</i> | <i>Power</i> | <i>Frequency (kc)</i> | <i>Time Destination</i> |
|---------------------|--|--|------------------------------------|---|-----------------------------------|
| KCMO | Kansas City, Mo. | Lester E. Cox, Thos. L. Evans and C. C. Payne | 100w | 1370 | U |
| KDON | Del Monte, Calif. T-Monterey | Monterey Peninsula Broadcasting Co. | 100w | 1210 | U |
| KELD | N. Eldorado, Ark. | Radio Enterprises, Inc. | 100w | 1370 | U |
| KFJZ | Fort Worth, Tex. | Fort Worth Broadcasters, Inc. | 100w 250w-LS | 1370 | U |
| KFVD | Los Angeles, Calif. | Standard Broadcasting Co. | 250w | 1000 | L-WHO |
| KGBZ | York, Nebr. | KGBZ Broadcasting Co. | 1kw 2½kw-LS | 930 | S-KMA |
| | | | | Date of deletion extended to 7-7-36 Strike out 6-30-36 | |
| KHBC | Hilo, Hawaii | Honolulu Broadcasting Co., Ltd. C. P. covered by license | 250w | 1400 | U |
| KHQ | Spokane, Wash. | Louis Wasmer, Inc. | 1kw 2kw-LS C. P. 5kw-LS | 590 | U |
| KMA | Shenandoah, Iowa | May Seed and Nursery Co. | 1kw 2½kw-LS | 930 | S-KGBZ |
| | | | | Effective 7-7-36..... U Strike out 6-30-36 | |
| KOB | Albuquerque, N. Mex. | Albuquerque Broadcasting Co. | 10kw | 1180 | Simultaneous D. S-KEX night |
| KOL | Seattle, Wash. | Seattle Broadcasting Co. | 1kw 5kw-LS | 1270 | U |
| KOVC | Valley City, N. D. | George B. Bairey Effective 7-2-36 | 100w | 1500 | U (C. P. only) |
| KRSC | Seattle, Wash. | Radio Sales Corp. | 100w C. P. 250w..... | 1120 | D U |
| KUOA | Fayetteville, Ark. C. P. Siloam Springs..... | KUOA, Inc. | 1kw 2½kw | 1260 | D |
| KVI | Tacoma, Wash. T-nr. Des Moines C. P. T-N. of Tacoma..... | Puget Sound Broadcasting Co., Inc. | 1kw 5kw-LS | 570 | U |
| KWYO | Sheridan, Wyo. | Big Horn Broadcasting Co., Inc. | 100w C. P. 250w-LS | 1370 | U |
| WBNX | New York, N. Y. T-Cliffside Park, N. J. | Standard Cahill Co., Inc. Effective 6-20-36..... Strike out 9-15-36 | 250 w C. P. 1kw | 1350 | S-WAWZ |
| WEEI | Boston, Mass. T-Weymouth | WEEI Broadcasting Corp. | 1kw | 590 | U |
| WELI | New Haven, Conn. | City Broadcasting Corp. | 500w | 900 | D |
| WFIL | Philadelphia, Pa | WFIL Broadcasting Co. | 500w 1kw-LS | 560 | U |
| | | | | S. A. 1kw-night-Exp. C. P. 1kw | |
| WGBI | Scranton, Pa. | Scranton Broadcasters, Inc. | 500w Strike out S. A. 500w-Exp. | 880 | S-WQAN |
| WHBB | Selma, Ala. | W. J. Reynolds, Jr., J. C. Hughes and J. S. Allen, d/b as Selma Broadcasting Co. | 100w | 1500 | D |
| WHBU | Anderson, Ind. | Anderson Broadcasting Corp. | 100w 250w-LS | 1210 | U |
| WHIS | Bluefield, W. Va. T-nr. Bluefield | Daily Telegraph Printing Co. | 500w 1kw-LS | 1410 | U |

| Call Letters | Main Studio Location | Name of Licensee | Power | Frequency (kc) | Time Destination |
|--------------|---|--|---------------------------------------|----------------|------------------|
| WLAK | Lakeland, Fla. | Lake Region Broadcasting Co. <i>C. P. covered by license</i> | 100w | 1310 | U |
| WMC | Memphis, Tenn. T-Bartlett, <i>C. P. T-nr. Memphis</i> | Memphis Commercial Appeal, Inc. | 1kw 2½kw-LS 5kw-LS | 780 | U |
| WMT | Cedar Rapids, Iowa T-nr. Marion | Iowa Broadcasting Co. | 1kw 2½kw-LS <i>C. P. 5kw-LS</i> | 600 | U |
| WNBC | New Britain, Conn. T-Newington | State Broadcasting Corp. | 250w | 1380 | D |
| WREC | Memphis, Tenn. T-nr. Rugby Park | WREC, Inc. | 1kw 5kw-LS | 600 | U |
| WSPR | Springfield, Mass. T-West Springfield | Quincy A. Brackett, Lewis B. Breed, Edmund A. Laport, co-partners, d/b as Connecticut Valley Broadcasting Co. <i>C. P. covered by license</i> | 500w | 1140 | L-KVOO, WAPI |

NOTE: Section 302 of the Communications Act of 1934 repealed as of June 5, 1936. *Strike out all quota.*

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 for hearing to show cause why cease and desist orders should not be issued against them:

No. 2874. Wilson Chemical Company, Inc., Tyrone, Pa., is named respondent in a complaint alleging unfair methods of competition in the sale of medicinal salves and miscellaneous merchandise, the latter designated as "premiums."

According to the complaint, the respondent corporation advertises in newspapers and magazines for sales agents, and represents to them that by selling a specified number of boxes of salve, usually twelve, they may receive one of several articles of merchandise as a premium. The respondent corporation is said to allow agents 30 days in which to sell a consignment of salve, and either to remit such portion of the sales proceeds agreed upon or to return the unsold merchandise.

No. 2875. Charging unfair competition in the sale of baby foods and health preparations, a complaint has been issued against **Adah Alberty, 729 Seward Avenue, Hollywood, Calif.,** trading as **Alberty's Food Products, Alberty's Food Lab., Alberty's Food Laboratories, The Alberty Food Laboratories, Cheno Laboratories, Cheno Products, and U. S. Okey.**

Selling products through wholesale houses, physicians and health food stores, and advertising in newspapers, health magazines, and booklets distributed through food stores, the respondent is alleged to have circulated deceptive and misleading allegations concerning the curative value and benefits to be obtained by using her baby foods and health preparations.

No. 2876. Charged with using unfair methods of competition in connection with the sale of proprietary and patent medicines, **Reliable Specialty Corporation, 1030 Lafayette Ave., Buffalo, N. Y.,** is named respondent in a complaint alleging violation of Section 5 of the Federal Trade Commission Act.

In a booklet entitled "Hints in Health and Beauty," and on labels and in circulars, the respondent corporation is charged with making false representations in advertising certain of its products, including "Great Christopher Corn Cure," "Reliable Hair Food," "Dr. King's Ointment," "Reliable Herb Tablets," "Beat-Sall Iron Compound Tonic Tablets," "Reliable Anti-Stout Tablets," "Reliable Cold Tablets," "Romola Antiseptic Powder," "Reliable Herb Tea," "Reliable Asthma Remedy," and "Egyptian Asthma Remedy."

The complaint alleges that in such advertising many of the representations made by the respondent corporation are misleading and deceptive in that in some cases they do not truthfully and accurately state the therapeutic value of the preparations, and in other cases exaggerate such therapeutic values.

No. 2877. A complaint alleging unfair competition in the sale of a safety appliance for use on radiant-type stoves has been issued against **Health Guard, Inc., 110 East Utica St., Buffalo, N. Y.**

Selling "Health Guard," a cylinder-shaped device designed to remove carbon monoxide from gases produced by radiant-type stoves, the respondent company is alleged to have advertised that its appliance contains a catalyst that oxidizes the deadly, poisonous

carbon monoxide, changing it to a harmless gas, and that the product is the only safe device for eliminating unsightly pipes on stoves and radiant heaters, and the first and only completely safe substitute for stove pipes.

According to the complaint, the respondent's product does not oxidize carbon monoxide, nor change it to a harmless gas, nor does it accomplish the other things claimed, and the respondent's representations tend to deceive purchasers, and may cause them to do away with flues or other means of removing carbon monoxide products from a room, thereby endangering health and lives because of a false sense of security induced by the respondent company's representations.

No. 2878. A complaint has been issued against **Giacomo LaGuardia, trading as Herba Medicinal Laboratory, 537 Broadway, New York City,** charging him with misrepresenting the therapeutic value of the herb medicines he compounds and sells in interstate commerce.

The respondent is said to represent in advertisements, by radio broadcasts, and otherwise, that his products are a competent treatment and an effective remedy for 28 different diseases or ailments, when, according to the complaint, they are not as efficacious as claimed; do not have the medical value represented in reducing weight and clearing the skin of impurities and eruptions; do not cure stomach and intestinal disorders, and are not competent in the treatment and relief of the various other ailments and diseases as advertised by the respondent.

Other representations of the respondent alleged in the complaint to be untrue are that he is a great specialist in herbs and that his store is the only place where herbs "adapted for any one of your troubles" can be found.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 01406. International Laboratories, Inc., Rochester, N. Y., agrees that in the sale of "Moone's Emerald Oil" it will stop advertising that "dangerous" varicose veins can be reduced by use of the preparation; that it dissolves simple swellings, except in the sense that it aids nature in reducing such swellings through its penetrative and counter-irritative nature, and that it is of benefit in the treatment of boils, ulcers, open sores or skin disorders, other than such benefit as reasonably may be expected from a wet dressing exercising an inhibitory effect upon germ or fungus growth. Representations that users of the preparation will have "no more crippling pain" and that there is "nothing so good" as the respondent's product, will be discontinued.

No. 01407. Lechler Laboratories, Inc., 334 Audubon Ave., New York City, selling a hair bleaching product designated "Lechler's '569' Instantaneous Hair Lightener," agrees to cease representing that the preparation will lighten hair without peroxide, and does not contain peroxide; that it is the only preparation that lightens the scalp and is an effective remedy for dandruff, and that one application keeps the scalp beautifully clean.

No. 01408. Mantho Kreoamo, Inc., 301 North Center St., Clinton, Ill., stipulates that it will discontinue advertising that its "M-K Liquid Rub" controls inflammation and is a competent treatment for rheumatism, lumbago, athlete's foot, colds, aches and

pains, unless such claims are limited to the palliative relief afforded by the preparation. The respondent corporation also agrees to cease advertising that its "M-K Cold Remedy" prevents pneumonia and is effective for coughs, colds, bronchitis, or complications of colds, unless such representations are limited to symptomatic relief.

No. 01409. **Sterling Wiener, trading as Wiener's Nu-Way Laboratories, 20 Vine St., Evansville, Ind.,** entered into a stipulation not to represent that "P. D. Q. Cough Control" is effective in the relief of coughs and colds, unless such representations are limited to the relief of coughs which may result from colds, and that it is a beneficial remedy for sore throat, unless such claim is confined to the relief of minor throat irritations and sore throats due to colds.

No. 01410. **Vladimir Mohnach and Michael Homa, trading as The Remasol Company, P. O. Box 6419, Philadelphia,** and dealing in a medicinal preparation designated "Remasol," signed an agreement to discontinue representations that their product is a new and remarkable remedy which rids the skin of pimples, blackheads, and other skin eruptions, and assures a normal complexion; that it is harmless to the most sensitive skin; that its harmlessness is guaranteed, and that medical men endorse it.

No. 01411. **The Quaker Oats Company, 141 West Jackson Blvd., Chicago,** will stop advertising that "Quaker Oats" is the only protective food that is rich in the nerve-nourishing Vitamin B that combats nervousness and constipation; that most foods lack a sufficient amount of the yeast Vitamin B present in "Quaker Oats," and that Vitamin B is "oatmeal vitamin."

No. 01412. **A. H. Smith, trading as Three Threes Sales Company, Sumner, Miss.,** engaged in the sale of a medicinal preparation designated "Three Threes Pellagra Remedy," will discontinue claims that the product prevents or cures pellagra and prevents death, and that it is guaranteed and is effective in supplying iron or vitamins to the blood, in increasing appetite and weight, and in aiding digestion.

No. 2223. An order has been issued prohibiting unauthorized use by seven **New York** radio dealers of well-known trade names, such as **Edison, Marconi, Majestic** and others, in the sale of radio sets, tubes and appliances.

The respondents are: **Edison-Bell Co., Inc., 60 Courtlandt St.; Fox Radio & Television Company, Inc., 60 Courtlandt St.; Atlas Television Co., Inc., 58 Courtlandt St.; York Television and Radio Corporation, 166 Greenwich St.; Bob Radio Corporation, 174 Greenwich St.; Music Masters Corporation, 71 Courtlandt St.; and Fox Radio Corporation, 60 Courtlandt St., all of New York City.** The order also names as respondents **Robert Siegel, Aaron L. Siegel, Samuel Fox Barsky and Simon Barsky,** individually and trading under the name **Edison-Bell Company.**

The respondents are ordered to cease representing through advertisements, trade promotion literature, and through the use of corporation, company or trade names, that the radio sets, tubes and appliances manufactured or assembled for, or by, and sold by them, are radio sets, tubes and appliances made, sold, sponsored or licensed by **Thomas A. Edison, Thomas A. Edison, Inc., American Telephone & Telegraph Company, Western Electric Company, Marconi Wireless Telegraph Company of America, Radio Corporation of America, Victor Talking Machine Company, Brunswick-Balke-Collender Company, Warner Brothers Pictures, Inc.,** and its subsidiary, **Brunswick Radio Corporation, Grigsby-Grunow Company, and General Electric Company.**

The order also bars representation through use of the names "Edison," "Edison-Bell," "Edison-Bell Company," "Edison Radio Stores, Inc.," "Edison International," "Bell," "Marconi," "Marconi Radio Corporation," "Victor," "Brunswick," "Bronswick," "Majestic," "Majestic Radio Corporation," "Majestic International," "Radio Corporation of America," "General Electric Company," or the letters "R.C.A.," "R.S.A.," "R.C.I.," "G.E." or "E. B.," or through picturization of a bell, alone or in connection with other words or symbols, that the radio sets, tubes and appliances made or assembled for, or by, and sold by the respondents, are made, assembled, approved or licensed by the **Edison Company, American Telephone & Telegraph Company,** and the other large, well-known companies above designated.

The order also prohibits the use on radio sets, tubes and appliances sold by the respondent companies, of escutcheon plates, brands or other marks bearing the names "Edison," "Edison Radio Stores, Inc.," "Edison International," "Edison-Bell," "Edison-Bell Company," "Bell," or the representation of a bell, and various other names and initials of large and well-known companies so as to imply that these products are made, assembled, sold or licensed by these manufacturers.

No. 2583. Under an order entered, **Sam Fisher, trading as**

Hollywood Shirt Company, 8 Allen St., New York City, is directed to discontinue representing that he manufactures the shirts he sells in interstate commerce, and that persons who purchase them in preference to the shirts of competitors are buying from a manufacturer, thereby saving a middleman's profit.

Fisher buys his shirts from an independent corporation, according to the Commission's findings, but in advertising his products used the words "manufacturer" and "direct from manufacturer to wearer."

No. 2645. Trading as **Diamond Knitting Mills, Jack Diamond, 1225 Broadway, New York City,** has been ordered to discontinue representing that he owns or operates a mill or factory in which the knitted products he sells are manufactured.

The order directs the respondent to cease making such representation through his trade name by use of the words "Knitting" or "Mills" alone or in connection with any other words, or in any other manner.

No. 2671. **Ross Knitting Mills, Inc.,** and others, of 522 East 8th St., **Brooklyn,** distributor of knitted garments and other wearing apparel, have been ordered to cease and desist from representing through their trade names, or in other ways, that they own, operate or control a mill or factory in which their products are knitted or manufactured.

Findings are that the respondents do not knit or manufacture the garments they sell and that their representations tend to deceive buyers, many of whom prefer to deal directly with manufacturers, believing that they can, in this way, eliminate middlemen's profits and buy at lower prices.

No. 2674. Under an order issued, **Griffith Piano Company, 605 Broad St., Newark, N. J.,** is directed to discontinue unfair competition in the sale of its products in interstate commerce.

The order directs the respondent, in connection with the sale and advertising of pianos, to cease and desist from altering the illustrations of pianos sold by it so as to give the impression that the article offered is of square, colonial design, when this is not true, and from simulating the advertising or illustrations of competitors in such manner as to mislead buyers as to the design or type of the piano offered for sale. The respondent also is directed to cease permitting or authorizing its agents to make false and misleading assertions or false, disparaging comments concerning pianos of its competitors.

FEDERAL COMMUNICATIONS COMMISSION ACTION

No hearings are scheduled at the Commission during the week beginning Monday, July 27.

APPLICATIONS GRANTED

- WAVE—WAVE, Inc., Louisville, Ky.—**Granted C. P. to install new equipment.
- KWTO—Ozarks Broadcasting Co., Inc., Springfield, Mo.—**Granted modification of C. P. extending completion date from July 21, 1936, to January 21, 1937, to enable applicant to erect a 429-foot antenna in conformance with engineering rules of the Commission.
- KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—**Granted consent to the transfer of control from the present stockholders to **W. H. Allen;** frequency **1420 kc.,** 100 watts, daytime only.
- WCAX—Burlington Daily News, Inc., Burlington, Vt.—**Granted consent to the transfer of control from **Bertha Jackson** to **Marie Jackson Forbes;** frequency **1200 kc.,** 100 watts day and night, specified hours.
- KIDO—Frank L. Hill and C. G. Phillips, d/b as Boise Broadcast Station, Boise, Idaho.—**Granted C. P. to move transmitter locally and install vertical radiator.
- KUJ—KUJ, Inc., Walla Walla, Wash.—**Granted consent to the transfer of control from **Louis Wasmer** to **H. E. Studebaker;** frequency **1370 kc.,** 100 watts, unlimited time.
- KSUN—Copper Electric Company, Inc., Lowell, Ariz.—**Granted C. P. to make changes in equipment, to install vertical radiator, and increase day power from 100 watts to 250 watts; frequency **1200 kc.,** 100 watts night, 250 watts day, unlimited time.
- W9XAA—Chicago Federation of Labor, York Township (DuPage Co.), Illinois.—**Granted C. P. to make changes in transmitter equipment and increase power from 500 watts to 5,000 watts; frequencies **6080, 11830, 17780 kc.** unlimited time.

WKBZ—Karl L. Ashbacker, Muskegon, Mich.—Granted C. P. requesting approval of transmitter site and installation of new vertical radiator; frequency 1500 kc., 100 watts night, 250 watts day, unlimited time.

WAAB—Bay State Broadcasting Corp., Boston, Mass.—Granted C. P. to install new equipment; frequency 1410 kc., 500 watts, unlimited time.

W2XMN—Edwin H. Armstrong, site to be determined.—Granted modification of C. P. for new high-frequency broadcast station on an experimental basis requesting additional frequency of 41600 kc. Original permit authorized 85500 and 111000 kc., 40 KW, for experimental operation, with frequency and amplitude modulation.

KFWB—Warner Bros. Broadcasting Corp., Hollywood, Calif.—Granted modification of C. P. requesting approval of antenna, move of transmitter site and installation of new equipment; frequency 950 kc., 1 KW night, 5 KW day, unlimited time.

WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Granted authority to install automatic frequency control; frequency 1280 kc., 1 KW night, 5 KW day, unlimited time.

W9XJM—WCBS, Inc., Portable-Mobile.—Granted license to cover C. P. for a new relay broadcast station on an experimental basis, under provisions of Rules 1000, 1001 (b) and 1003 (d), to be used in relaying programs where wire facilities are not available, to be broadcast by applicant's broadcast station WCBS; frequencies 31100, 34600, 37600, 40600 kc., 2 watts, unlimited time.

W2XF—National Broadcasting Co., Inc., New York, N. Y.—Granted license to cover C. P. for changes in equipment and increase power from 5 KW to 12 KW; frequencies 42000-56000, 60000-86000 kc., unlimited time.

KFH—Radio Station KFH Co., Wichita, Kans.—Granted license to cover C. P. for changes in equipment and increase day power to 5 KW; frequency 1300 kc., 1 KW night, 5 KW day, unlimited time.

WHBL—Press Publishing Co., Sheboygan, Wis.—Granted license to cover C. P. which authorized changes in equipment, installation of vertical antenna and the moving of the transmitter; frequency 1300 kc., 250 watts, unlimited time.

WKBI—WKBI, Inc., Cicero, Ill.—Granted modification of license requesting a change in hours as specified on license from CST to EST; frequency 1420 kc., 100 watts.

WEHS—WEHS, Inc., Cicero, Ill.—Granted modification of license, as amended, requesting a change in specified hours from daily (except Sundays): 4 p. m. to 6 p. m., 1 a. m. to 7 a. m.; Sundays: 4 p. m. to 8 p. m., and 1 a. m. to 7 a. m., CST, to daily (except Sundays): 4 p. m. to 6 p. m.; Sundays: 4 p. m. to 8 p. m., EST. Frequency 1420 kc., 100 watts, specified hours.

WHFC—WHFC, Inc., Cicero, Ill.—Granted modification of license requesting change in hours as specified from CST to EST; frequency 1420 kc., 100 watts, specified hours.

KYA—Hearst Radio, Inc., San Francisco, Calif.—Granted C. P. amended to read: Move transmitter locally, install new equipment, increase day power from 1 KW to 5 KW, and commencement date 30 days after grant, completion date 90 days thereafter; frequency 1230 kc., 1 KW, unlimited time.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted C. P. to move transmitter locally 2.5 miles, install vertical radiator, and authority to operate with 1 KW, unlimited time, permanently; frequency 580 kc., 1 KW, unlimited time.

WABI—Community Broadcasting Service, Bangor, Me.—Granted C. P. to move transmitter locally 2 miles to Brewer, Me., install vertical radiator, make changes in equipment, change hours of operation from specified hours to unlimited time, and increase day power from 100 watts to 250 watts; frequency 1200 kc., 100 watts night, 250 watts day.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Granted modification of C. P. to make change in equipment and antenna system; frequency 1420 kc., 100 watts, daytime only.

WSB—Atlanta Journal Co., Atlanta, Ga.—Granted renewal of license for period August 1, 1936, to February 1, 1937; frequency 740 kc., 50 KW, unlimited time.

NEW—Puerto Rico Advertising Co. (Emilio Defillo Ramirez), Mayaguez, Puerto Rico.—Granted amended application for C. P. for a new station at Mayaguez, P. R., to authorize operation on 1370 kc., 100 watts night, 250 watts day, specified hours. Exact studio and transmitter sites are to be determined with Commission's approval.

NEW—Mutual Broadcasting System, Inc., Chicago, Ill.—Granted extension of authority to exchange programs with Station CKLW, Windsor, Ontario, and other Canadian broadcast stations through the telegraph office of Canadian Pacific Railway at Windsor with Canadian Radio Broadcasting Commission from June 1, 1936, to December 1, 1936.

RENEWAL OF LICENSES

KDKA—Westinghouse Electric & Manufacturing Co., Pittsburgh, Pa.—Granted renewal of license.

KDKA—Westinghouse Electric & Manufacturing Co., Pittsburgh, Pa. (Alternate).—Granted renewal of license.

KEX—Oregonian Publishing Co., Portland, Ore.—Granted renewal of license.

The following stations were also granted renewal of licenses:

KFAB, KFAB Broadcasting Company, Lincoln, Nebr.; KFEQ, KFEQ, Inc., St. Joseph, Mo.; KFI, Earle C. Anthony, Inc., Los Angeles, Calif.; KFI (Auxiliary), Earle C. Anthony, Inc., Los Angeles, Calif.; KGO, National Broadcasting Co., Inc., San Francisco, Calif.; KGO (Auxiliary), National Broadcasting Co., Inc., San Francisco, Calif.; KIRO, Queen City Broadcasting Co., Seattle, Wash.; KJBS, Julius Brunton and Sons Co., San Francisco, Calif.; KMOX, The Voice of St. Louis, Inc., St. Louis, Mo.; KOA, National Broadcasting Co., Inc., Denver, Colo.; KPO, National Broadcasting Co., Inc., San Francisco, Calif.; KPO (Auxiliary), National Broadcasting Co., Inc., San Francisco, Calif.; KRLD, KRLD Radio Corp., Dallas, Tex.; KSOO, Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.; KTHS, Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.; KTRB, Thomas R. McTammany and William H. Bates, Jr., Modesto, Calif.; KVOO, Southwestern Sales Corp., Tulsa, Okla.; KXA, American Radio Telephone Co., Seattle, Wash.; KYW, Westinghouse Electric & Manufacturing Co., Philadelphia, Pa.; WAAW, Omaha Grain Exchange, Omaha, Nebr.; WABC-WBOQ, Atlantic Broadcasting Corp., New York, N. Y.; WAPI, WAPI Broadcasting Corp., Birmingham, Ala.; WATR, The WATR Company, Inc., Waterbury, Conn.; WBAL, The WBAL Broadcasting Co., Baltimore, Md.; WBBM, WBBM Broadcasting Corp., Chicago, Ill.; WBBM (Auxiliary), WBBM Broadcasting Corp., Chicago, Ill.; WBT, Station WBT, Inc., Charlotte, N. C.; WBZ, Westinghouse Electric and Manufacturing Co., Boston, Mass.; WCAZ, Superior Broadcasting Service, Inc., Carthage, Ill.; WCFL, Chicago Federation of Labor, Chicago, Ill.; WCFL (Auxiliary), Chicago Federation of Labor, Chicago, Ill.; WDGY, Dr. George W. Young, Minneapolis, Minn.; WEA, National Broadcasting Co., Inc., New York, N. Y.; WEA (Auxiliary), National Broadcasting Co., Inc., New York, N. Y.; WEEU, Berks Broadcasting Co., Reading, Pa.; WENR, National Broadcasting Co., Inc., Chicago, Ill.; WENR (Auxiliary), National Broadcasting Co., Inc., Chicago, Ill.; WEW, The St. Louis University, St. Louis, Mo.; WGN, WGN, Inc., Chicago, Ill.; WGY, General Electric Co., Schenectady, N. Y.; WGY (Auxiliary), General Electric Co., Schenectady, N. Y.; WHAM, Stromberg-Carlson Telephone Mfg. Co., Rochester, N. Y.; WHAM (Auxiliary), Stromberg-Carlson Telephone Mfg. Co., Rochester, N. Y.; WHAS, The Courier-Journal Co. and The Louisville Times Co., Louisville, Ky.; WHB, WHB Broadcasting Co., Kansas City, Mo.; WHKO, Associated Radiocasting Corp., Columbus, Ohio; WINS, Hearst Radio, Inc., New York, N. Y.; WJJD, WJJD, Inc., Chicago, Ill.; WJR, WJR, The Goodwill Station, Detroit, Mich.; WJR (Auxiliary), WJR, The Goodwill Station, Detroit, Mich.; WJZ, National Broadcasting Co., Inc., New York, N. Y.; WJZ (Auxiliary), National Broadcasting Co., Inc., New York, N. Y.; WKAR, Michigan State College, East Lansing, Mich.; WMAQ, National Broadcasting Co., Inc., Chicago, Ill.; WOAI, Southland Industries, Inc., San Antonio, Tex.; WOAI (Auxiliary), Southland Industries, Inc., San Antonio, Tex.; WPTF, WPTF Radio Co., Raleigh, N. C.; WPTF, WPTF Radio Co., Raleigh, N. C. (Auxiliary); WSAZ, WSAZ, Inc., Huntington, W. Va.; WTAM, National Broadcasting Co., Inc., Cleveland, Ohio; WTBO, Associated Broadcasting Corp., Cumberland, Md.; WTIC, The Travelers Broadcasting Service Corp., Hartford, Conn.

WHDF, The Upper Michigan Broadcasting Co., Calumet, Mich., was granted renewal of license for period ending 3 a. m., EST, January 1, 1937.

The following applications for renewal of special experimental station license for experimental service were granted for the periods specified in exact conformity with the existing licenses:

W1XKB, Westinghouse Electric & Manufacturing Co., Portable, effective 3 a. m., EST, July 21, 1936, and expiring 3 a. m., EST, October 31, 1936; W1XEH, The Travelers Broadcasting Service Corp., Avon, Conn., effective 3 a. m., EST, July 24, 1936, expiring

3 a. m., EST, October 24, 1936; W3XDD, Bell Telephone Laboratories, Inc., Whippany, N. J., effective 3 a. m., EST, July 29, 1936, expiring 3 a. m., EST, October 29, 1936; W1XKA, W3XKA, W8XKA, Westinghouse Electric & Manufacturing Co., Portable-Mobile, effective 3 a. m., EST, July 30, 1936, expiring 3 a. m., EST, October 30, 1936.

The Commission also granted the following applications for renewal of licenses:

KFBI, The Farmers and Bankers Life Insurance Co., Abilene, Kans.; WBZ, Westinghouse Electric and Manufacturing Co., Boston, Mass.; WDZ, WDZ Broadcasting Co., Tuscola, Ill.; WHDH, Matheson Radio Co., Inc., Boston, Mass.; WHDH (Auxiliary), Matheson Radio Co., Inc., Boston, Mass.; WHEB, Granite State Broadcasting Corp., Portsmouth, N. H.; WHO, Central Broadcasting Co., Des Moines, Iowa; WMBI, The Moody Bible Institute Radio Station, Chicago, Ill.; WOR, Bamberger Broadcasting Service, Inc., Newark, N. J.; WOR (Auxiliary), Bamberger Broadcasting Service, Inc., Newark, N. J.; WSB, The Atlanta Journal Company, Atlanta, Ga. (Auxiliary); WSM, The National Life and Accident Insurance Company, Nashville, Tenn.; WSM, The National Life and Accident Insurance Company, Nashville, Tenn.; WRVA, Larus & Bro. Company, Inc., Richmond, Va.; KFVD, Standard Broadcasting Company, Los Angeles, Calif.; KGDM, E. F. Peffer, Stockton, Calif.; KIEV, Cannon System, Ltd., Glendale, Calif.; KJR, Fisher's Blend Station, Inc. (Lessee), Seattle, Wash.; KOB, Albuquerque Broadcasting Company, Albuquerque, N. M.; KSL, Radio Service Corporation of Utah, Salt Lake City, Utah; WIBG, Seaboard Radio Broadcasting Corp., Glenside, Pa.; WLS, Agricultural Broadcasting Co., Chicago, Ill.; WLS (Auxiliary), Agricultural Broadcasting Company, Chicago, Ill.; WLW, The Crosley Radio Corp., Cincinnati, Ohio; WMAZ, Southeastern Broadcasting Co., Inc., Macon, Ga.; WOI, Iowa State College of Agriculture and Mechanic Arts, Ames, Iowa; WRUF, University of Florida, Gainesville, Fla.

The Commission granted applications for renewal of license for period ending 3 a. m., EST, January 1, 1937, in the following cases:

KELD, Radio Enterprises, Inc., El Dorado, Ark.; WJMS, WJMS, Inc., Ironwood, Mich.; WOPI, Radiophone Broadcasting Station WOPI, Inc., Bristol, Tenn.

The Commission directed that renewal of licenses be granted to the following stations on a temporary basis only for the term beginning 3 a. m., EST, August 1, 1936, and ending 3 a. m., EST, February 1, 1937, subject to such action as the Commission may take upon the licensee's pending application for renewal of license:

KNX, Western Broadcast Company, Los Angeles, Calif.; KWJJ, KWJJ Broadcast Co., Inc., Portland, Ore.; KWKH, International Broadcasting Corp., Shreveport, La.; WBAP, Carter Publications, Inc., Fort Worth, Tex.; WCCO, Northwestern Broadcasting, Inc., Minneapolis, Minn.; WESG, Cornell University, Elmira, N. Y.; WFAA, A. H. Belo Corp., Dallas, Tex.; WJAG, The Norfolk Daily News, Norfolk, Nebr.; WNYC, City of New York, Department of Plant and Structures, New York, N. Y.; WOV, International Broadcasting Corp., New York, N. Y.; WPG, City of Atlantic City, Atlantic City, N. J.; WWL, Loyola University, New Orleans, La.

The Commission directed that a temporary renewal of license be issued to KGBZ, KGBZ Broadcasting Co., York, Nebr., for use of frequency 930 kc., 1 KW, 2½ KW day, sharing time with Station KMA; and a temporary renewal of license to KMA, May Seed and Nursery Co., Shenandoah, Iowa, for the use of frequency 930 kc., 1 KW night, 2½ KW day, sharing time with Station KGBZ, for the period beginning July 14, 1936, pursuant to and in conformity with the stay order granted July 14, 1935, by the Court of Appeals of the District of Columbia in Cause No. 6770, KGBZ Broadcasting Co., appellant, v. FCC, and pending decision of said appeal on the merits by the Court of Appeals of District of Columbia.

SET FOR HEARING

KXL—KXL Broadcasters, Portland, Ore.—Application for consent to the transfer of control of KXL Broadcasters from A. B. Read to T. W. Symons, Jr., and E. B. Craney. Frequency 1420 kc., 100 watts night, 250 watts day, sharing time with KBPS.

KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—Application for consent to the assignment of license of station KTHS from Hot Springs Chamber of Commerce to Radio Enterprises, Inc. Frequency 1040 kc., 10 KW night and day, sharing with KRLD.

NEW—Dixie Broadcasting System, Stokes Gresham, Jr., President, Valdosta, Ga.—Application for C. P. for a new station at Valdosta, Ga., to operate on 1500 kc., 100 watts daytime only, site to be approved.

WSPA—Virgil V. Evans, d/b as The Voice of South Carolina, Spartanburg, S. C.—Application for C. P. to make changes in equipment, install vertical radiator, increase day power from 1 KW to 5 KW. Present assignment: 920 kc., 1 KW, daytime only.

NEW—Vincennes Newspapers, Inc., Vincennes, Ind.—Application for C. P. to erect a new broadcast station on 1200 kc., 100 watts night, 250 watts day, unlimited time, exact site to be determined.

KFI—Earle C. Anthony, Inc., Los Angeles, Calif.—Hearing before Broadcast Division on application for C. P. to install new equipment and directional antenna and increase power from 50 KW to 500 KW. Frequency 640 kc., unlimited time.

WJR—WJR, The Goodwill Station, Detroit, Mich.—Hearing before Broadcast Division on application for C. P. to install new equipment and to increase power from 50 KW to 500 KW. Frequency 750 kc., unlimited time.

WSM—The National Life & Accident Insurance Co., Nashville, Tenn.—Hearing before Broadcast Division on application for C. P. to install new equipment and to increase power from 50 KW to 500 KW. Frequency 650 kc., unlimited time.

WHDH—Matheson Radio Co. Inc., Boston, Mass.—Hearing before Broadcast Division on application for special experimental authorization to operate from local sunset at Denver, Colo., to 11 p. m. EST, using directional antenna at present site for a period from August 1, 1936 to February 1, 1937. Frequency 830 kc., 1 KW night, 1 KW day, daytime to sunset at Denver, Colo.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Hearing before Broadcast Division on application for C. P. to install new equipment and increase power from 5 KW to 50 KW with unlimited time experimentally. Frequency 970 kc., 5 KW, unlimited time, experimentally.

KDKA—Westinghouse Electric & Mfg. Co., Pittsburgh, Pa.—Hearing before Broadcast Division on application for C. P. to install new equipment (new transmitter and new antenna) subject to Commission approval, and to increase power from 50 KW to 500 KW. Frequency 980 kc., 50 KW, unlimited time.

KGO—National Broadcasting Co., Inc., San Francisco, Calif.—Application for C. P. to move transmitter to same site as KPO near Belmont, Calif., install new equipment, increase power from 7.5 KW to 50 KW, and install directional antenna for night operation. Frequency 790 kc., 7.5 KW, unlimited time.

WSMK—WSMK, Inc., Dayton, Ohio—Application for modification of license to authorize change in hours of operation from simultaneous day KQV and specified hours night to unlimited time, and to increase power from 200 watts to 250 watts. Frequency 1380 kc.

WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Application for modification of license to authorize increase in day power from 500 watts to 500 watts, 1 KW LS and continue to share with WQAN. Frequency 880 kc.

WDRG—WDRG, Inc., Hartford, Conn.—Hearing before Broadcast Division on application for modification of license to change power from 1 KW, 5 KW LS to 5 KW, unlimited time. Frequency 1330 kc., unlimited time.

NEW—Farnsworth Television, Inc., of Pennsylvania, Springfield, Pa.—Application for C. P. for a new television broadcast station to operate on 42000-56000 kc. and 60000-86000 kc. on an experimental basis under provision of Rules 1031, 1033 and 1034. It is proposed to be used in a program of research for the development of the art of television in the metropolitan areas of Springfield and Philadelphia.

The hearing of the so-called Brooklyn cases, involving stations WLTH, WEVD, WBBC, WVFW, et al., scheduled before the Commission, sitting en banc, for September 9, 1936, was postponed to October 26, 1936.

ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. I-235: Carl S. Taylor, DuBois, Pa.—Denied C. P. for new broadcast station to operate on 780 kc., 250 watts daytime. Examiner R. H. Hyde sustained. Effective October 13, 1936.

WISN—Ex. Rep. I-230: Hearst Radio, Inc., Milwaukee, Wis.—Denied C. P. to make changes in equipment, move transmitter from 533 E. Wells St., Milwaukee, Wis. to 231 W. Michigan St., Milwaukee, Wis., to increase power from 250 watts night, 1 KW day, to 1 KW, unlimited time. Frequency 1120 kc. Examiner M. H. Dalberg reversed. Effective Oct. 6, 1936.

WGBF—Ex. Rep. I-232: Evansville On The Air, Inc., Evansville, Ind.—Granted C. P. to make changes in equipment and increase power from 500 watts to 500 watts night, 1 KW day. Frequency 630 kc. Simultaneous day and shares night with WOS and KFRU. Examiner R. H. Hyde sustained. Effective October 6, 1936.

WQDM—Ex. Rep. I-236: E. J. Regan & F. Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Granted C. P. to install new equipment, move transmitter from 16 Kingman St., St. Albans, Vt. to St. Albans Bay, Vt., change frequency from 1370 kc. to 1399 kc., and increase power from 100 watts to 1 KW, specified hours. Examiner M. H. Dalberg sustained. Effective September 8, 1936.

Heard Before Broadcast Division:

KNX—Western Broadcast Co., Los Angeles, Calif.—Granted renewal of license. Frequency 1050 kc., 50 KW, unlimited time. Also granted authority to transfer control of the corporation from Edwin Earl, Guy C. Earl, Jr., Naylor Rogers, Ranson Henshaw, Calmon Luboviski, Paul G. Hoffman Co., Inc., to Columbia Broadcasting System, Inc., effective September 15, 1936.

NEW—Ex. Rep. I-225: Wilbur M. Havens, Charles H. Woodward, Calomb B. Jones, Wilfred H. Wood, d/b as Petersburg Broadcasting Co., Petersburg, Va.—Set for oral argument, October 22, 1936.

WLBG—Ex. Rep. I-225: WLBG, Inc., Petersburg, Va.—Set for oral argument, October 22, 1936.

WLBG—Ex. Rep. I-225: WLBG, Inc., Petersburg, Va.—Set for oral argument, October 22, 1936.

WHB—Ex. Rep. I-229: WHB Broadcasting Co., Kansas City, Mo.—Set for oral argument, October 22, 1936.

KFOX—Ex. Rep. No. I-233: Nichols and Warinner, Inc., Long Beach, Calif.—Set for oral argument October 22, 1936.

NEW—Ex. Rep. No. I-234: B. A. Thompson, Santa Cruz, Calif.—Set for oral argument October 22, 1936.

NEW—Ex. Rep. No. I-234: William B. Smullin, Sacramento, Calif.—Set for oral argument October 22, 1936.

NEW—Ex. Rep. No. I-234: Howard N. Mitchell, Sacramento, Calif.—Set for oral argument October 22, 1936.

NEW—Ex. Rep. No. I-234: The Press Democrat Publishing Co., Santa Rosa, Calif.—Set for oral argument October 22, 1936.

NEW—Ex. Rep. No. I-237: Miles J. Hansen, Fresno, Calif.—Set for oral argument October 29, 1936.

NEW—Ex. Rep. No. I-237: Julius Brunton & Sons Co., Fresno, Calif.—Set for oral argument October 29, 1936.

NEW—Ex. Rep. No. I-238: Harold H. Hanseth, Fresno, Calif.—Set for oral argument October 29, 1936.

NEW—Ex. Rep. No. I-238: Fresno Broadcasting Co., Fresno, Calif.—Set for oral argument October 29, 1936.

SPECIAL AUTHORIZATIONS

KOTN—Universal Broadcasting Corp., Pine Bluff, Ark.—Granted special temporary authority to operate unlimited time for period beginning July 25, 1936, and ending in no event later than 30 days thereafter, in order to broadcast special Arkansas Centennial programs each night.

WOW—Woodman of the World Life Ins. Assn., Omaha, Nebr.—Granted extension of special temporary authority to operate with power of 5 KW night for period beginning July 31, 1936, and ending in no event later than 30 days.

WHAS—The Courier-Journal Co. and the Louisville Times Co., Louisville, Ky.—Granted extension of special temporary authority to operate a 50-watt test transmitter from 12 midnight to 6 a. m., CST, for period beginning July 19, 1936, and ending in no event later than 30 days thereafter, in order to determine new transmitter site.

WIBM—WIBM, Inc., Jackson, Mich.—Granted special temporary authority to operate two unlicensed portable-mobile broadcast pickup transmitters on July 20 and 21, 1936, during the Michigan Open Golf Tournament. The transmitter to

operate on 2 watts power, on frequencies 31100, 34600, 37600, 40600 kc., A3 emission, Radio Transceiver Labs. TR-6A6 equipment.

WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to remain silent during month of August, 1936, in order to observe summer vacation.

WINS—Hearst Radio, Inc., New York, N. Y.—Granted special temporary authority to operate a 100-watt portable test transmitter on 1160 kc., between the hours of 1 a. m. and 6 a. m. in the vicinity of Jersey Meadows, for a period beginning July 24, 1936, and ending in no event later than 30 days thereafter, in order to make field tests to determine new transmitter site.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted extension of special temporary authority to operate with power of 50 watts from local sunset to 11 p. m., EST, on Tuesdays, Thursdays, Saturdays and Sundays, during the month of August, 1936, pending action on application for modification of license requesting this authority.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted extension of special temporary authority to operate with additional power of 750 watts at night for the period beginning July 30, 1936, and ending in no event later than August 28, 1936.

WSFA—Montgomery Broadcasting Co., Inc., Montgomery, Ala.—Granted extension of special temporary authority to operate without an approved frequency monitor for period beginning July 16, 1936, and ending in no event later than September 1, 1936. Station will be responsible for deviations of more than 50 cycles from the assigned frequency.

WFAB—Fifth Avenue Broadcasting Corp., New York, N. Y.—Granted special temporary authority to operate without an approved frequency monitor for period not to exceed 30 days. Station will be responsible for deviations of more than 50 cycles from assigned frequency.

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Granted special temporary authority to operate without antenna ammeter for period of 10 days provided readings of the plate voltmeter and ammeter are maintained at normal values.

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Granted special temporary authority to operate without antenna ammeter for period of 30 days provided readings of plate voltmeter and ammeter are maintained at normal values.

WCBF—WCBF, Inc., Waukegan, Ill.—Granted extension of special temporary authority to use studio located at Zion, Ill., as main studio, pending action on application to move studio to Chicago, Ill., for period beginning July 23, 1936, and ending in no event later than August 21, 1936.

WAPI—WAPI Broadcasting Corp., Birmingham, Ala.—Granted special temporary authority to operate simultaneously with Station KVOO, using power of 1 KW, from 8 p. m., CST, to the conclusion of the acceptance speech of Gov. Alfred Landon, July 23, 1936.

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Granted special temporary authority to operate simultaneously with Station WAPI, using power of 1 KW, from 8 p. m., CST, to the conclusion of the acceptance speech of Gov. Alfred Landon, July 23, 1936.

WRAW—Reading Broadcasting Co., Reading, Pa.—Granted special temporary authority to operate without an antenna ammeter pending repair of that apparatus damaged by storm, but for a period beginning July 10, 1936, and ending in no event later than 10 days thereafter, provided readings of plate voltmeter and ammeter are maintained at normal values.

WEST—Associated Broadcasters, Inc., Easton, Pa.—Granted extension of special temporary authority to operate simultaneously with Station WKBO from 10 a. m. to 11 a. m. and 5 p. m. to 6 p. m., EST, for period beginning July 26, 1936, and ending in no event later than August 24, 1936, pending agreement on division of time due to adoption of DST in Easton, Pa.

WMBG—Havens and Martin, Inc., Richmond, Va.—Granted extension of special temporary authority to operate from 5:30 p. m. to 7 p. m., EST, on Sundays, for period beginning August 1, 1936, and ending in no event later than August 31, 1936 (provided WBBL remains silent) in order to broadcast special programs.

WSUI—State University of Iowa, Iowa City, Iowa.—Granted extension of special temporary authority to operate a minimum of six hours daily, instead of unlimited time, for period

beginning August 1, 1936, and ending in no event later than September 1, 1936, in order to observe summer vacation.

KGGF—Hugh J. Powell and Stanley Platz, d/b as Powell and Platz, Coffeyville, Kans.—Granted extension of special temporary authority to operate from 7:15 p. m. to 9:15 p. m., CST, August 4, 6, 11, 13, 18, 20, 25, and 27, 1936, and 8:15 p. m. to 9:15 p. m., CST, August 5, 12, 19, and 26, 1936 (provided Station WNAD remains silent) in order that WNAD may observe summer vacation.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to remain silent during month of August, 1936, in order to observe summer vacation.

WDBJ—Times-World Corp., Roanoke, Va.—Granted special temporary authority to operate station without an approved frequency monitor for period beginning July 25, 1936, and ending in no event later than 30 days thereafter. Station will be responsible for deviations of more than 50 cycles from assigned frequency.

National Broadcasting Co., Inc., New York, N. Y.—Granted extension of authority to transmit programs to foreign countries for period not to exceed 30 days from July 11, 1936, pending receipt and/or action on formal application.

WMEG—United Air Lines Transport Corp., aboard regularly licensed aircraft NC-13361.—Granted special temporary authority to operate regularly licensed aircraft transmitter, KHSAZ, aboard NC-13361, as a broadcast pickup station on July 21 and 22, 1936, in connection with Great Lakes Exposition program to be rebroadcast over WTAM and WLW.

RATIFICATIONS

The Broadcast Division ratified the following acts authorized on the dates shown below:

KABF—James McClatchy Co., Sacramento, Calif.—Granted authority to operate Broadcast Pickup Station KABF as licensed from July 3 to July 5, inclusive, in order to broadcast celebration at Rodeo Grounds, Reno, Nev. Action taken 7-1.

WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Granted authority to extend program test period of station 30 days from July 9, 1936. Action taken 7-1.

WABG—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Granted authority to extend test period for 30 days beginning July 7, 1936. Action taken 7-6.

WGBE—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Granted authority to operate Broadcast Pickup Station WGBE as licensed from July 16 to July 20, 1936, inclusive, in order to broadcast description of New York State Amateur Golf Tournament from Bellevue Golf and Country Club. (Action taken 7-9.)

Radio Air Service Corp., Cleveland, Ohio.—Granted special temporary authority to operate unlicensed transmitter as a general experimental broadcast pickup station for period beginning July 4, 1936, and ending in no event later than August 2, 1936, to broadcast public activities. Frequencies 31100, 34600, 37600, 40600 kc., 10 watts. (Action taken 7-3.)

KGCX—E. E. Kresbach, Wolf Point, Mont.—Granted special temporary authority to operate from 3:30 p. m. to 6 p. m., July 9, 10 and 11, 1936, in order to broadcast annual Wolf-point Stampede. (Action taken 7-6.)

WCOL—WCOL, Inc., Columbus, Ohio.—Granted special temporary authority to operate using the equipment as authorized by C. P., for a period not to exceed 30 days, pending completion of equipment and program tests as authorized by this permit. (Action taken 7-6.)

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Granted special temporary authority to relocate (and use) main studio from 102 18th Street, Rock Island, Ill., to 1630 5th Avenue, Moline, Ill., for a period not to exceed 30 days. (Action taken 7-6.)

WPRP—Julio M. Conesa, Ponce, P. R.—Granted special temporary authority to operate without approved frequency monitor for a period of 30 days. Station will be responsible for deviations of more than 50 cycles from assigned frequency. (Action taken 7-9.)

WABY—The Adirondack Broadcasting Co., Inc., Albany, N. Y.—Granted special temporary authority to operate a 100-watt portable test transmitter between the hours of 1 a. m. and 6 a. m., EST, for a period from July 15 to August 7, 1936, inclusive, only, in order to make field tests for relocation of transmitter. (Action taken 7-9.)

WEBR—Howell Broadcasting Co., Inc., Buffalo, N. Y.—Granted special temporary authority to operate a 100-watt portable transmitter on 1310 kc., from 1 a. m. to 6 a. m., EST, for a period not to exceed 10 days, provided no operation occurs during silent periods designated for monitoring schedule, in order to determine new transmitter site. (Action taken 7-9.)

WEBR—Howell Broadcasting Co., Inc., Buffalo, N. Y.—Granted special temporary authority to operate without an approved frequency monitor for a period not to exceed 30 days. Station will be responsible for deviations of more than 50 cycles from assigned frequency. (Action taken 7-9.)

KIDW—Southwest Broadcasting Co., Lamar, Colo.—Granted special temporary authority to operate without an approved frequency monitor for a period not to exceed 30 days. Station will be responsible for deviations of more than 50 cycles from assigned frequency. (Action taken 7-9.)

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Granted special temporary authority to operate from 7:45 p. m. to 9 p. m., EST, using 100 watts, July 12, 19 and 26, 1936, and from 7 p. m. to 9 p. m., EST, using 100 watts, August 2, 9, 16, 23 and 30, 1936, in order to broadcast Catholic Summer School. (Action taken 7-9.)

WGNV—Peter Goelet, Chester Township, N. Y.—Granted special temporary authority to operate a 50-watt portable test transmitter on 1210 kc. in vicinity of Newburgh, N. Y., between the hours of 1 a. m. and 6 a. m., EST, provided no operation occurs during silent periods designated for monthly monitoring schedule, for period not to exceed 30 days, in order to determine new transmitter site. (Action taken 7-11.)

WGST—Georgia School of Technology, Atlanta, Ga.—Granted special temporary authority to operate a 100-watt portable test transmitter of 890 kc. between the hours of 12 midnight and 6 a. m., EST, for period beginning July 13, 1936, and ending in no event later than 30 days thereafter, in order to determine new antenna location. (Action taken 7-11.)

NEW—The WGAR Broadcasting Co., Portable-Mobile.—Granted C. P. as follows: Frequencies 31100, 34600, 37600 and 40600 kc., 3 watts; Emission A-3 and Special for high quality telephony, the maximum frequency band of emission 5000 cycles; portable-mobile; authority is granted to communicate as a broadcast pickup station only in the temporary service on an experimental basis under provision of Rule 320 subject to conditions (1) that the provisions of Rule 357 (b) shall not be applicable hereto, and (2) that this authority is granted upon a temporary basis and may be cancelled at any time without notice or hearing.

NEW—The WGAR Broadcasting Co., Portable-Mobile.—Granted C. P. same as above, except 35 watts emission A-3 and special for high quality telephony, and the maximum frequency band of emission 17000 cycles. (Action taken 7-11)

NEW—The WGAR Broadcasting Co., Portable-Mobile.—Granted C. P. same as above except 100 watts. (Action taken 7-11)

KFBB—Buttrely Broadcast, Inc., Great Falls, Mont.—Granted C. P. to move transmitter locally approximately 7 miles, install new equipment and new vertical radiator; tower to be marked in accordance with Rule 131-d; application granted upon express condition contained in a waiver submitted by counsel for applicant under date of July 3, 1936, that the action of Commission in granting this permit shall not be construed to affect in any manner any of the issues in any proceeding or application now pending before the Commission in which station KFBB is involved. (Action taken 7-3)

WRR-KVPA—City of Dallas, Dallas, Texas.—Granted authority to police station KVPA to use antenna system licensed to WRR for purpose of making equipment tests. (Action taken 7-6)

The Broadcast Division granted the request of Harold Johnson and Leland M. Perry, d/b as Johnson and Perry, for an order to take depositions in support of their application for C. P. (Docket 3843). (Action taken 6-30)

The Broadcast Division approved the design of the proposed directional antenna system for station WNBX, Springfield, Vt. and authorized the installation of same provided it is marked in accordance with Rule 131-d. (Action taken 7-10)

MISCELLANEOUS

- KGFI—Gulf Coast Broadcasting Co., Corpus Christie, Texas—Denied petition of Eagle Broadcasting Co., KGFI, for further hearing of application of Gulf Coast Broadcasting Co. for new station to operate on 1330 kc., 250 watts, 500 watts LS, unlimited time.
- NEW—C. E. Wilkinson Broadcasting Co. Inc., Mason City, Iowa—Denied motion asking Commission to stay action of July 2, 1936, denying applications of Mason City Broadcasting Company and Northern Iowa Broadcasting Co. for new stations at Mason City, and granting application of Mason City Globe-Gazette Company. Action in effect is a denial of application of C. E. Wilkinson Broadcasting Company for new station at Mason City.
- NEW—Hunt Broadcasting Association, Greenville, Texas—Denied petition asking Commission to reopen hearing on application for C. P. to erect a new station at Greenville, Texas.
- WAAB—Bay State Broadcasting Corp., Boston, Mass.—Denied petition asking Commission to reconsider action in designating for hearing application for modification of license to increase daytime power to 1 KW and to grant the same without a hearing.
- KXL—KXL Broadcasters, Inc., Portland, Ore.—Denied petition asking Commission to reconsider action in designating renewal of license for hearing and to grant the same.
- Black River Valley Broadcasts Inc., Watertown, N. Y.—Denied motion asking Commission to dismiss application of Brockway Company for C. P. to erect new station at Watertown, N. Y.
- KVOS—KVOS, Inc., Bellingham, Wash.—Denied petition asking Commission to issue subpoenas relative to proceedings before the Commission for transfer of majority of stock and for renewal of license, since issues have already been heard by an examiner.
- Pittsburg Publishing Co., Pittsburg, Kan.—Denied petition asking postponement from July 2, 1936 of decision upon applications of Pittsburg Publishing Co., the Joplin Broadcasting Co., both of Pittsburg, Kans., and the Wichita Broadcasting Co., Wichita, Kans.
- Wayne Broadcasting Co., Hamtramck, Mich.—Denied application requesting Commission to reconsider its action in refusing C. P. for new broadcast station at Hamtramck to operate on 1370 kc., 100 watts daytime.
- WBBR—Peoples Pulpit Assn., New York, N. Y.—Granted permission to withdraw without prejudice application for C. P. to increase power from 1 KW to 5 KW daytime and to change station's equipment.
- WRWA—Reading Broadcasting Co., Reading, Pa.—Denied motion to dismiss as in default WBBR'S application recorded above.
- WWL—Loyola University, New Orleans, La.—Granted further extension for period ending in no event later than 3 a. m. EST, Sept. 1, 1936, of the special temporary experimental authorizations heretofore issued, subject to same conditions as contained in the existing authorizations, pending consideration of the pending petition of station WLWL and petitions in opposition thereto.
- KWKH—International Broadcasting Corp., Shreveport, La.—Granted further extension for period ending in no event later than 3 a. m. EST, Sept. 1, 1936, of the special temporary experimental authorizations heretofore issued, subject to same conditions as contained in the existing authorizations, pending consideration of the pending petition of station WLWL and petitions in opposition thereto.
- NEW—Lookout Broadcasting Corp., Chattanooga, Tenn.—Granted dismissal of application at request of applicant. Application was for a C. P. for station to operate on 1420 kc., 100 watts, daytime.
- NEW—J. E. Churchwell, G. O. Russell, H. O. Freeman, Jr., d/b as Panama City Broadcasting Co., Panama City, Fla.—Granted dismissal of application at request of applicant. Application was for a C. P. for new station to operate on 1500 kc., 100 watts, daytime.

APPLICATIONS RECEIVED

First Zone

- NEW—General Electric Co., Schenectady, N. Y.—Construction permit for a new experimental broadcast station to be operated on 790 kc., 250 watts, 12 midnight to 6 a. m.

- WESG—Cornell University, Elmira, N. Y.—Extension of special 1040 experimental authorization to operate on 850 kc., daylight to sunset at New Orleans, La., for period from 8-1-36 to 2-1-37.
- WCBM—Baltimore Broadcasting Corp., Baltimore, Md.—Construction permit to install a new transmitter, antenna, and move transmitter from 114 W. Lexington St., Baltimore, Md., to Cold Spring Lane, Baltimore, Md.
- NEW—WEEI Broadcasting Corp., Medford, Mass.—Construction permit for a new high-frequency broadcast station to be operated on 31600, 35600, 38600, 41000 kc., 100 watts.

Second Zone

- WHAS—The Courier-Journal Co. and The Louisville Times Co., 820 Louisville, Ky.—Construction permit to install new equipment, increase power from 50 KW to 500 KW, and move transmitter from Rural Route No. 1. near Jeffersontown, Ky., to site to be determined, Oldham County, Ky. Amended to change application from a special experimental authorization to a construction permit.
- WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Modification of 890 license to change name from A. M. Rowe, Inc., to Monongahela Valley Broadcasting Co.
- W3XAU—WCAU Broadcasting Co., Newton Square, Pa.—Modification of construction permit for a relay broadcast station, requesting extension of completion date for period of 60 days.
- NEW—WIBM, Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 2 watts.
- NEW—WIBM, Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 2 watts.
- NEW—James F. Hopkins, Inc., Highland Park, Mich.—Construction permit for a new high-frequency broadcast station to be operated on 26050 kc., 100 watts.

Third Zone

- WFLA-WSUN—Clearwater Chamber of Commerce, Clearwater, 620 Fla.—Voluntary assignment of license of WFLA only from Clearwater Chamber of Commerce to Florida West Coast Broadcasting Co., Inc., St. Petersburg Chamber of Commerce to remain licensee of WSUN.
- WOAI—Southland Industries, Inc., San Antonio, Tex.—Construction permit to move transmitter from Austin Highway, Selma, Tex., to site to be determined, Texas; increase power from 50 KW to 500 KW, install a new transmitter and antenna.
- WAML—New Laurel Radio Station, Inc., Laurel, Miss.—Construction permit to install a new transmitter and move transmitter from 429 Magnolia Street, Laurel, Miss., to Laurel, Miss. (no street address).
- WLAC—WLAC, Inc., Nashville, Tenn.—Construction permit to 1470 install a new transmitter and make antenna changes and increase power from 5 KW to 50 KW.
- NEW—The Atlanta Journal Co., Portable-Mobile.—Construction permit for a new relay station to be operated on 31100, 34600, 37600, 40600 kc., 10 watts.

Fourth Zone

- KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Modification 550 of license to limit night radiation in the direction toward WKRC to 123.7 mv/m at one mile or 88.3 mv/m at monitor point.
- NEW—Vincennes Newspapers, Inc., Vincennes, Ind.—Construction 1200 permit for a new station to be operated on 1200 kc., 100 watts, 250 watts day, unlimited time.
- NEW—Falls City Broadcasting Corp., Falls City, Nebr.—Construction 1310 permit for a new station to be operated on 1310 kc., 100 watts, unlimited time. Amended to install a vertical antenna and give transmitter site as NW Cor. of SW $\frac{1}{2}$ of SE $\frac{1}{4}$, Sec. 3, Twp. 1, Range 16, East of 6 PM and being $\frac{1}{2}$ mile north of city limits of Falls City, Nebr.
- NEW—Sioux City Broadcasting Co., Sioux City, Iowa.—Construction 1420 permit for a new station to be operated on 1420 kc., 100 watts, 250 watts day, unlimited time.
- WKBB—Sanders Brothers Radio Station, East Dubuque, Ill.—1500 License to cover construction permit (B4-P-1102) to install a new transmitter.

NEW—The Journal Co. (The Milwaukee Journal), Milwaukee, 1570 Wis.—Construction permit for a new special broadcast station to be operated on 1570 kc., 1 KW, unlimited time.

NEW—First National Television, Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600, 87600, 89600, 91600, 93600 kc., 150 watts.

NEW—First National Television, Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600, 87600, 89600, 91600, 93600 kc., 5 watts.

KABJ—Central States Broadcasting Co., Portable.—License to cover construction permit for a new broadcast pickup station.

Mutual Broadcasting System, Inc.—Extension of the authority to transmit sustaining programs to a foreign country, CKLW (Western Ontario Broadcasting Co., Ltd), Windsor, Ontario, Canada (B4-FP-13), for period from 6-1-36 to 12-1-36.

Fifth Zone

KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—Modification of construction permit (B5-P-1096) for changes in equipment, requesting further changes in equipment, to install a vertical antenna, increase power from 500 watts to 1 KW, and move transmitter from corner Congress St. and Stone Ave., Tucson, Ariz., to West Lee at 10th St., Tucson, Ariz., and extend commencement and completion dates.

KVOR—S. H. Patterson, Colorado Springs, Colo.—Voluntary assignment of license from S. H. Patterson to Out West Broadcasting Co.

Puerto Rican Zone

NEW—Julio M. Conesa, Ponce, P. R.—Construction permit for a new experimental broadcast station to be operated on 8655, 12862.5 kc., 100 watts.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
 JAMES W. BALDWIN, Managing Director

NAB REPORTS

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Vol. 4 -- No. 36
 JULY 30, 1936

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NEW RULES POSTPONED

The effective date of new rules of the Federal Communications Commission pertaining to relay broadcast, international broadcast, visual broadcast, high frequency broadcast, experimental broadcast stations and rebroadcasting have been postponed until September 15. In a statement on this subject the Commission says:

"In view of the Commission's action postponing the effective date of Rule 229, as amended, to September 15, 1936, and in order to permit full consideration of the suggestions submitted by the licensees of stations, the Broadcast Division has extended the effective date of Rules 970 to 1076, inclusive, and Rules 177 and 177-1 to September 15, 1936."

KGBZ APPEAL DISMISSED

The Court of Appeals of the District of Columbia has dismissed the appeal of broadcasting station KGBZ, York, Nebr., on the application of the appellant.

A short time ago the Court granted a stay order to the station when it filed its appeal. In this case the station was taken off the air by the Federal Communications Commission and was actually off from July 7 to July 14 when the stay order was granted. The station appealed the action of the Commission and later applied for dismissal of its appeal which was granted by the Court. The station is off the air.

WISCONSIN STATION RECOMMENDED

Fred A. Baxter applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Superior, Wis., to use 1200 kilocycles, 100 watts power, and unlimited time on the air.

Examiner Melvin H. Dalberg, in Report No. I-266, recommended that the application be granted. The Examiner states that "it is apparent from the testimony given at the hearing and in the depositions, which are in evidence, that there exists a need for broadcast facilities of a purely local nature in the area sought to be served." He states further that there is no question of any interference with other stations.

CHANGES RECOMMENDED FOR KRLC

Broadcasting station KRLC, Lewiston, Idaho, applied to the Federal Communications Commission to change its frequency from 1420 to 1390 kilocycles, and to increase its power from 100 to 250 watts. The station operates unlimited time and its application asked that that remain unchanged.

Examiner George H. Hill, in Report No. I-265, recommended that the application be granted. He found that the operation of the station with the new frequency and increased power "would render service to an area not now receiving consistent service from any station." The Examiner also found that the change would not result in any interference with any existing radio service.

COMMUNICATIONS COMMISSION ON OCTOBER 5 HEARING

The Federal Communications Commission this week issued a supplemental statement in connection with the hearing of the Broadcast Division on allocations to be held October 5. This statement is as follows:

"Many inquiries have been made with respect to the proper and ultimate consequences of the proposed broadcast allocation hearing set for October 5th. In order that the industry may thoroughly understand the situation, it is believed they should be informed that the evidence given at the October 5th hearing will form a basis for such changes which may be shown to be desirable in the existing regulations of the Commission with respect to broadcasting allocations, engineering requirements or standards.

"With respect to the foregoing, the industry may recall that the Commission has approved the following procedure as a basis for attacking the solution of the problems confronting the public, the Commission and the industry:

- "1. In new allocations or in reallocations of radio frequencies to services or to stations within services, proceed on the basis of 'evolution, experimentation and voluntary action' rather than by radical and enforced costly changes. Modifications which do not involve large expenditures or are necessary requirements to keep abreast of the technical art should be accomplished.
- "2. Encourage communication development along specific lines as may be indicated from time to time from accumulated data and from evidence secured from such informal engineering meetings as may be necessary to facilitate progress in detail.
- "3. Direct engineering and other interested departments to prepare modification of existing regulations pertaining to frequencies for various classes of broadcast stations between 550 and 1600 kc. in such a manner that they are sufficiently flexible to permit the adaptation of new technical developments and allocation principles which, upon proper showing at hearings, indicate that a needed improvement in service will result.

"At the June 5th hearing, at which was considered the broader aspects of the allocation of the entire spectrum to various services, the Commission pursued the policy of cooperation with the industry in solving the basic radio problems confronting the nation. There is no contemplated change in policy in this respect on the part of the Commission with reference to the October 5th broadcast hearing.

"As is well known in the industry, the existing practical allocations depart somewhat from the empirical standards which became the basis of the regulations in 1928, and which have not been changed since that date. It is believed that at least one of the outcomes of the October 5th hearing will be to modify the regulations so that they will conform to the actual practice of today.

"As is also well known to the industry, there are many proponents for high power stations, as well as many who oppose such increases in power. There are also many who desire horizontal power increases for regional stations, and there are certain uneconomic situations which exist, such as those experienced by stations sharing time. In addition, the repeal of the Davis Amendment has removed certain limitations upon the engineering solution of the radio problem.

"Some of the schools of thought affect the entire allocation system, and some of the proposals will have advantages as well as disadvantages. Therefore, it is felt that prior to any basic decision on the part of the Commission to change or not to change its regulations, the entire industry should have an opportunity to come before the Commission in an informal public discussion of the existing broadcasting problems, as well as to determine the

merits of any proposals for changes in the principles of allocation. "It is felt that the hearing on October 5, 1936, will afford the Commission and the industry the opportunity to cooperate in an open manner toward a logical solution of the existing broadcast problems confronting the nation."

NEW ALABAMA STATION RECOMMENDED

The Jefferson Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Birmingham, Ala., to use 1200 kilocycles, 100 watts and 250 watts LS, and unlimited time. Also, Wilton H. Pollard applied to the Commission to erect a new station at Huntsville, Ala., to use 1200 kilocycles, 100 watts power, and unlimited time.

Examiner P. W. Seward, in Report No. I-263, recommended that the Jefferson Company application be denied and that the Pollard application be granted.

The Examiner found in the case of the application for a station at Birmingham that it was not shown that a need exists for additional radio service there and that objectionable interference would result with several existing stations.

In the case of the proposed Huntsville station the Examiner states that there is need for additional radio service in that area and no interference would result either with existing or proposed stations.

RULE 229 AMENDED AND MADE PERMANENT

Effective September 15, Rule 229 of the Federal Communications Commission is amended and made permanent. At a general session of the Commission it took the following action:

In the following cases, Protest of Purdue University to Commission Order No. 14 amending Rule 229, Docket 4057; Petition of National Television Corporation for hearing on Commission Order No. 14 amending Rule 229, Docket 4058; and application and supplemental petition of National Television Corporation, Docket No. 3029, the Commission entered the following order:

That Rule 229 as amended May 13, 1936, be made permanent, effective September 15, 1936, except as to the frequency band 2000-2100 kc. As to the frequencies 2000-2100 kc., the Commission ordered that Rule 229 be further amended as follows:

| Frequency | Allocation |
|-----------|---|
| 2000 | Amateur |
| a2004 | Govt. & exp. vis. broadcast |
| h2008 | Do. Do. |
| 2012 | Exp. vis. broadcast |
| 2016 | Do. |
| 2020 | Relay broadcast & exp. vis. broadcast |
|)2022 | Do. Do. |
| a2024 | Govt., relay broadcast & exp. vis. broadcast |
|)2026 | Govt. & exp. vis. broadcast |
| 2028 | Do. Do. |
| i2032 | Do. Do. |
| 2036 | Police (intercity teleg.) & exp. vis. broadcast |
| 2040 | Do. Do. Do. |
| 2044 | Do. Do. Do. |
| i2048 | Govt. & exp. vis. broadcast |
| a2052 | Govt. & exp. vis. broadcast |
| 2056 | |
|)2058 | Relay broadcast & exp. vis. broadcast |
| 2060 | |
| 2064 | Govt. & exp. vis. broadcast |
|)2066 | Do. Do. |
| 2068 | Do. Do. |
| h2072 | Do. Do. |
| i2076 | Do. Do. |
| 2080 | Do. Do. |
|)2082 | Do. Do. |
| 2084 | Do. Do. |
| 2088 | |
|)2090 | Relay broadcast & exp. vis. broadcast |
| 2092 | |
| a2096 | Govt. & exp. vis. broadcast |

That the further amendment be effective 3:00 A. M., E.S.T., September 15, 1936.

National Television Corporation, New York, N. Y.—Granted special temporary experimental authorization for operation of a visual broadcast station for a period beginning upon the issuance

thereof and ending not later than 3 A. M., E.S.T., September 15, 1936. Said authorization to contain the following express terms:

(1) That National Television Corporation furnish the Commission on or before September 1, 1936, complete report showing all data and results obtained to that date with particular reference therein to results obtained from transmission of pictures and narrow band communication system, and such further information as the Commission may require.

(2) That at any time during the operation of the station authorized by this permit the results of the experimentation and the operations carried on may be viewed and tests conducted by persons authorized by the Commission so to do in such manner as may be prescribed, including the introduction of what otherwise might be an interfering signal, subject however to the condition that National Television Corporation be not required to disclose inventions used in its operations, or otherwise.

(3) That the action of the Commission in issuing this special temporary experimental authority is for the purpose of making tests only and such action shall not be construed as a finding that the granting of the application of National Television Corporation in Docket No. 3029 is in the public interest, convenience, or necessity.

(4) That with, or without, further hearing and at any time in its discretion, the Commission may enter its final order upon the application of National Television Corporation in Docket No. 3029.

NOTE: Commissioner Stewart dissented as to grant of special temporary experimental authorization to the National Television Corporation.

The application, Docket 3029, for a CP to construct and operate a new visual broadcast station to operate in the band 2000-2100 kc., 500 watts, unlimited time, in accordance with Rule 308, is to remain on the hearing calendar for further consideration and decision.

Denied supplemental petition in Docket 3029 for special temporary authorization for the month of July, 1936.

Purdue University, Lafayette, Ind.—Modified existing experimental visual broadcast license in accordance with consent in writing of Purdue University, so as to authorize the operation of an experimental visual broadcast station upon the band of frequencies 2000-2100 kc. in lieu of the frequencies now authorized; all other terms of the existing license to remain the same. Effective at 3 A. M., EST, September 15, 1936.

NEW CALIFORNIA STATION RECOMMENDED

The Marysville-Yuba City Publishers, Inc., applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Marysville, Calif., to use 1140 kilocycles, 250 watts power, and daytime operation.

Examiner R. H. Hyde, in Report No. I-264, recommended that the application be granted. He found that "there is a public need in the applicant's area for the local service the applicant proposes to provide." The Examiner also found that "the operation of the proposed new station could not reasonably be expected to cause interference to the reception of any other station or stations."

WJBO CHANGES RECOMMENDED ON CONDITIONS

Broadcasting station WJBO, Baton Rouge, La., applied to the Federal Communications Commission to change its frequency from 1420 to 1120 kilocycles, and to increase its power from 100 to 500 watts. The station now operates unlimited time and it asks for the same except from 8 to 9 p. m. on Mondays and Fridays.

Examiner Melvin H. Dalberg in Report No. I-267 recommends that the application be granted if the pending applications of stations WISN and WHB are denied, otherwise that the application of WJBO be denied. The Examiner states that the changes asked by WJBO would result in extending the service of that station and he says further that the hearing disclosed the public need for this additional coverage. However the other two stations have applications pending and should they be granted the changes asked by WJBO would cause interference.

ADVERTISING TO BENEFIT

A marked upsurge in advertising and research expenditures by corporations this fall as the result of the new tax laws, was predicted before the meeting sponsored by the National Association of Manufacturers, at the New York Museum of Science and Industry, Radio City, when addressed by Dr. Orestes H. Caldwell, trustee of the Museum and editor of Radio Today.

"When American business men get to looking over their profit statements near the close of this year, and discover what a large part of these profits they will have to pay out as taxes, many are going to prefer to increase their appropriations for advertising and research to get the benefit of money that will otherwise be swept largely into the tax-collector's till," said the speaker.

Besides a normal tax of 15% on each dollar of profit, a business may have to pay an additional excess-profits tax of 12%, and another 27% "undistributed-profits" tax, or 54% in Federal taxes. In addition, there may be a 6% state tax (as in New York), making 60%. And if profits are held or "improperly accumulated," 25% more may be added, making a possible total tax of 85%, or 85 cents for taxes out of each dollar of profits!

Faced with such a situation, explained Dr. Caldwell, many manufacturers have concluded that it will be better business judgment to spend money for business promotion, advertising, newspaper campaigns, radio time, technical research, etc., where they get full benefit of each dollar in building up the business.

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 for hearing to show cause why cease and desist orders should not be issued against them.

No. 2879. Allegedly misrepresenting "Nacor" and "Nacor Kaps" as an effective remedy or cure for asthma, **The Nacor Medicine Co.**, 405 State Life Building, **Indianapolis**, is respondent in a complaint charging unfair competition in connection with the sale of such medicine.

The respondent company's representations in advertising matter and radio broadcasts are alleged to be false in that its medicine is not an efficacious treatment for asthma and bronchial coughs in all cases and does not benefit all persons suffering with such ailments; is not free from drugs or harmless ingredients and is not safe in all instances; is not effective where other treatments have failed, and does not afford permanent or lasting relief in all cases.

According to the complaint, the respondent company's practices tend to deceive purchasers and divert trade to the respondent from competitors who truthfully advertise their products.

No. 2880. Unfair competition in the sale of books is alleged in a complaint issued against **Gold Medal Books, Inc.**, 915 Broadway, **New York City**.

The respondent company allegedly represents that a set of five books of fiction which it sells for 98 cents has a usual and regular sales price of \$11.50, when according to the complaint, the ordinary and usual price is 98 cents. The books, described by the respondent as "best sellers," are "The Desert of Love," "Georgie May," "Private Secretary," "Five Sisters," and "Show Girl."

The respondent company's practice of misrepresenting the value of the books and the price at which they are customarily sold tends to deceive purchasers, the complaint charges, and unfairly to divert trade to the respondent from competitors.

No. 2881. A complaint has been issued against **Hogan Advertising Co.**, trading as the **Sendol Co.**, 1008-10 Walnut St., **Kansas City, Mo.**, alleging unfair methods of competition in the sale of "Sendol," offered as a remedy for colds, headaches and pains.

The complaint charges that the respondent company, by means of representations and testimonials in newspapers, magazines, advertising literature, and radio broadcasts claims that its product is a safe medicine in all cases, even for children; is effective and reliable in cases of muscular rheumatic or neuralgia aches and pains; affords quick relief for headaches, colds and pains, and is an efficacious remedy for nervousness.

Such representations are false and misleading, according to the complaint, which points out that "Sendol" contains aspirin and digitalis and is not safe to administer to all persons or to children.

STIPULATIONS AND ORDERS

The Commission has issued the following cease and desist orders and stipulations:

No. 01413. **Bio-Products, Inc.**, 500 North Dearborn St., **Chicago**, stipulates it will cease representations that "Vitalin Tablets" are a competent treatment for coughs, colds, impure blood, aches or pains, and are an effective remedy in the treatment of indigestion, dyspepsia, acidosis, nervousness and biliousness, unless such claims are limited to conditions due to improper diet, hyperacidity, or mineral or vitamin deficiency. The respondent corporation also will stop advertising that "Vitalin Tablets" supply the mineral elements or vitamins necessary to at-

tain good health or to avoid the cause that leads to the most serious diseases, and that users of the product have experienced almost immediate improvement in health.

No. 01414. **The McFadden Institute of Physical Culture, Inc.**, 903 King St., **Wilmington, Del.**, agrees to discontinue claims that its course in physical culture assures students that they will not have rheumatism, heart trouble, hardening of the arteries or breaking down of the body, and that such course will make one successful, strong, magnetic, and able to overcome any obstacle.

No. 01415. **General Mills, Inc.**, **Minneapolis**, selling a cereal designated "Wheaties," will cease advertising that the whole wheat from which "Wheaties" is made contains almost twice the body-building protein of corn.

The respondent corporation admits that in radio broadcasts advertising "Wheaties," certain characters impersonated and referred to are fictitious persons. In this connection the respondent corporation stipulates that it will stop representing that any of the proceeds from the sale of "Wheaties" is used to defray the costs of an operation or medical attention for a fictitious person named in a broadcast, or that any such operation or medical attention is dependent upon the sale of "Wheaties."

No. 01416. **William T. Drouillard**, trading as **No-Gray Laboratories**, 738 Noble St., **Toledo, Ohio**, will discontinue representing that his hair treatment, designated "No-Gray," prevents hair from turning or staying gray, or restores gray hair to its natural color; that one cannot have dandruff if he uses "No-Gray," and that the product is not a dye. The respondent agrees to discontinue use of the word "laboratories" in his trade name until he operates a laboratory.

No. 01417. **N. M. Markwood**, trading as **Anti-Pelade Company**, **Kelso Park, Erie, Pa.**, and selling a treatment for the hair designated "Anti-Pelade," signed an agreement to discontinue claims that the preparation is effective in treating any type of baldness, unless the representations are limited to falling hair attributed to an organism which a proper germicide may kill; that it grows or restores hair, or is guaranteed, and has the approval of the government agency charged with administration of the Food and Drug Act.

No. 01418. **Biovegetin Products, Inc.**, 500 North Dearborn St., **Chicago**, agrees that in the sale of "Vegemucene," also designated "V. M. Tablets," it will discontinue representing that the product is effective in the treatment of gastro-intestinal ailments, stomach and duodenal ulcers and inflammations, acid stomach, colitis, gas or heartburn; that it completely relieves gastric ulcers of ten years' standing, and safeguards patients against conditions that may lead to ulcers of the stomach.

No. 01419. **Joe Anderson**, trading as **The A. & O. Company**, **New Bern, N. C.**, will refrain from making claims in advertising that his medicinal preparation, designated "A and O," relieves the most stubborn colds when other treatments fail; gives relief after the first dose; heals irritated membranes, clears the nasal passages and clears the digestive tract, and protects users from influenza, pneumonia or serious lung trouble.

No. 01420. **Martin Stearn**, trading as the **Oculta Company**, 217 East 34th St., **New York City**, selling "Black Herman's Dream Book and the Secret System," agrees to cease representations to the effect that his publication contains information by means of which one may gain sufficient knowledge of black magic, kabalism, numerology, astrology, or any of the so-called mystic arts, to enable him to attain success in love, health, or business. The respondent also will refrain from advertising that "Black Herman" was the world's greatest magician and that \$6 is the regular price of the book, or that \$1 is a special or reduced price.

No. 01421. **Frances Denney**, a corporation, and **Anthony De P. Denney**, **John D. Denney**, **Anne Denney Fleming**, and **William F. Denney, Jr.**, copartners trading as **Denney & Denney**, 1500 Walnut St., **Philadelphia**, selling a cosmetic designated as "Eyelash Grower," will stop representing that the product increases the growth or length of eyelashes; makes them healthy, unless the assertion is specifically limited to the effect in inducing softness and flexibility; or that it is a competent treatment for granulated eyelids, or anything more than a palliative to relieve the pain due to conditions such as granulated lids. The respondents also will discontinue use of the word "Grower" as part of the trade name for their product.

No. 01422. **Don L. Baxter**, trading as **Major Kord**, **Del Rio, Tex.**, selling a correspondence course in piano instruction, will stop representing that there are no notes, scales or exercises accompanying the course; that use of the course enables one to play the piano in any specified time, and that results are guaranteed.

No. 01423. **Ace Feature Syndicate, Inc.**, 1296 Broadway, **New York City**, stipulates that in the sale of books it will cease

and desist from representing that such hooks are bound in leather when such is not the fact.

No. 01424. A. S. Thomas, trading as Santa Fe Watch Company, 457 Thomas Building, Topeka, Kans., selling watches, watch chains, and necklaces, will cease representing by use of the words "Direct to You" that the prices charged for his watches are the prices at which such watches would ordinarily be sold by a manufacturer direct to the public; that he has eliminated the middleman, and that his watches are sold at prices lower than those charged by other distributors for watches of equal grade, unless such representation is supported by factual evidence.

The respondent further agrees to discontinue use of the words "pearl" and "gold" to designate or describe, respectively, necklaces not composed of pearls formed by natural processes in the shells of mollusks, and any articles not composed wholly of gold.

No. 01425. William Carroll, 201 E. 46th St., New York City, selling "Pepzt Ointment," entered into an agreement to cease advertising that his preparation is an effective remedy for weakened glands, vitalizes the nerves and invigorates the whole system; that "one cannot fail to benefit by using Pepzt," and that it brings quick and lasting results. The respondent admits that, according to the weight of scientific opinion, the therapeutic value of the product is limited to its effect as a lubricant and an emollient.

No. 01426. Knight Laboratories, Inc., 2201 West Broadway, Minneapolis, agrees, in advertising "Phen-ocin," to discontinue representing that this preparation is an effective remedy for neuritis, all forms of aches and pains, influenza, colds, rheumatism, tonsillitis or fever; that it is "The Miracle Pain Tablet"; possesses marked superiority over any similar product, does not depress the heart, and can be taken without unpleasant or dangerous after effects.

No. 01427. The Siticide Company, Inc., Commerce, Ga., will stop making assertions in advertising that "Sit-i-Cide" kills the itch, unless it states, in connection with such representations, that only scabies itch is meant, and will cease representing that this product immediately kills every parasite causing the itch. The respondent company further stipulates that it will cease using an unqualified headline which is too comprehensive or inclusive, even though the claim for the product may be modified in the text of the advertisement.

No. 01428. J. F. Kessinger, trading as Argotane Laboratories Co., 91½ South Main St., Memphis, Tenn., engaged in selling "Argotane," signed a stipulation to discontinue representing that his preparation is a competent treatment for malaria, stomach troubles, auto-intoxication, loss of vitality, headaches, gallstones, or kindred disorders, and that it has any therapeutic value in the treatment or prevention of such ailments other than its laxative or hile-stimulating properties. Claims that many physicians prescribe "Argotane" and that millions have endorsed it will be stopped, as will the representation, through use of the word "Laboratories," that the respondent owns or operates a laboratory, until such is a fact.

No. 01429. John F., Jane L., Barbara Jane and John Lindsey Ketels, co-partners operating as Amber-O-Latum Laboratory, 2821 Main St., Portland, Ore., selling "Amber-O-Latum Chest Ointment," will cease representing that their preparation is an effective remedy for chest colds, inflammation, croup, pleurisy pains, or congestion, unless such claims are limited to the palliative relief afforded by the product's counter-irritant action. The respondents agree to discontinue assertions implying that "Amber-O-Latum" prevents pneumonia or influenza, and that its action is quicker or more effective than all other preparations.

No. 01430. Solarine Company, Baltimore, selling a cleaning solution designated "Jumbo," entered into a stipulation to discontinue advertising that the product removes all odors, kills germs and bacteria, and disinfects burns, cuts, scratches and insect bites.

No. 01431. V. D. Angerman, trading as Franklin Publishing Co., 800 North Clark St., Chicago, sells a course of lessons in hypnotism. He agrees to discontinue representations that the secrets of hypnotism can be learned in 25 easy lessons, regardless of the intellectual or educational qualifications of the student, and that the science of hypnotism overcomes bashfulness, strengthens memory, mind and will power, develops a strong personality, and enables one to realize his ambitions and gain control over others. The representation that "satisfaction is guaranteed" will be stopped.

No. 01432. Henry Bergman, Springfield, Mo., engaged in the sale of instruments purported to locate gold and silver, signed a stipulation to stop claiming that use of such device enables one to locate deposits of gold, silver, quartz, or buried treasure. The respondent admits that, according to the weight of scientific opin-

ion, the instruments have no value for the purpose claimed in his advertising matter.

No. 1721. U. S. Handkerchief Company, Inc., 534 Broadway, New York City, stipulates that in the sale of handkerchiefs it will discontinue representing that such products are domestic made and that it owns or operates a factory at Passaic, N. J., or elsewhere, when such are not the facts, and will cease using the word "manufacturers" in advertising matter or in any manner to imply that it owns or operates a factory, when such is not true.

No. 1723. The Hecht Company, 7th and F Sts., N. W., Washington, D. C., will cease using in advertising matter, or otherwise, the word "mahogany" to describe furniture not manufactured from wood derived from trees of the genus "swietenia" of the "meliaceae" family, and to imply that the products so designated are made of true mahogany, when such is not the fact.

No. 1724. Champion Blower & Forge Co., Lancaster, Pa., agrees that in the sale of the ventilating fans it manufactures it will discontinue use in advertising matter of figures which purport to represent the various capacities its fans have for air exhaustion, and which figures are substantially greater than the actual capacity thereof as ascertained by the standard test code for disc and propeller fans, centrifugal fans and blowers, as prepared by the National Association of Fan Manufacturers and the American Society of Heating and Ventilating Engineers. According to the stipulation, the respondent company in advertising in catalogues and otherwise greatly overstated the number of cubic feet of air exhausted by its fans on the basis of revolutions and consumption of electric power per minute.

No. 1725. Robert Y. Powell, trading as Powell Brothers, 2800 Belmont Ave., Chicago, and selling novelty jewelry, signed a stipulation to cease using in advertising matter the words "Mexican gems" alone or with the word "genuine" to designate ring settings consisting of glass or ornamentation obtained from a country other than Mexico; the word "cameo" as descriptive of rings which are engraved intaglios; the word "chromium" to describe a ring not made from chromium; the words "rhodium finish" as descriptive of rings not finished with rhodium; the words "manufacturers" or "manufacturing" so as to imply that the respondent owns or operates a plant where his products are made, and the words "importing" or "exporting" to give the impression that he imports or exports his products.

No. 1726. Fan Tan Company, Inc., trading as Black Diamond Company, 207 North Michigan Ave., Chicago, will discontinue representing that its "Black Diamond Hair Dye" is safe or harmless, and that it does not stain the hands or scalp.

No. 1727. The Marlin Firearms Company, 79 Willow St., New Haven, Conn., in the sale of razor blades, will stop using in advertising matter the phrase "direct from the factory" implying that it owns or controls a plant in which such razor blades are made, when such is not the fact.

Nos. 1728-1729. The Service Legging Company, Inc., 120 East 16th St., New York City, and R. M. Hollingshead Corporation, Camden, N. J., signed separate stipulations that in the sale of saddle soap they will discontinue using on labels the statements "Warranted to Conform to U. S. Govt. Specifications" and "U. S. Government Standard Saddle Soap" to imply that such product is approved and used as a general standard by the United States Government. The stipulations provide that the respondent companies may represent that their saddle soap conforms with the specifications approved and used by some particular branch of the Federal Government, only when such is the fact.

Nos. 1722-1730-1731. Misuse of the word "silk" in branding and advertising hosiery will be discontinued by three companies entering into stipulations.

These stipulations to cease unfair methods of competition in violation of Section 5 of the Federal Trade Commission Act were signed by **D. S. & W. Hosiery Co., 1130 Moss St., Reading, Pa.; Unrivaled Hosiery Mills, Williamstown, Pa., and M. L. Victorious & Co., Inc., 271 Church St., New York City.**

Under the stipulations, the companies agree to cease and desist from using the word "silk" alone or with the words "pure thread," or with any other words so as to imply that the hosiery so marked is composed wholly of silk, when such is not the fact.

The stipulations provide that when the hosiery is composed in substantial part of silk, and the word "silk" is used as descriptive of the product's content, then the word "silk" shall be accompanied by other words in type equally as conspicuous as that in which the word "silk" is printed, so as to indicate clearly that the hosiery is not composed wholly of silk, but is made in part of other materials.

No. 2243. **Electro Thermal Co.**, Franklin and Morris Avenues, **Stuebenville, Ohio**, has been ordered to discontinue false and exaggerated representations in connection with the sale of "Thermalaid," an electric device offered as a treatment for prostatic and other ailments.

Among the representations the respondent company is prohibited from making in newspaper advertisements, pamphlets and testimonials are that the use of the device is a positive cure for any ailment; that its use constitutes a competent treatment or cure for prostatitis and hypertrophy and that users of the device may expect immediate relief from backache, pains, worry and debilities due to prostatic trouble.

No. 2402. **General Distillers, Ltd.**, 136 Front St., **San Francisco**, has been ordered to discontinue representing through use of the word "Distillers" in its corporate name, or in any other manner by the use of words of like import, that it is a distiller, that it manufactures by the process of distillation the whiskies and other spirituous beverages it sells, or that it owns or operates a distillery where such products are manufactured, until it does own or operate such a plant.

No. 2463. **Johnson Wholesale Perfume Co., Inc.**, 953 Dixwell Ave., **New Haven, Conn.**, also trading as **Allen's Cut-Rate Shops** and **Allied Cut-Rate Shops**, has been ordered to discontinue unfair methods of competition in connection with the sale of cosmetics or toilet preparations.

The order to cease and desist prohibits the respondent corporation from entering into any agreement with Jay H. Schmidt, trading as Jay H. Schmidt Perfumer, New York City, or aiding or causing Schmidt to label cosmetics or toilet preparations manufactured in the United States with the words "Paris" or "France," implying that such products are manufactured in Paris or in France, or imported into the United States.

The order further directs that the respondent corporation shall not make any agreement with Schmidt or cause him to represent that "Arlene Richards Tissue Cream" is a food for the skin or tissues, or helps nature fill out hollows, lines or wrinkles.

No. 2475. **Distillers Exchange, Inc.**, 425 Fourth Ave., **New York City**, has been ordered to discontinue representing through use of the word "Distillers" in its corporate name, or in any other manner by the use of words of like import, that it is a distiller, that it manufactures by the process of distillation the whiskies and other spirituous beverages it sells, or that it owns or operates a distillery where such products are manufactured, until it does own or operate such a plant.

The order also prohibits representation through use of the word "Distillers" in connection with the word "Exchange" or words of like import in its corporate name or in other ways, that it operates a place where distillers engage in trading or hartering spirituous liquors.

No. 2768. **Jonas Schainuck & Son, Inc.**, 757 Broadway, **New York City**, operating a chain of men's clothing stores, has been ordered to cease and desist from representing that certain clothing it sells is all wool or all silk, when this is not true. The respondent company is also directed to discontinue asserting that it manufactures clothing, until it owns or operates a factory for such purpose.

Other representations to be discontinued under the order are that the price at which two suits or other garments are sold is the regular and customary price of one such suit or garment, and that upon purchase of one suit or garment from the respondent company it will give a suit or garment free, or approximately free.

No. 2781. Prohibiting unfair competition in the sale of a germicide designated "Ku-Rill," an order to cease and desist has been issued against **A. C. Hynd Corporation**, 320 Franklin St., **Buffalo**.

In advertising the product for sale, the respondent company is directed to stop alleging that it is a competent remedy in treating eczema, athlete's foot and other skin ailments, that it kills 27 different kinds of germs, and instantly stops itching and soreness of the skin.

FTC CLOSES CASE

No. 2427. The Federal Trade Commission has entered an order closing its case against **Clear Spring Distilling Co.**, 444 West Grand Ave., **Chicago**, because this respondent company had changed its name to **Clear Spring Co.** prior to January 1, 1936, and it appeared unlikely that the respondent would resume the unfair practices charged in the complaint.

The complaint alleged unfair use of the word "Distilling" in the company's corporate name and otherwise, when, in fact, it was not a distiller but a dealer in liquors.

FEDERAL COMMUNICATIONS COMMISSION ACTION

No broadcast hearings are scheduled at the Commission during the week beginning Monday, August 3.

APPLICATIONS GRANTED

NEW—Barney Hubbs, A. J. Crawford, Jack Hawkins, Harold Miller, d/h as Carlshad Broadcasting Co., a partnership, Carlshad, N. Mex.—Granted C. P. for new broadcast station at Carlshad, N. M., to operate on 1210 kc., 100 watts, unlimited time.

WCAT—South Dakota State School of Mines, Rapid City, S. D.—Granted C. P. to move the transmitter and studio 600 ft. from present site and install vertical radiator and ground system. Frequency 1200 kc., 100 watts, specified hours.

KFAB—KFAB Broadcasting Co., Lincoln, Neb.—Granted application for extension of special experimental authority to operate synchronously with station WBBM, Chicago, Ill., from local sunset to 12 midnight, CST.

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Granted application for extension of special experimental authority to operate synchronously with station KFAB, Lincoln, Nebr., from sunset at Lincoln, Nebr., to 12 midnight, CST.

WLW—The Crosley Radio Corp., Cincinnati, O.—Granted extension of special experimental authorization to operate with power of 500 KW, employing a directional antenna system nighttime. Frequency 700 kc.

KIRO—Queen City Broadcasting Co., Seattle, Wash.—Granted extension of special experimental authorization to operate unlimited time on frequency 710 kc. with 1 KW.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted extension of special experimental authorization to operate from local sunset to 8 p. m. PST with 1 KW power for the period August 1, 1936, to February 1, 1937.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted extension of special experimental authorization for auxiliary transmitter to operate from local sunset to 8 p. m. PST with 1 KW for period of August 1, 1936, to February 1, 1937.

KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—Granted authority to determine operating power by direct measurement of antenna input in compliance with terms of Rule 137. Frequency 1210 kc., 100 watts.

WPRP—Julio M. Conesa, Ponce, P. R.—Granted modification of license to operate an additional hour from 11 p. m. to 12 p. m. daily; frequency 1420 kc., 100 watts night, 250 watts day, specified hours.

KFPY—Symons Broadcasting Co., Spokane, Wash.—Granted consent to the transfer of control of Symons Broadcasting Co., from the Symons Investment Co. to T. W. Symons, Jr.; frequency 890 kc., 1 KW, unlimited time.

KANS—Charles C. Theis, Wichita, Kans.—Granted modification of C. P. requesting approval of transmitter and studio sites at Lassen Hotel, First and Market St., and change in authorized equipment. Original C. P. authorized erection of a new station in Wichita to operate on 1210 kc., 100 watts, unlimited time.

WMEX—The Northern Corp., Boston, Mass.—Granted C. P. to move transmitter to Granite Avenue, Milton, Mass.; to change frequency from 1500 kc. to 1470 kc.; increase night power from 100 watts to 5 KW, day power from 250 watts to 5 KW; and to install directional antenna. Commissioner Case dissented.

WSIX—Jack M. Draughon and Louis R. Draughon, d/b as 638 Tire & Vulcanizing Company, Nashville, Tenn.—Granted modification of C. P. requesting extension of completion date from 8-4-36 to 11-1-36. Original permit and modification thereof authorized move of station from Springfield to Nashville, Tenn., and extensions of commencement and completion dates.

KEHE—Evening Herald Publishing Co., Los Angeles, Calif.—Granted modification of C. P. requesting approval of antenna and move of transmitter site to near Baldwin Hills, Los Angeles, Calif.

WLIH—Merrimac Broadcasting Co., Inc., Lowell, Mass.—Granted authority to make changes in automatic frequency control equipment; frequency 1370 kc., 100 watts night, 250 watts day, unlimited time.

WJBC—Arthur Malcolm McGregor and Dorothy Charlotte McGregor, partnership, Bloomington, Ill.—Granted license to cover C. P.; frequency 1200 kc., 100 watts night, 250 watts

day, shares with WJBL. (Original permit authorized installation of new equipment and increase in daytime power to 250 watts.)

- WHBU—Anderson Broadcasting Corp., Anderson, Ind.—Granted license to cover C. P. Original permit authorized changes in tubes in the last radio stage. Frequency 1210 kc., 100 watts night, 250 watts day, unlimited time.
- KSCJ—Perkins Brothers Co. (The Sioux City Journal), Sioux City, Iowa.—Granted license to cover C. P. authorizing the installation of auxiliary transmitter for auxiliary purposes only; frequency 1330 kc., 250 watts night, 250 watts day.
- WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Granted authority to transfer control from T. C. Rush to J. Lindsay Nunn.
- KWSC—State College of Washington, Pullman, Wash.—Granted C. P. to make changes in equipment and increase day power to 5 KW, subject to Rules 131, 132 and 139.

SET FOR HEARING

- NEW—Walter H. McGenty, Rice Lake, Wis.—Application for C. P. for new station at Rice Lake, Wis., to authorize operation on 1200 kc., 100 watts night, 250 watts day, unlimited time, site to be approved.
- NEW—Ferris Hodge, Edward Hodge, Leon C. Rogers, Clifford J. Hood, John S. Nichener, Frank Zimmerman and Karl M. Schneider, d/b as Lenawee Broadcasting Co., Adrian, Mich.—Application for C. P. for a new broadcast station at Adrian, Mich., to authorize operation on 1440 kc., 250 watts daytime only, site to be determined.
- NEW—Hannibal Broadcasting Co., Hannibal, Mo.—Application for C. P. for a new broadcast station at Hannibal, Mo., to authorize operation on 1310 kc., 100 watts, unlimited time, studio site to be determined.
- NEW—C. W. Corkhill, Sioux City, Iowa.—Application for C. P. for a new broadcast station at Sioux City, Iowa, to authorize operation on 1200 kc., 100 watts, unlimited time, site to be determined.
- NEW—Isadore Goldwasser, Anniston, Ala.—Application for C. P. for a new broadcast station at Anniston, Ala., to authorize operation on 1420 kc., 100 watts, daytime only.
- NEW—Jesse G. Bourus, Everett, Wash.—Application for C. P. for a new broadcast station at Everett, Wash., to operate on 1500 kc., 100 watts, unlimited time.
- WMAS—WMAS, Inc., Springfield, Mass.—Application for C. P. to move transmitter and studio locations, install new equipment and directional antenna for day and night operation, change frequency from 1420 kc. to 560 kc., and increase power from 100 watts night, 250 watts day, to 1 KW, unlimited time.
- WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Hearing before Broadcast Division on application for C. P. to install new equipment, new radiating system, and increase power from 50 KW to 500 KW; frequency 710 kc.
- WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Application for modification of license to increase hours of operation from daytime only to daytime and local sunset to 11 p. m. on Tuesdays, Thursdays, Saturdays, and Sundays, employing a power of 50 watts after sunset; frequency 1210 kc.
- WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—Hearing before Broadcast Division on application for modification of C. P. to install directional antenna for nighttime operation, increase night power from 1 KW to 5 KW, and extend commencement date from 6-24-36 to 30 days after grant, completion date from 12-24-36 to 180 days thereafter; frequency 1230 kc.
- KRKO—Lee E. Mudgett, Everett, Wash.—Application for consent to the voluntary assignment of license from Lee E. Mudgett to KRKO, Inc.

ACTION ON EXAMINERS REPORTS

- WOL—Ex. Rep. I-247: American Broadcasting Co., Washington, D. C.—Granted C. P. to make changes in equipment, move transmitter from 1111 H St., N. W., Washington, D. C. to about one-half mile east Riggs and Iager Roads, Md.; change frequency from 1310 kc. to 1230 kc.; and increase power from 100 watts to 1 KW, unlimited time. Examiner M. H. Dalberg reversed. Effective October 13, 1936.
- NEW—Ex. Rep. I-184: W. H. Kindig, Hollywood, Calif.—Denied C. P. for new broadcast station to operate on 1300

kc., 1 KW, share time with KFAC. Examiner George H. Hill reversed. Effective October 20, 1936.

- KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Granted renewal of license, frequency 1300 kc., 1 KW, unlimited time. Examiner George H. Hill sustained. Effective October 20, 1936.
- WLBF—Ex. Rep. 572: WLBF Broadcasting Co., Kansas City, Kans.—Granted modification of license to change frequency from 1420 kc. to 1310 kc., 100 watts, unlimited time. Examiner Ralph L. Walker reversed. Effective October 6, 1936.

SPECIAL TEMPORARY AUTHORIZATIONS

- WNOX—Continental Radio Co., Knoxville, Tenn.—Granted special temporary authority to operate a portable test transmitter with power of 100 watts on 1010 kc., in vicinity of Knoxville, from 12 midnight to 6 a. m., CST, but for a period not to exceed ten days, beginning July 20, 1936, in order to determine new site.
- KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from local sunset to 10:30 p. m., CST, July 20 to 25, 1936, inclusive, in order to broadcast political speeches of candidates for the public offices in Texas and Gregg County.
- KIDO—Frank L. Hill and C. G. Phillips, d/b as Boise Broadcast Station, Boise, Idaho.—Granted extension of special temporary authority to operate with temporary antenna for a period beginning July 23, 1936, and ending in no event later than 30 days thereafter.
- WHDF—The Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 7 a. m. to 9 a. m., CST, Sunday, July 26, August 2, 9, 16, 23, and 30, 1936, in order to transfer programs now being broadcast Sunday afternoons.
- WROK—Rockford Broadcasters, Inc., Rockford, Ill.—Granted special temporary authority to operate station without an approved frequency monitor for a period of 10 days beginning July 17, 1936. Station will be responsible for deviations of more than 50 cycles from assigned frequency.
- WCBS—WCBS, Inc., Springfield, Ill.—Granted special temporary authority to operate from 10 p. m. to 12 midnight, CST, from August 15, 1936, to August 23, 1936, inclusive, in order to carry a complete broadcast of the Illinois State Fair.
- WJJD—WJJD, Inc., Chicago, Ill.—Granted extension of special temporary authority to begin daily operation at 5 a. m., CST, instead of 6 a. m., CST, as licensed, during the period of time daylight saving time is recognized as official time in Chicago, but for the period beginning 3 a. m., EST, August 1, 1936, and ending in no event later than 3 a. m. February 1, 1937.
- WLBL—State of Wisconsin, Department of Agriculture and Markets, Stevens Point, Wis.—Granted special temporary authority to operate station without an approved frequency monitor for a period not to exceed 30 days beginning July 15, 1936. Station will be held responsible for deviations of more than 50 cycles from assigned frequency.
- KARK—Arkansas Radio and Equipment Co., Little Rock, Ark.—Granted extension of special temporary authority to operate a 50-watt portable test transmitter between the hours of 12 midnight and 6 a. m., CST, for the period beginning August 1, 1936, and ending in no event later than August 30, 1936, in order to determine new transmitter site for KARK.
- KELW—Evening Herald Publishing Co., Burbank, Calif.—Granted extension of special temporary authorization to use the transmitter of station KEHE with power of 500 watts, for the period beginning July 29, 1936, and ending in no event later than 3 a. m. EST, September 1, 1936, pending completion of construction of station KEHE as authorized.
- KBTM—W. J. Board (Beard's Temple of Music), Jonesboro, Ark.—Granted special temporary authorization to operate from 8:30 p. m. to 9:30 p. m. CST, August 8, 1936, in order to broadcast a special program.
- KTSM—Tri-State Broadcasting Co., Inc., El Paso, Texas—Granted extension of special temporary authorization to carry programs of station WDAH for a period of 30 days beginning August 13, 1936.

RATIFICATIONS

The Broadcast Division denied the petition of C. W. Snyder, requesting the Commission to reconsider its action of July 2, 1936,

in designating for hearing his application of C. P. for a new station in Wichita Falls, Texas, and grant same without a hearing. (Action taken 7-13.)

The Broadcast Division advanced the effective date of the order on the applications of Baltimore Radio Show (WFBR) and Kunsy-Trendle Broadcasting Corp. (Wood and WASH) from July 15, 1936, to July 17, 1936. (Action taken 7-15.)

The Broadcast Division postponed the effective date of the order on the applications of (1) Bell Broadcasting Co. (2) Merced Star Publishing Co. (3) Orlando Broadcasting Co. (WDBO) from July 15, 1936, to July 17, 1936. (Action taken 7-15.)

The Broadcast Division denied the motion of the Missouri Broadcasting Corp. (WIL) for an extension of time for filing exceptions to Examiner's Report No. I-246 until September 15, 1936, and directed that said time for filing exceptions be extended to July 23, 1936. (Action taken 7-16.)

The Broadcast Division granted the petition of the Isle of Dreams Broadcasting Corp. (WIOD) Miami, Fla., to extend the time for filing exceptions to Examiner's Report No. I-243 on the application of Nathan N. Bauer for a C. P. to August 31, 1936. (Action taken 7-12.)

The Broadcast Division granted the petition of the Sun Publishing Company, Inc. (WTJS), Jackson, Tenn., to extend the time for filing exceptions to Examiner's Report No. I-244, to August 31, 1936. (Action taken 7-12.)

The Broadcast Division granted the motions of the Continental Radio Company for extension of the time for filing exceptions to Examiner's Report No. I-240 and No. I-241 to September 1, 1936. (Action taken 7-13.)

MISCELLANEOUS

WDGY—Dr. George W. Young, Minneapolis, Minn.—Granted petition asking return of last application filed by National Battery Broadcasting Co. of St. Paul, Minn., for new station at St. Paul, Minn., in accordance with the intent of Rule 104.7.

NEW—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Hearing of application for C. P. for new radio station to operate on 1480 kc., 5 KW, daytime, now scheduled for August 19, 1936, postponed until September 21, 1936.

KFNF—KFNF, Inc., Shenandoah, Iowa—Granted application to increase operating hours from one-half to seven-eighths time on the frequency of 890 kc., subject to the removal of station WILL from 890 kc. to 580 kc., which will occur when satisfactory directional antenna is completed on new site.

NEW—Jefferson Broadcasting Co., Birmingham, Ala.—Denied request to withdraw without prejudice application for authority to erect new station in Birmingham to operate on 1200 kc., 100 watts night, 250 LS, unlimited time.

WGPC—Americus Broadcasting Co., Albany, Ga.—Reconsidered and granted C. P. for new transmitter site, also authority to move studios and to install new equipment and antenna system. These grants shall in no way effect any final action Commission may take upon application for renewal of license. (Action taken 7-17-36.)

APPLICATIONS RECEIVED

First Zone

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—780 Modification of construction permit (B1-P-734) to install new equipment, directional antenna, increase power and move transmitter, requesting changes in authorized equipment, move of transmitter from Seekonk, Bristol Co., Mass., to E. Providence, Rhode Island, and for approval of directional antenna.

WCAD—The Brockway Co. (Lessee), Watertown, N. Y.—1270 Construction permit to change frequency from 1220 kc. to 1270 kc., change hours of operation from specified hours to daytime, install a new transmitter and antenna, move transmitter from Park St., Canton, N. Y., to site to be determined, Watertown, N. Y., and studio from Science Bldg., University Campus, Park St., Canton, N. Y., to site to be determined, Watertown, N. Y. Contingent upon the granting of B1-AL-118.

WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.—1450 Modification of construction permit (B1-P-225) for changes in equipment and increase in power, requesting further changes in transmitting equipment and directional antenna and extend completion date.

W1XBS—American-Republican, Inc., Nr. Waterbury, Conn.—

1530 Construction permit for a 100 watt booster station in New Haven, Conn., to operate synchronously with W1XBS on 1530 kc. Exact site to be determined.

W1XBS—American-Republican, Inc., Nr. Waterbury, Conn.—

1530 Construction permit for a 100 watt booster station in Bridgeport, Conn., to operate synchronously with W1XBS on 1530 kc. Exact site to be determined.

Second Zone

WKRC—WKRC, Incorporated, Cincinnati, Ohio—Extension of 550 special experimental authorization to operate on 1 KW power from 9-1-36 to 3-1-37.

WCOL—WCOL, Incorporated, Columbus, Ohio—License to cover 1210 construction permit (B2-P-1152) for changes in equipment.

WBLY—Herbert Lee Blye, Lima, Ohio—Modification of construction permit (B2-P-643) to install a new transmitter and for approval of transmitter site at 1422 Rice Ave., Highland Park Section, Lima, Ohio, and move studio from 123 W. High St., Lima, Ohio to Cor. West Market & McDonel Sts., Lima, Ohio.

WHP—WHP, Incorporated, Harrisburg, Pa.—Construction permit 1430 to install a new antenna and move transmitter from Fort Washington Road, Lemoyne, Pa., to Swatara Township, Pa.

WJSV—Old Dominion Broadcasting Co., Washington, D. C.—1460 Modification of license to move studio from Mt. Vernon Highway, nr. Potomac Yards, 1½ mi. north of center of Alexandria, Virginia, to Earle Building, Washington, D. C.

W8XH—The Evening News Assn., Inc., Mobile—License to cover construction permit for a new general experimental station.

W8XIG—The Evening News Assn., Portable-Mobile—License to cover construction permit for a new general experimental station.

W8XHX—The Evening News Assn., Inc., Portable-Mobile—License to cover construction permit for a new general experimental station.

NEW—The Toledo Broadcasting Co., Portable-Mobile—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 50 watts.

NEW—West Virginia Broadcasting Corp., Portable-Mobile—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 50 watts.

NEW—The Toledo Broadcasting Co., Portable-Mobile—Construction permit for a new relay broadcast station to be operated on 1646, 2090, 2190, 2830 kc., 50 watts.

NEW—West Virginia Broadcasting Corp., Portable-Mobile—Construction permit for a new relay broadcast station to be operated on 1646, 2090, 2190, 2830 kc., 50 watts.

Third Zone

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Extension 580 of special experimental authorization to operate with 750 watts additional power daytime, for period from 9-1-36 to 3-1-37.

NEW—World Publishing Co., Tulsa, Okla.—Construction permit 940 for a new station to be operated on 940 kc., 1 KW, unlimited time. To use directional antenna night.

NEW—Broadus McSwain, d/b as "The Voice of The Times," 1210 Raleigh, N. C.—Construction permit for a new station to be operated on 1210 kc., 100 watts, daytime.

KRBC—Reporter Broadcasting Co., Abilene, Texas—Modification 1420 of construction permit (B3-P-439) for a new station, requesting changes in authorized equipment, for approval of antenna, change studio site from 151 Cypress St., Abilene, Texas to 984 Fourth St., Abilene, Texas, and approval of transmitter site at 341 Ambler St., Abilene, Texas. Amended: To change type of equipment.

W4XB—Isle of Dreams Broadcasting Corp., Laurence E. Dutton, Miami Beach, Fla.—Construction permit for increase in power to 5 KW.

Fourth Zone

WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa.—Modification 600 of construction permit (B4-P-1021) for changes in equipment and increase in power, requesting to install a new transmitter.

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—License to 920 cover construction permit (B4-P-403) as modified for new equipment, change in power, and move of transmitter and studio.

KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa.—Modification of construction permit (B4-P-1054) to install a vertical antenna, move transmitter from 1603 West Main St., Marshalltown, Iowa, to Rural, Marshalltown, Iowa, and extend commencement and completion dates.

1200

KWTN—Greater Kampeska Radio Corp., Watertown, S. Dak.—Construction permit to install a new transmitter, vertical antenna, change frequency from **1210 kc.** to **1340 kc.**, power from 100 watts to 250 watts night, 500 watts day, move transmitter from 502 Fifth St., N. W., Watertown, S. Dak., to East Shore, Lake Kampeska, S. Dak. Requests frequency of KGDY (subject to KGDY's being granted **1210 kc.**).

1210

KFVS—Oscar C. Hirsch, tr. as Hirsch Battery & Radio Co., Cape Girardeau, Mo.—Authority to install automatic frequency control.

1210

NEW—The Courier-Post Publishing Co., Hannibal, Mo.—Construction permit for a new station to be operated on **1310 kc.**, 100 watts, unlimited time. Amended to change power from 100 watts to 100 watts night, 250 watts day, and change type of equipment.

1310

KGDY—Voice of South Dakota, Huron, S. Dak.—Construction permit to change frequency from **1340 kc.** to **1210 kc.**; change power from 250 watts daytime to 100 watts night, 250 watts day, hours of operation from daytime to unlimited time; make changes in equipment; install a vertical antenna; move transmitter from SE 20 acres of NE ¼ of 25-111-62, ½ mile north of North Addition, Huron, South Dakota, to State Fair Grounds, Huron, S. Dak., and studio from Security National Bank Bldg., Huron, S. Dak., to State Fair Grounds, Huron, S. Dak. Contingent upon KWTN's application for **1340 kc.** being granted. (By agreement.)

1340

NEW—Ernest Edward Ruehlen, Great Bend, Kans.—Construction permit for a new station to be operated on **1370 kc.**, 100 watts, unlimited time. Amended: Transmitter and studio sites to be determined.

1370

NEW—Chas. Porter and Edward T. Eversole, Festus, Mo.—Construction permit for a new station to be operated on **1420 kc.**, 100 watts, unlimited time. Amended to change hours of operation from unlimited time to daytime.

1420

WMBD—Peoria Broadcasting Co., Peoria, Ill.—License to cover

1440 construction permit (B4-P-590) as modified for changes in equipment and move of transmitter.

WTMV—Mississippi Valley Broadcasting Co., Inc., East St. Louis, Ill.—Construction permit to install a new transmitter and increase power from 100 watts to 100 watts night, 250 watts day.

1500

Fifth Zone

KFVD—Standard Broadcasting Co., Los Angeles, Calif.—Construction permit to make changes in equipment, install directional antenna, increase power from 250 watts to 1 KW, and change hours of operation from limited time to unlimited time. Amended to use directional antenna at night.

1000

KDNC—Democrat-News Co., Inc., Lewiston, Mont.—Modification of construction permit (B5-P-831) to install new transmitter, increase power from 100 watts to 100 watts night, 250 watts day, antenna and transmitter site to be determined, Lewiston, Mont.

1200

KOOS—Pacific Radio Corp., Marshfield, Ore.—Authority to transfer control of corporation from Harry B. Read to Walter L. Read, 148 shares of common stock.

1200

KOL—Seattle Broadcasting Co., Seattle, Wash.—Modification of license to change frequency from **1270 kc.** to **1040 kc.**, and increase power from 1 KW, 5 KW day, to 5 KW day and night.

1270

KERN—Bee Bakersfield Broadcasting Co., Bakersfield, Calif.—Voluntary assignment of construction permit (B5-P-1112) from the Bee Bakersfield Broadcasting Company to McClatchy Broadcasting Co.

1370

KRKO—Lee E. Mudgett, Everett, Wash.—Construction permit to install a new transmitter.

1370

KERN—McClatchy Broadcasting Co., Bakersfield, Calif.—License to cover construction permit (B5-P-1112) to install new equipment and antenna. Amended to change name from Bee Bakersfield Broadcasting Company to McClatchy Broadcasting Company.

1370

KSLM—Oregon Radio, Inc., Salem, Ore.—Authority to transfer control of corporation of KSLM, Oregon Radio, Inc., from Walter L. Read to H. B. Read, 24 shares of common stock.

1370

W7XBD—Oregonian Publishing Co., Portland, Ore.—Modification of construction permit for extension of commencement and completion dates.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.

JAMES W. BALDWIN, Managing Director

NAB REPORTS

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AUG. 6, 1936

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RECOMMENDATION AGAINST NEW GEORGIA STATIONS

Application was filed with the Federal Communications Commission by W. T. Knight, Jr., for a new station at Savannah, Ga., to use 1310 kilocycles, 100 watts power and unlimited time on the air, and a similar application for the erection of a new station at the same place and using same frequency, power and time on the air from Mr. and Mrs. Jack E. Brantley and Jack E. Brantley, Jr.

Examiner Melvin H. Dalberg in Report No. I-269 recommended that both of these applications be denied. The Examiner states that sufficient showing was not made by either applicant at the hearing for the need of additional radio service at Savannah. It was not shown at the hearing, the Examiner states, that sufficient money is available to support a new station on an independent basis.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

- Faddis Oil & Gas Corp., Waynesboro, Pa. (2-2336, Form A-1)
- Detroit Steel Corp., Detroit, Mich. (2-2337, Form A-2)
- Cleveland Railway Company, Cleveland, Ohio. (2-2338, Form A-2)
- Public Service Co., of N. H., Manchester, N. H. (2-2339, Form A-2)
- Binghamton Washington Machine Co., Binghamton, N. Y. (2340- Form A-1)
- St. John Gold & Copper Co., Phoenix, Ariz. (2-2341, Form A-1)
- Bell Aircraft Corp., Buffalo, N. Y. (2-2342, Form A-1)
- Thrift Investment Certificate Corp., Minneapolis, Minn. (2-2343, Form A-1)
- Pointer Brewing Co., Clinton, Iowa. (2-2344, Form A-1)
- Sun Ray Drug Company, Philadelphia, Pa. (2-2345, Form A-2)
- Arrow Aircraft Corp., Lincoln, Nebr. (2-2346, Form A-1)
- Income Properties, Inc., Chicago, Ill. (2-2347, Form A-1)
- D. C. Collier, Gainesville, Ga. (2-2348, Form A-1)
- Kinner Airplane & Motor Corp., Ltd., Glendale, Cal. (2-2349, Form A-1)
- Darling Stores Corp., New York City (2-2350, Form A-1)
- Central Investors Corp., Kansas City, Mo. (2-2351, Form A-1)
- Commercial Investment Corp., Davenport, Iowa. (2-2352, Form A-2)
- Miles Detroit Theatre Co., Detroit, Mich. (2-2353, Form A-2)
- Soss Manufacturing Co., Roselle, N. J. (2-2354, Form A-2)
- Pine Products Chemicals, Inc., Wilmington, Del. (2-2355, Form A-1)
- Dairyland, Inc., San Antonio, Texas, (2-2022, Form A-1)

NOTICE TO ALL NAB MEMBERS

Members of the NAB will please take notice that under date of June 16, 1936, Rudolph Schramm, music director of the Educational Radio Project, Office of Education, U. S. Department of Interior, executed a written license to all radio broadcasting stations under which license all stations are authorized to render pub-

NOTES FOR THE SALES STAFF

June broadcast advertising shows that the summer slump has been beaten more than in any previous year. (See Developments of the Month, page 1461.)

The strong showing of local business as against May and also the preceding June indicates increasing sales possibilities in this field. (See Total Broadcast Advertising, page 1461.)

The marked strength of regional station volume and the strong showing of non-network business in the South and Midwest are of considerable interest. (See Non-network Advertising, page 1461.)

The strong showing of transcriptions in both the national and local field, and the revived strength on the part of live talent volume are significant. (See Non-network Advertising by Type of Rendition, page 1462.)

lic performances of his copyrighted musical composition entitled "Interviews with the Past" in connection with a series of radio programs entitled "Interviews with the Past" prepared by the Educational Radio Project, Office of Education, U. S. Department of Interior, and furnished by the Educational Radio Project to stations for broadcasting purposes.

This authority is contained in a license agreement now in the files of the National Association of Broadcasters under which agreement all stations may render the composition "Interviews with the Past" without discretion as to the time, place and frequency of performance and broadcast, and without the payment of any fee or royalty to anyone. This authority also guarantees to hold any station performing said composition harmless against any and all claims, demands or recoveries finally sustained by reason or any violation of proprietary right or copyright or any unlawful matter contained in said composition in consequence of said broadcast performance.

In addition to this license filed with the National Association of Broadcasters, Mr. Schramm has caused to be imprinted upon all copies of said composition the following:

"Permission granted hereby to broadcast, perform, copy or duplicate this music without fee or license."

In view of the above it is the opinion of the National Association of Broadcasters that all stations may render Mr. Schramm's composition entitled "Interviews With the Past" without incurring any liability therefor and without payment of fees or royalties to any person, firm, corporation, association, or licensing group.

CALIFORNIA STATION RECOMMENDED ON CONDITION

Application was filed with the Federal Communications Commission by Tulare-Kings Counties Radio Associates for a construction permit for the erection of a new broadcasting station at Visalia, Cal., to use 1190 kilocycles, 250 watts power and day-time operation.

Examiner R. H. Hyde, in Report No. I-268 recommended that the application be granted on certain conditions. He found that the operation of the proposed station would not cause objectionable interference within the recognized service area of any other station. Also the Examiner states that there is a present need in the applicant's area for local broadcast service. However, there is a prior application for construction of a new station at Visalia and the Examiner states that there is no need for the granting of both

applications. He recommends that if the first application is denied that the application of the Radio Associates be granted.

LABOR UNION DECISION

Following is the decision of the Supreme Court of Massachusetts in the case of the Yankee Network, Inc., against George Gibbs and others:

YANKEE NETWORK, INC. vs. GEORGE GIBBS & others.

Suffolk. Submitted February 7, 1936.—Opinion filed July 2, 1936.

Present: RUGG, C.J., FIELD, DONAHUE, LUMMUS, & QUA, JJ.

Unlawful Interference. Labor Union. Equity Pleading and Practice, Decree.

Appeal by the defendants in a suit in equity in the Superior Court from a final decree entered by order of *Macleod, J.*

QUA, J. The plaintiff operates a chain of broadcasting stations. The defendants are the officers and members of "Local No. 9," which is located in Boston and is affiliated with and forms part of the American Federation of Musicians. The primary purpose of the suit is to restrain the defendants from interfering with the conducting of an orchestra by one Kendis in the plaintiff's studio.

For about eighteen months prior to April 1, 1935, the officials of the local had been endeavoring to induce the plaintiff to employ a "house orchestra," so called, but the plaintiff had refused to do so, because it was unable to find a conductor of suitable talent. Shortly before April 1 the plaintiff requested Kendis to get together an orchestra of ten musicians, which he did by selecting ten members of the local. Their work proved satisfactory to the plaintiff, and thereupon, on April 1, the plaintiff and Kendis entered into a contract in writing by which the plaintiff engaged Kendis for one year as "contractor, conductor, arranger and pianist" at a salary of one hundred dollars per week. Kendis was a member of the American Federation of Musicians, belonging to locals in New York City and elsewhere, but not to Local 9. A by-law of the federation provided that "A member who has his transfer card on deposit in a Local is not entitled, without the consent of the Local, to solicit, accept or play any permanent engagement during a period of three months after the date of deposit, but otherwise is entitled to all the privileges of the Local," with exceptions not here material. Another by-law common to both the federation and the local required members to include in their contracts with employers a stipulation to the effect that nothing in the contract should be construed to interfere with any obligation which they owed to the federation as members thereof. A so called "Price List" of the local contained a regulation requiring members playing exclusively for broadcasting "to file contracts with the Secretary prior to the engagement." Kendis, upon coming to Boston, deposited his transfer card with Local 9, but he did not obtain the consent of that local before accepting and executing his contract with the plaintiff. The stipulation required by the by-law was not included in that contract. It did not appear that he was "playing exclusively for Radio broadcasting," so as to bring him within the regulation. On April 1, after signing the contract, Kendis submitted it to the officials of Local 9 for approval. On April 3 the executive committee voted to refuse permission to Kendis to accept the contract, and on April 8 he was officially notified that fines aggregating \$500 had been imposed upon him for violation of the by-laws and of the regulation hereinbefore mentioned. On the same day the orchestra ceased to play. Up to this point there is little, if any, dispute as to the facts.

The judge found that Kendis had not violated any of the by-laws or regulations of the federation or of Local 9. He further found that the ten musicians employed by Kendis desired to continue to play at the plaintiff's studio, "that they were entirely satisfied with the compensation and the conditions of their employment, and that the only reason they did not continue to play was because as the result of the threats made to them by the officials of the Union they feared substantial fines, suspension or expulsion," that "there was no legitimate or reasonable basis for refusing the permission to Kendis to carry out his contract with the plaintiff," and that suspension or expulsion of the ten musicians would be arbitrary, unreasonable and illegal. Upon the facts found by him and upon "all the evidence" he found and ruled "that the conduct of the officials of the Union in interfering with the employment of Kendis and the members of the orchestra by the plaintiff constituted an impairment of the plaintiff's right to a free flow of labor, and that conduct was illegal, and in violation of the plaintiff's rights."

The case is here on appeal with a report of the evidence. We must examine the testimony and draw our own conclusions as to facts, giving due weight to the findings of the judge who saw and heard the witnesses and not reversing his findings either of subsidiary or of ultimate facts unless they are erroneous in law or the evidence shows them to be plainly wrong. *Cook v. Mosher*, 243 Mass. 149, 153. *New England Wood Heel Co. v. Nolan*, 268 Mass. 191. *Masterson v. American Employers' Ins. Co.* 288 Mass. 518, 521. *MacLeod v. Davis*, Mass. Adv. Sh. (1935) 987, 989.

We think it is plain on evidence practically undisputed that Kendis had violated the two by-laws in question by accepting without the consent of the local and before the expiration of the three-months period a contract for a permanent engagement which did not contain the required stipulation. We deal with the case on this basis. The other findings of fact hereinbefore stated cannot be pronounced plainly wrong. They are consistent with inferences which a reasonable mind might draw from evidence which, as elicited from witnesses in the court room, might have been convincing. It is true that there was no direct evidence of "threats" by the officers of the local to the ten musicians, but there was evidence which could have been thought to show advice from the officers which caused the musicians to abandon their employment through fear of action by the officers and the local and against their own desire.

The precise word used to describe this is unimportant.

The findings and the evidence together show that the defendants, having no trade dispute of any kind with the plaintiff, combined to prevent the carrying out of the contract between the plaintiff and Kendis and to prevent Kendis from working for the plaintiff and that they succeeded in that purpose. Such a combination for such a purpose was *prima facie* unlawful both as an interference with the contractual right of the plaintiff and as an interference with the right of the plaintiff to manage its own business in its own way and to have free access to the market for musical talent. *Walker v. Cronin*, 107 Mass. 555. *Reynolds v. Davis*, 198 Mass. 294. *Burnham v. Dowd*, 217 Mass. 351. *W. A. Snow Iron Works, Inc. v. Chadwick*, 227 Mass. 382, 389. *Haverhill Strand Theatre, Inc. v. Gillen*, 229 Mass. 413. *Folsom Engineering Co. v. McNeil*, 235 Mass. 269. *Mechanics Foundry & Machine Co. v. Lynch*, 236 Mass. 504. *Rice, Barton & Fales Machine & Iron Foundry Co. v. Willard*, 242 Mass. 566, 572. *Moore Drop Forging Co. v. McCarthy*, 243 Mass. 554. *A. T. Stearns Lumber Co. v. Howlett*, 260 Mass. 45, 56, 65. *Armstrong Cork & Insulation Co. v. Walsh*, 276 Mass. 263, 272. *Service Wood Heel Co. Inc. v. Mackesy*, Mass. Adv. Sh. (1936) 193. The evidence fails to show justification for the defendants' conduct in the exercise by them of any right of free competition or of any other right of equal dignity with the rights of the plaintiff. *Plant v. Woods*, 176 Mass. 492. *Berry v. Donovan*, 188 Mass. 353. *Folsom v. Lewis*, 208 Mass. 336. *Haverhill Strand Theatre, Inc. v. Gillen*, 229 Mass. 413.

The right of the local, solely as between itself and Kendis, to punish Kendis for violation of the by-laws is not here involved. Whatever may be the extent of that right, it cannot be used as a justification for an otherwise unlawful attack upon the plaintiff. Indeed it was held after much consideration in *Martell v. White*, 185 Mass. 255, and in *L. D. Willcutt & Sons Co. v. Driscoll*, 200 Mass. 110, that the imposition of coercive fines was in itself an unlawful means of carrying on even a lawful combination. *A. T. Stearns Lumber Co. v. Howlett*, 260 Mass. 45, 72. See G. L. (Ter. Ed) c. 180, § 19. And in this case the abrupt change of attitude on the part of the local toward the new orchestra when Kendis was mentioned as the conductor, the close relationship between the refusal to approve Kendis's contract and the calling out (as the judge found) of the ten musicians and the imposition of the heavy fines, together with much other evidence in the case, would justify a conclusion that the fines were not being employed solely to punish Kendis for his past infractions of the by-laws, but that they were being employed in part at least as one of the means of carrying out the defendants' then present unlawful purpose of breaking up Kendis's connection with the plaintiff in the hope ultimately of forcing the plaintiff to employ in his place some member of the local who had not come in from another city. See *DeMinico v. Craig*, 207 Mass. 593; *A. T. Stearns Lumber Co. v. Howlett*, 260 Mass. 45, 70.

No prejudicial error appears in the manner in which the judge dealt with questions of evidence.

We think the final decree was no broader in its terms than was reasonably required for the protection of the plaintiff's rights. As the purpose of the combination must now be deemed to have been unlawful, it was proper to enjoin all means of carrying it out

which there was reason to apprehend would be employed, including suspension or expulsion from the local as well as fines. In this respect the case differs from *L. D. Willcutt & Sons Co. v. Driscoll*, where the issue was only as to the lawfulness of the means. This point is conceded by the minority opinion in that case at page 137. The decree must be interpreted reasonably in the light of the pleadings and with reference to the nature of the wrong for which relief is granted. *Attorney General v. New York, New Haven & Hartford Railroad*, 201 Mass. 370, 372. It does not purport to regulate the relations of the local with its members, except as they are involved in the combination against the plaintiff which is the subject of the suit. Inasmuch, however, as the one-year term of the contract annexed to the bill has now expired, the third paragraph of the final decree should be omitted. As so modified, the decree is affirmed with costs.

Ordered accordingly.

W. J. Day, for the defendants.

G. Alpert & J. A. Farrer, for the plaintiff.

BROADCAST ADVERTISING IN JUNE

Developments of the Month

Broadcast advertising volume during June amounted to \$7,917,733 as represented by the gross billings of the medium. The decline from the May level during the month was the smallest in recent years. Total radio volume decreased 7.3% from the previous month, as compared to a drop of 12.7% in 1935 and of 21.6% in 1934. Gross volume was 20.2% above that of June 1935.

Local broadcast advertising reversed the usual seasonal trend during June and exceeded the preceding month's volume by 0.4%.

National non-network volume continued to show the greatest relative gain as compared to corresponding periods of the previous year. Following several months of uncertainty, local broadcast advertising again exhibited strength and topped June 1935 by 24.7%.

In the non-network field, regional station volume accounted for all of the gains over the May level, and also experienced the greatest increase as compared to June of last year. Non-network advertising in the South and mid-West continued to show the greatest gains over previous years.

Compared to the preceding month national announcement volume and local live talent business alone showed important increases. In the national field both transcriptions and live talent gained materially as compared to June of the previous year, while transcriptions experienced the greatest increase in the local field.

Gains in local automotive advertising, national non-network and local beverage volume and local department store radio sponsorship were the outstanding developments as compared to May.

A number of important increases occurred as against the corresponding month of 1935. All forms of automotive advertising increased materially. Regional network and national non-network drug advertising rose markedly while national network and local volume in the same field decreased in similar fashion. Food advertising rose throughout the medium, as did all beverage advertising except national non-network. National non-network and local household equipment volume rose materially. Local department store volume was 49.1% above June of last year.

Total Broadcast Advertising

Total broadcast advertising during the month is set forth in Table I.

TABLE I

TOTAL BROADCAST ADVERTISING

| Class of Business | 1936 Gross Time Sales | | |
|--------------------------------|-----------------------|--------------------|----------------------|
| | May | June | Cumulative Jan.-June |
| National networks | \$4,445,346 | \$3,979,763 | \$28,181,976 |
| Regional networks | 124,648 | 105,860 | 644,473 |
| National non-network | 2,035,680 | 1,883,830 | 11,527,860 |
| Local | 1,939,920 | 1,948,280 | 10,447,870 |
| Total | \$8,545,594 | \$7,917,733 | \$50,802,179 |

Gross billings of the medium were 7.3% below those of the preceding month. Local broadcast advertising alone showed an increase, rising 0.4% over May. Other declines were as follows: national networks, 10.5%; regional networks, 15.1%; national non-network volume, 7.5%.

Broadcast advertising volume exceeded that of June 1935 by 20.2%. National network advertising registered an increase of 9.7%, and regional network volume one of 11.0%. National non-network business experienced the greatest increase, rising 34.5%. Following a relatively poor showing for several months, local broadcast advertising increased 24.7% over the June 1935 level.

Comparison with Other Media

Seasonal declines were general throughout major advertising media during June. National magazine volume decreased 17.4% and national farm paper volume 20.4%. Newspaper lineage dropped off 7.9%.

Compared to June of the preceding year, all media showed increases in advertising volume, with radio again leading the field. National magazine advertising increased 7.7%, national farm paper volume 10.1% and newspaper lineage 14.5%.

Advertising volume by major media is set forth in Table II.

TABLE II

ADVERTISING BY MAJOR MEDIA

| Advertising Medium | 1936 Gross Time and Space Sales | | |
|---|---------------------------------|---------------------|----------------------|
| | May | June | Cumulative Jan.-June |
| Radio broadcasting | \$8,545,594 | \$7,917,600 | \$50,802,179 |
| National magazines ¹ | 14,927,513 | 12,323,954 | 74,756,884 |
| National farm papers ¹ | 658,935 | 524,308 | 3,730,765 |
| Newspapers ² | 52,691,000 | 48,484,000 | 275,706,000 |
| Total | \$76,823,042 | \$69,249,862 | \$404,995,828 |

¹ Publishers' Information Bureau.

² Estimated.

Non-network Advertising

General non-network advertising decreased 3.6% during the month. Regional station volume alone rose, increasing 5.8% as compared to May. Clear channel and high powered regional station non-network business decreased 10.1% during the month, and local station business 9.9%.

Compared to June 1935, total non-network volume rose 29.3%. Regional and local stations led the field with increase of 48.5% and 41.0% respectively. Clear channel station non-network advertising increased 11.0% over the corresponding month of last year.

Non-network advertising by power of station is found in Table III.

TABLE III

NON-NETWORK ADVERTISING BY POWER OF STATION

| Power of Station | 1936 Gross Time Sales | | |
|----------------------------|-----------------------|--------------------|----------------------|
| | May | June | Cumulative Jan.-June |
| Over 1,000 watts | \$1,717,240 | \$1,543,110 | \$9,864,340 |
| 250-1,000 watts | 1,613,150 | 1,707,620 | 8,798,750 |
| 100 watts | 645,210 | 581,380 | 3,312,640 |
| Total | \$3,975,600 | \$3,832,110 | \$21,975,730 |

Non-network advertising in the South Atlantic and South Central States alone increased as compared to the preceding month. Volume in this area rose 2.6%, contrary to the usual seasonal tendency. Non-network advertising in the New England-Middle Atlantic area decreased 3.1%, that of the North Central States dropped 6.3%, while volume in the Mountain and Pacific States declined 4.3%.

The South and Mid-West led the country in gains in non-network volume as compared to June of last year, rising 48.8% and 34.7% respectively. New England-Middle Atlantic non-network advertising rose 7.1% and Pacific and Mountain volume 34.3%.

Non-network advertising by geographical district is found in Table IV.

TABLE IV
NON-NETWORK BROADCAST ADVERTISING BY
GEOGRAPHICAL DISTRICTS

| Geographical District | 1936 Gross Time Sales | | |
|---|-----------------------|-------------|-------------------------|
| | May | June | Cumulative Jan.-June |
| New England-Middle Atlantic Area | \$866,250 | \$839,110 | \$4,802,650 |
| South Atlantic-South Central Area | 710,250 | 729,060 | 4,304,570 |
| North Central Area | 1,573,200 | 1,473,420 | 8,676,930 |
| Pacific and Mountain Area | 825,900 | 790,520 | 4,191,580 |
| Total | \$3,975,600 | \$3,832,110 | \$21,975,730 |

Non-network Advertising by Type of Rendition

Announcements increased 5.5% as compared to May in the national field, while local live talent volume rose 3.9% and record business gained 2.4%. In the national field transcription and live talent volume decreased 7.8% and 11.5% respectively. Local transcriptions decreased 6.9%, and announcements 1.7%.

Gains were general in all forms of rendition in both, the national and local fields as compared to June 1935. National gains were as follows: electrical transcriptions, 39.7%; live talent, 36.1%; announcements, 21.9%. Local gains were the following: transcriptions, \$57.8%; live talent, 33.0%; records, 20.0%; announcements, 9.0%.

Broadcast advertising by type of rendition is found in Table V.

TABLE V
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

| Type of Rendition | 1936 Gross Time Sales | | | | | | |
|---------------------------------|-----------------------|-------------|-------------|-------------|-------------|-------------|-------------------------|
| | National Non-network | | Local | | Total | | Cumulative Jan.-June |
| | May | June | May | June | May | June | |
| Electrical transcriptions | \$803,600 | \$740,290 | \$261,050 | \$242,840 | \$1,064,650 | \$983,130 | \$5,723,950 |
| Live talent programs | 932,950 | 827,160 | 935,850 | 971,490 | 1,868,800 | 1,798,650 | 10,643,770 |
| Records | 8,090 | 9,830 | 70,460 | 73,170 | 78,550 | 83,000 | 423,120 |
| Announcements | 291,040 | 306,550 | 672,560 | 660,780 | 963,600 | 967,330 | 5,184,890 |
| Total | \$2,035,680 | \$1,883,830 | \$1,939,920 | \$1,948,280 | \$3,975,600 | \$3,832,110 | \$21,975,730 |

Sponsor Trends in June

The usual seasonal declines were experienced by the great majority of sponsor groups during June, with several important exceptions. Local automotive volume rose 9.8% as compared to the previous month. Regional network drug advertising increased 26.0%. National non-network and local beverage volume rose 15.8% and 25.8% respectively. National non-network soap and kitchen supply advertising increased 86.5%. Local department store volume rose 10.5%.

Comparison with June, 1935

Increases were fairly general as compared to the preceding June, with a number of them of outstanding interest. Automotive advertising continued to gain throughout all portions of the medium.

Regional network and national non-network gasoline and accessory volume rose 27.5% and 22.5% respectively.

Regional network drug advertising increased 73.3% and national non-network drug volume rose 52.0%. National network and local drug volume declined 19.5% and 37.9% respectively. With the exception of national network food advertising, which increased but slightly, food volume over the remainder of the medium rose materially. National network confectionery volume increased 85.3%.

National non-network and local household equipment advertising gained 49.0% and 20.3% respectively. National network soap and kitchen supply volume rose 60.8%. Local department store advertising gained 49.1%. National non-network tobacco advertising increased 38.2%.

Broadcast advertising by major sponsoring groups is found in Table VI.

TABLE VI
RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(June, 1936)

| Type of Sponsoring Business | Gross Time Sales | | | | |
|---|-------------------|-------------------|-----------------------|-------------|-------------|
| | National Networks | Regional Networks | National Non-networks | Local | Total |
| 1a. Amusements | — | — | \$12,500 | \$50,580 | \$63,080 |
| 1-2. Automobiles and accessories: | | | | | |
| (1) Automobiles | \$302,034 | — | 231,180 | 162,360 | 695,574 |
| (2) Accessories, gas and oil | 323,780 | \$20,125 | 147,770 | 89,330 | 581,005 |
| 3. Clothing and apparel | 25,908 | — | 38,200 | 239,180 | 303,288 |
| 4-5. Drugs and toilet goods: | | | | | |
| (4) Drugs and pharmaceuticals | 322,358 | 8,233 | 290,490 | 54,000 | 675,081 |
| (5) Toilet goods | 743,822 | 1,680 | 77,540 | 20,670 | 843,712 |
| 6-8. Food products: | | | | | |
| (6) Foodstuffs | 788,593 | 27,226 | 404,660 | 282,570 | 1,503,049 |
| (7) Beverages | 313,610 | 15,730 | 58,800 | 151,130 | 539,270 |
| (8) Confections | 72,006 | — | 17,770 | 5,670 | 95,446 |
| 9-10. Household goods: | | | | | |
| (9) Household equipment and furnishings | 35,462 | 4,120 | 64,480 | 218,720 | 322,782 |
| (10) Soap and kitchen supplies | 334,434 | 2,392 | 188,740 | 9,150 | 534,716 |
| 11. Insurance and financial | 39,052 | 514 | 16,700 | 83,970 | 140,236 |
| 12. Radios | 103,401 | 332 | 9,640 | 12,100 | 125,473 |
| 13. Retail establishments | — | 364 | 2,820 | 164,640 | 167,824 |
| 14. Tobacco products | 393,311 | 10,790 | 78,620 | 10,990 | 493,711 |
| 15. Miscellaneous | 181,992 | 14,354 | 243,920 | 393,220 | 833,486 |
| Total | \$3,979,763 | \$105,860 | \$1,883,830 | \$1,948,280 | \$7,917,733 |

Details as to trends in the various product and service groups sponsoring radio advertising are as follows:

1a. **Amusements.** National non-network down 5.3% and local up 63.2% as compared to May. National non-network up 166.0% as compared to last June and local down 6.8%.

1. **Automotive.** National network volume down 16.2% as against May and national non-network down 13.4%. Local up 9.8%. Gains over June 1935 as follows: national networks, 61.5%; national non-network, 62.6%; local, 96.1%.

2. **Gasoline and accessories.** Declines from the May level as follows: national networks, 12.6%; regional networks, 6.4%; national non-network, 20.9%; local, 16.0%. National network business 7.7% below June 1935 and local down 1.8%. Regional network and national non-network business up 27.5% and 22.5% respectively.

3. **Clothing.** Declines from previous month as follows: national networks, 16.1%; national non-network, 2.0%; local, 8.1%. National network business 32.5% below last June. National non-network and local volume up 18.7% and 29.8% respectively.

4. **Drugs and pharmaceuticals.** Regional network advertising 26.0% above May. Declines as follows: national networks, 13.3%; national non-network, 4.1%; local, 15.2%. National network and local volume below June 1935 by 19.5% and 37.9% respectively. National non-network and regional network business over last June by 52.0% and 73.3% respectively.

5. **Toilet goods.** National and regional network volume below preceding month by 16.8% and 46.0% respectively. National non-network and local volume up 18.4% and 5.5% respectively. National network business 11.6% below last June. National non-network business up 10.0% and local 22.8%.

6. **Foodstuffs.** Declines from May level as follows: national networks, 4.4%; regional networks, 20.6%; national non-network, 8.1%. Local up 18.4%. Increases over previous June as follows: national networks, 3.8%; regional networks, 27.7%; national non-network, 39.0%; local, 37.7%.

7. **Beverages.** National network volume down 9.1% from May and regional down 3.1%. National non-network business up 15.8% and local 25.8%. National network business 57.1% above last June. Regional network business up more than sixfold. National non-network advertising down 8.5%. Local up 44.1%.

8. **Confectionery.** Declines from May as follows: national networks, 25.6%; national non-network, 18.1%; local, 40.0%. National network business 85.3% above June 1935. National non-network down 24.1% and local 74.0%.

9. **Household equipment.** National network volume 13.7% above May. National non-network down 46.7% and local 1.7%. National network business 1.5% below last June. Regional networks doubled. National non-network volume up 49.0% and local 20.3%.

10. **Soaps and kitchen supplies.** Gains over May as follows: national networks, 2.5%; national non-network, 86.5%. Declines as follows: regional networks, 72.8% and local, 13.2%. Increases over June of last year as follows: national networks, 60.8%; national non-network, 18.3%; local more than doubled. Regional network volume down 43.2%.

11. **Insurance and financial.** National network advertising 2.7% over May and local up 3.7%. National non-network down 18.8%. Gains over June 1935 as follows: national networks, 40.0%; national non-network, 43.0%; local, 77.1%.

12. **Radios.** Decreases from May level as follows: national networks, 7.8%; regional networks, 50.0%; national non-network, 48.0%; local, 20.1%. Increases over June of last year as follows: national networks, 29.2%; national non-network, more than doubled; local, 50.0%.

13. **Department and general stores.** National non-network 62.6% below May and local up 10.5%. Local, 49.1% above June 1935 and national non-network down 50.0%. Total up 36.5%.

14. **Tobacco products.** National network volume unchanged from previous month. Other declines as follows: regional network, 12.9%; national non-network, 8.2%; local, 17.8%. National network business 37.3% above last June, and national non-network up 38.2%. Regional network volume down 60.2%. Local up by more than double.

15. **Miscellaneous.** Declines from preceding month as follows: national networks, 29.2%; regional networks, 4.3%; national non-network, 19.6%; local, 13.2%. National network miscellaneous business more than double previous June, with regional networks showing same tendency. National non-network up 44.1% and local 18.7%.

Retail Broadcast Advertising

Broadcast advertising by retail establishments of various types declined 4.1% from the May level but exceeded the volume of the previous June by 29.8%.

Principal increases as compared to May were as follows: automotive, 17.0%; household equipment dealers, 23.0%; furniture stores, 3.0%, and department stores, 6.6%. Clothing store volume decreased 7.5% and grocery store business 41.0%.

Practically all major types of retail establishments increased their broadcast advertising expenditures as compared to the preceding June. More important gains were as follows: automotive, 112.0%; clothing, 27.8%; grocery stores, 14.3%; household equipment, 13.0%; furniture stores, 74.0% and department stores, 36.5%.

Broadcast advertising by various types of retail establishments are set forth in Table VII.

TABLE VII
RETAIL BROADCAST ADVERTISING OVER
INDIVIDUAL STATIONS

| Type of Sponsoring Business | 1936 Gross Time Sales | |
|--|-----------------------|-------------|
| | May | June |
| Automobiles and accessories: | | |
| Automobile agencies and used car dealers | \$142,610 | \$166,960 |
| Gasoline stations, garages, etc..... | 73,670 | 53,560 |
| Clothing and apparel shops..... | 266,700 | 246,230 |
| Drugs and toilet goods: | | |
| Drug stores | 16,300 | 12,910 |
| Beauty parlors | 16,350 | 9,130 |
| Food products: | | |
| Grocery stores, meat markets, etc..... | 82,620 | 48,210 |
| Restaurants and eating places..... | 23,400 | 20,920 |
| Beverage retailers | 1,320 | 700 |
| Confectionery stores | 2,250 | 1,880 |
| Household goods: | | |
| Household equipment dealers..... | 63,770 | 78,480 |
| Furniture stores | 104,600 | 107,780 |
| Hardware stores | 32,700 | 26,520 |
| Radio retailers | 10,870 | 10,830 |
| Department and general stores..... | 157,258 | 167,824 |
| Tobacco shops | | |
| Miscellaneous | 99,780 | 97,800 |
| Total | \$1,094,198 | \$1,049,734 |

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 for hearing to show cause why cease and desist orders should not be issued against them.

No. 2882. A complaint has been issued against **Euclid Candy Co.**, 715 Battery St., **San Francisco**, alleging unfair competition in that the respondent company is said to pack and assemble its candy so as to involve the use of a lottery scheme when it is sold and distributed to consumers.

Use of such a lottery method, the complaint charges, tends to lessen competition and to exclude from the candy trade competitors who are unwilling to resort to the same or equivalent methods in the sale of their product.

No. 2883. False and fraudulent representations in advertising a line of cosmetics and beauty preparations are alleged in a complaint issued against **Charles of the Ritz Distributors Corporation**, 9-11 University Place, **New York City**.

In connection with the sale of its products, known as the "Ritz" or "Charles of the Ritz" line, the respondent corporation is said to distribute a booklet entitled "Beauty in the Modern Mode" in which, according to the complaint, it represents, among other things, that:

"Eye Lotion Ritz" strengthens the eye nerves and relieves eye strain; "Scalp Food Ritz" promotes the growth of hair; "Eye Cream Ritz" nourishes the tissues about the eyes, banishes lines and prevents crow's feet; "Rejuvenescence Cream Ritz" supplies the skin with a youth-giving element, penetrates the skin and gives it new life and vitality, and "Eyelash Grower Ritz" promotes the growth of eyelashes.

No. 2884. **Civilian Preparatory Service, Inc.**, Suite 500, Simms-Keller Building, **Huntington, W. Va.**, and its principal stockholder and sales manager, **Homer Bruce Crone**, trading as

Economic Research Bureau, are charged with unfair competition in the sale of correspondence courses of instruction designed to prepare students to take examinations for civil service positions under the United States Government.

Salesmen soliciting prospective students, the complaint charges, represent that they and the respondents are connected with the Government; that civil service positions are available and that examinations for such positions are to be held in the near future or at definite times stated; that students can be placed in government positions if they pursue the respondents' courses; that money will be refunded if a job is not obtained, and that only a limited number of students are selected for training in a particular locality.

These representations are untrue or misleading, according to the complaint, which alleges that the memorized sales talks of the respondents' agents are intended to conceal the fact that they represent a private correspondence school and to create the false impression that they are engaged in selecting candidates for government positions.

No. 2885. A complaint alleging misrepresentation of the remedial or restorative qualities of "Youthray," offered as a hair color restorer, has been issued against **Erna Saffan, Inc.**, 646 N. Michigan Ave., **Chicago**, and **Roy M. Kirtland**, majority stockholder in and secretary-treasurer of the corporation.

Advertising "Youthray" in newspapers, magazines and circulars, the respondents are charged with unfair methods of competition in that they falsely represent that their preparation effectively restores the natural color of hair; acts on gray hair without the aid of harmful dyes that ruin the health and beauty of hair and scalp; brings to gray hair a lustrous, youthful color, and is beneficial to the head because it is a fine germicide and antiseptic.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 1789. **Luden's Inc.**, Eighth and Walnut Streets, **Reading, Pa.**, is prohibited from using unfair competition in the sale of candy, in violation of the Federal Trade Commission Act, under an order to cease and desist.

Sale of candy to wholesalers in assortments so arranged as to involve use of a lottery scheme when distributed to consumers, and other similar practices, are prohibited in the order.

The respondent company admitted the truth of the material allegations of the Commission's complaint and waived further procedure, following which the Commission issued its findings of fact and order to cease and desist.

No. 2407. Representations that it is a distiller of spirituous beverages, when such is not the fact, are to be discontinued by **Western American Distillers Corporation**, 110 First St., **San Francisco**, under an order to cease and desist.

The order directs the respondent corporation, through use of the word "Distillers" in its corporate name, or otherwise, to cease representing that it manufactures by the process of distillation the spirituous beverages it sells, or that it owns or operates a plant where such products are distilled, unless it actually does own or operate such a plant.

No. 2418. **Western Reserve Distilling Co.**, 2501 Norwood Ave., **Cincinnati**, has been ordered to cease representing that it is a distiller of whiskies, gins and other spirituous beverages, until such is the fact.

The order prohibits the respondent company from representing, through use of the word "Distilling" in its corporate name, on labels, or in advertising matter, that it manufactures through the process of distillation the spirituous beverages it sells in interstate commerce, or that it owns or operates a plant where such beverages are manufactured, until it actually owns such a plant.

No. 2621. **Sweet Candy Co.**, 224 South First West St., **Salt Lake City**, has been ordered to cease and desist from selling to wholesalers, jobbers and retailers assortments of candy so packed and assembled that a lottery scheme or game of chance is involved when the candy is resold to consumers.

FTC CLOSES CASE

No. 2828. The Federal Trade Commission has entered an order closing its case against **Mandre, Inc.**, 1400 Broadway, New York City, and **Louis C. Rosenblatt**, **Arthur J. Rosenblatt** and **H. Edelman**, officers of the corporation, and against the same respondents trading as **M. Brooks & Co.**, 1109 G Street, N. W., **Washington, D. C.** The New York corporation manufactures

and deals in furs, fur coats and fur-trimmed garments, while the Washington company only deals in these products.

The Commission's complaint had alleged that the respondents labeled and advertised their products with names of high-priced furs, which were, in fact, furs made from inferior skins treated and dyed to resemble higher quality skins.

According to the order, the respondents have entered into a stipulation with the Commission to discontinue such unfair methods of competition. The Commission closed the case without prejudice to the right to reopen it should the facts so warrant.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Tuesday, August 11

HEARING BEFORE AN EXAMINER (Broadcast)

WKZO—WKZO, Inc., Kalamazoo, Mich.—C. P., 590 kc., 250 watts, 1 KW LS, unlimited time.

APPLICATIONS RECEIVED

First Zone

WEEI—The Edison Electric Ill. Co. of Boston, Boston, Mass.—590 Voluntary assignment of construction permit (B1-P-1196) from The Edison Electric Illuminating Co. of Boston to WEEI Broadcasting Corp.

WEEI—WEEI Broadcasting Corp., Boston, Mass.—Modification 590 of construction permit (B1-P-1196) to install a new transmitter and directional antenna; increase power from 1 KW to 1 KW night, 5 KW day; and move transmitter, to further request increase in power from 1 KW night, 5 KW day, to 5 KW day and night. (Filed in new name.)

NEW—Rev. Edward Warren Cromey, Rector, Church Wardens 1130 & Vestrymen of St. Michael's P. E. Church, Brooklyn, New York.—Construction permit for a new station to be operated on 1130 kc., 1 KW, daytime, requests facilities of Station WOV. Amended to make changes in antenna and give exact studio site as site to be determined, Brooklyn, N. Y.

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Construction 1200 permit to install new equipment.

WOCL—A. E. Newton, Jamestown, N. Y.—Construction permit 1210 to make changes in equipment to comply with Rule 132 and increase power from 50 watts to 100 watts. Amended to omit request for increase in power and make further changes in equipment.

WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—1230 License to cover construction permit (B1-P-1083) for changes in equipment and increase in power.

WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Construction 1500 permit to install a new antenna, move transmitter from 92 Seneca Street, Binghamton, N. Y., to Acreage (no street), Binghamton, N. Y.

NEW—Bamberger Broadcasting Service, Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 1622, 2060, 2150, 2790 kc., 26.4 watts. Amended to change frequency 2060 kc. to 2058 kc.

NEW—Bamberger Broadcasting Service, Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 1622, 2060, 2150, 2790 kc., 50 watts. Amended to change frequency 2060 kc. to 2058 kc.

Second Zone

WCOL—WCOL, Inc., Columbus, Ohio.—Construction permit to 1210 make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day.

NEW—The Central Michigan Radio Co., James Bourland, John 1350 Tebbell, Gerald J. Cotter and Ray D. Markel, Mt. Pleasant, Mich.—Construction permit for a new station to be operated on 1350 kc., 250 watts, unlimited time.

W8XIP—The WGAR Broadcasting Co., Portable-Mobile.—License to cover construction permit for a new relay broadcast station.

W8XIQ—The WGAR Broadcasting Co., Portable-Mobile.—License to cover construction permit for a new relay broadcast station.

W8XIR—The WGAR Broadcasting Co., Portable-Mobile.—License to cover construction permit for a new relay broadcast station.

NEW—WCAU Broadcasting Co., Philadelphia, Pa.—Construction permit for a new high frequency broadcast station to be operated on 31600, 35600, 38600, 41000 kc., 100 watts.

Third Zone

KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Construction permit to make changes in equipment, change frequency from 1200 kc. to 1210 kc., move transmitter from 512-516 S. Grand Street, Monroe, La., to (no street address) Monroe, La. Amended to change equipment, increase power from 100 watts to 100 watts night, 250 watts day, and omit request for change in frequency.

NEW—Southeastern Broadcasting Co., Inc., Macon, Ga.—Construction permit for a new station to be operated on 1210 kc., 100 watts, specified hours (local sunset to 12 midnight).

NEW—Times Publishing Co., Okmulgee, Okla.—Construction permit for a new station to be operated on 1210 kc., 100 watts, daytime.

WRR—City of Dallas, Texas, Dallas, Tex.—Modification of license for intermittent or simultaneous operation of WRR and KVPA into a single vertical radiating tower.

NEW—Virgil V. Evans, Gastonia, N. C.—Construction permit for a new station to be operated on 1420 kc., 100 watts, unlimited time.

NEW—Fort Worth Broadcasters, Inc., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 5 watts.

NEW—Fort Worth Broadcasters, Inc., Portable.—Construction permit for a new relay broadcast station to be operated on 1622, 2058, 2150, 2790 kc., 40 watts.

Fourth Zone

NEW—Michael F. Murray, St. Cloud, Minn.—Construction permit for a new station to be operated on 560 kc., 500 watts, daytime.

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—License to cover construction permit (B4-P-876) for changes in equipment and move of transmitter.

KGFW—Central Nebraska Broadcasting Corp., Kearney, Nebr.—Construction permit to install a new antenna, move studio and transmitter from 919 West 27th Street, Kearney, Nebr., to site to be determined, Omaha, Nebr. Amended to install a new transmitter.

WLBC—Donald A. Burton, Muncie, Ind.—License to cover construction permit (B4-P-248) as modified for changes in equipment and increase in power.

WMBH—Joplin Broadcasting Co., Joplin, Mo.—Construction permit to install a new transmitter.

NEW—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Construction permit for a new station to be operated on

1480 kc., 5 KW, daytime. Amended to give transmitter site as Wicker Park at Southeastern Avenue overpass, near conjunction of U. S. Routes 6 and 41, Highland, Ind., and install directional antenna.

W9XJL—Head of the Lakes Broadcasting Co., Superior, Wis.—License to cover construction permit for a general experimental station.

Fifth Zone

KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Authority to determine operating power by direct measurement of antenna.

KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—License to cover construction permit (B5-P-1107) as modified for changes in equipment and move of transmitter.

NEW—Julius Brunton & Sons Co., San Jose, Calif.—Construction permit for a new station to be operated on 970 kc., 250 watts, daytime. Contingent upon KQW's application for move of station, increase in power, new antenna and changes in equipment.

KQW—Pacific Agricultural Foundation, Ltd., Sacramento, Calif.—Construction permit to make changes in equipment, install new antenna, increase power from 1 KW to 1 KW night, 5 KW day, move transmitter from 87 E. San Antonio St., San Jose, Calif., to North ½ of lot J. Glides, West Sacramento, Calif., subdivision as recorded in Yolo County, 4-7-15, and move studio from same address to Senator Hotel, 12th and L Sts., Sacramento, Calif.

KYOS—Merced Star Publishing Co., Merced, Calif.—Modification of construction permit (B5-P-673) to install a vertical radiator and for approval of transmitter and studio sites at just out of town, Merced, Calif.

KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—Construction permit to install a new antenna, change frequency from 1070 kc. to 1080 kc., move studio and transmitter from 1380 Bush Street, San Francisco, Calif., to 1476 Pine Street, San Francisco, Calif.

NEW—John D. Fields, Inc., Las Vegas, Nev.—Construction permit for a new station to be operated on 1370 kc., 100 watts, unlimited time.

KSLM—Oregon Radio, Inc., Salem, Ore.—Construction permit to install a new transmitter, make changes in antenna, increase power from 100 watts to 250 watts, and change frequency from 1370 kc. to 1240 kc.

NEW—Loyal K. King, Pasadena, Calif.—Construction permit for a new station to be operated on 1480 kc., 250 watts, daytime.

NEW—Ben S. McGlashan, Portable-Mobile.—Construction permit for a new general experimental station to be operated on 86000-400000 kc., 100 watts. Amended to delete above frequency band and substitute the frequencies 88000, 120000, 240000, 500000 kc.

NEW—Ben S. McGlashan, Los Angeles, Calif.—Construction permit for a new high frequency broadcast station to be operated on 25950 kc., 1 KW.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS

Vol. 4 -- No. 38
AUG. 6, 1936

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COMPARISON NAB AND CENSUS ESTIMATES OF BROADCAST ADVERTISING

The publication of the preliminary summaries for the United States of broadcast advertising volume for 1935 by the Bureau of the Census, Department of Commerce, has given rise to numerous inquiries as to the relation of these figures to those published by the National Association of Broadcasters, and the degree of agreement or disparity found in the two sets of figures.

In order that there may be no misunderstanding in this respect, the following analysis has been prepared.

Comparison of Total Revenues

The gross time sales for the medium in 1935, as given by the National Association of Broadcasters was \$87,523,848. The gross revenues, as given by the U. S. Bureau of the Census, were \$86,492,653.

Actually, the correspondence between the two figures is not as great as this indicates, nor should it be. The Census figure includes \$6,875,110 revenues from the sale of talent and miscellaneous sources. Deducting this figure leaves \$79,617,543 as the revenue from the sale of time. The Census figure is therefore 9.0% lower than the NAB figure.

This lack of correspondence is explainable by the fact that the two sets of figures are collected on a different base. The Census figures represent net sales. In this instance, discounts arising out of the length of the broadcast series contracted for and similar promotional discounts are subtracted from gross billings, though agency commissions, considered a sales expense, are not deducted. The NAB figures represent gross billings, i.e., all time sold billed at the one time rate. Because of its simplicity, this latter method has been the customary form of stating advertising volume by media.

Comparison of National Advertising Estimates

Available data make possible a comparison of the NAB and the Census estimates with regard to national and regional advertisers.

The NAB report of national and regional network gross billings for 1935 showed a total of \$51,178,425. This figure was not the result of sampling, but constituted a complete report of the networks in question.

The Census report for national and regional network net time sales for the same year was \$39,737,867. Thus it was revealed that there were discounts of 22.4% to be deducted from gross billings of networks before net sales were arrived at.

Discounts in the national non-network or national spot field are generally similar to those applicable in the network field. It is probable that the shorter series of broadcasts utilized by the smaller regional advertisers may reduce the average discount slightly. Assuming the existence of discounts of between 20% and 22.4% in the national non-network field, it is possible to calculate estimated gross billings on the basis of the \$13,805,200 volume of this type of business reported by the Census. Such a calculation reveals estimated gross billings of between \$17,256,000 and \$17,802,000. Both of these figures are slightly higher, but extremely close to the reported figure of the NAB for 1935, that of \$17,063,688. This seems to confirm once more both the general accuracy and the conservatism of the NAB statistics.

Proportion of National and Local Business

The most important discrepancy between the two sets of figures is with regard to the proportion of total business represented by

national and regional non-network advertisers and local broadcast advertisers. According to the NAB estimates national non-network volume accounted for \$17,063,688 in 1935 and local broadcast advertising for \$19,281,735. These two figures are approximately equal.

In the case of the Census report of net sales, national non-network volume is \$13,805,200 (this has been reconciled to the NAB estimates in the preceding paragraphs), while local broadcast advertising is given as \$26,074,676.

Two problems present themselves at this point. The first, already alluded to, is the discrepancy in the two reports as to the proportion of non-network business represented by national and local advertisers. The second discrepancy is the fact that the combined national and local non-network *net sales* of the Census report are greater than the NAB *gross billings* by \$3,534,163.

Turning to the first problem, that of the relative proportion of national and regional business and of local business comprising the non-network total for the medium: It is probable in this instance that the NAB figures are closer to the actual situation than are those of the U. S. Census. This is true for the following reasons: The Census estimates are the result of the reports of the various stations to the Bureau of the Census. The division of business into national and regional on the one hand and local on the other is certain to be an extremely rough estimate on the part of the great majority of stations. Studies leading to the development of standard cost accounting for radio stations, conducted in 1934, indicated only the roughest separation of business along national and local lines by stations.

In addition, it is quite probable that station estimates tend to inflate the local rather than the national figure. Where national advertisers and local agencies combine, and where such combined advertising is carried at the local rate, it will tend at times to be classified as local. Some regional advertisers will tend to be classified as local.

The NAB method of compiling data in this field seems to be the more careful. No over-all estimate is used for the year, or even for any individual month. The tabulations of national and local business are the results of the individual classification of every account broadcast over each of the reporting stations every month. This classification is made entirely upon the basis of the actual point of origin of the business and without regard to whether it is billed at one rate or another. The original classifications made by the reporting stations, in addition, are carefully checked by experts prior to tabulation and compilation. This method, it would seem, should yield the more desirable results from the viewpoint of accuracy.

Comparison of Local Volume

The discrepancy in the local volume between the NAB and Census reports is undoubtedly explained in part by the confusion in classification of business as to national and local. This, however, does not explain the fact that the total non-network business as set forth by the NAB is below that reported by the Census. Discounts on local business are relatively small for the most part, but still will serve to swell the reported Census figure of \$39,737,867 to at least some degree, thus further increasing the difference between it and the reported non-network volume of \$36,534,163 of the NAB.

One conclusion is inescapable from the above figures, namely, that the NAB estimates of non-network volume have been highly conservative on the whole, probably by 10% to 15%. As more detailed final information is revealed by the Census Bureau, it may be possible to indicate the exact extent to which this has been the case.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
 JAMES W. BALDWIN, Managing Director

NAB REPORTS

Vol. 4 - No. 39
 AUG. 10, 1936

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BROADCAST ADVERTISING DURING THE FIRST HALF OF 1936

Principal Developments

Broadcast advertising during the first half of the current year showed an increase of 12.7% over the corresponding period of 1935. Gross time sales of the medium amounted to \$50,802,179 during the six-month period.

Advertising trends during the period were principally a continuation of those in evidence recently throughout the medium. Regional network and national non-network volume continued to show the greatest rate of growth. Radio broadcasting as a whole continued to hold its own with other major media as to percentage of increase over corresponding periods of previous years.

Local station non-network advertising volume again showed the greatest relative increase, while non-network business in the South and mid-West increased to a greater extent than that in other portions of the country.

A new trend of interest has been the marked growth of transcription volume in both the national and local fields. National transcription business showed an increase of 52.3% over the corresponding six months of 1935, while local volume increased by 41.8%. Live talent volume continued strong in both the national and local fields, while announcement business again declined.

Several trends of importance have developed as to radio advertising sponsorship. There has been a marked gain in automotive advertising throughout the entire medium. National and regional network beverage advertising increased to a considerable degree. National network and local drug advertising fell off markedly, while national non-network and regional network drug volume increased. Regional network and national non-network food advertising rose to an important degree. There were heavy declines in some of the minor national network classifications.

Broadcast Advertising Volume

Advertising volume with regard to various portions of the radio broadcasting medium during the first half of the current and preceding year is set forth in Table I.

TABLE I

TOTAL BROADCAST ADVERTISING

| Class of Business | Gross Time Sales | |
|----------------------|------------------|--------------|
| | 1935 | 1936 |
| National networks | \$26,120,410 | \$28,181,976 |
| Regional networks | 465,899 | 644,473 |
| National non-network | 8,591,053 | 11,527,860 |
| Local | 9,898,610 | 10,447,870 |
| Total | \$45,075,972 | \$50,802,179 |

Regional network volume continued to show the greatest relative gain over the preceding year, rising 38.0%. National non-network business gained 34.1%, while local broadcast advertising, after exhibiting weakness for several months, revived sufficiently to show an increase of 5.5% over the corresponding period of last year. National network advertising gained 7.9% as compared to the first half of 1935.

Comparison with Other Media

Advertising volume by major media during the first half of 1935 and 1936 is set forth in Table II.

TABLE II

ADVERTISING BY MAJOR MEDIA

| Advertising Medium | Gross Time and Space Sales | |
|-----------------------------------|----------------------------|---------------|
| | 1935 | 1936 |
| Radio broadcasting | \$45,075,972 | \$50,802,179 |
| National magazines ¹ | 67,954,820 | 74,756,884 |
| National farm papers ¹ | 2,973,225 | 3,730,765 |
| Newspapers ² | 254,551,000 | 275,706,000 |
| Total | \$370,555,017 | \$404,995,828 |

¹ Publishers' Information Bureau.

² Estimated.

Compared to a rise of 12.7% on the part of radio broadcasting, national magazine advertising increased 10.0% as against the first six months of last year, while newspaper lineage rose 8.3%. Farm paper volume alone exceeded radio advertising in rate of increase, gaining 25.3% over the corresponding period of 1935.

Non-Network Advertising

General non-network advertising rose 18.8% as compared to the first half of the preceding year. Local station volume continued to show the greatest relative increase. Gross time sales of 100-watt stations from non-network sources rose 34.5% over the corresponding period of 1935. Regional station non-network business increased 21.6%, while that of clear channel and high powered regional stations rose 16.0%. Non-network business by power of station is found in Table III.

TABLE III

NON-NETWORK BROADCAST ADVERTISING BY POWER OF STATION

| Power of Station | Gross Times Sales | |
|------------------|-------------------|--------------|
| | 1935 | 1936 |
| Over 1,000 watts | \$8,808,965 | \$9,864,340 |
| 250-1,000 watts | 7,234,055 | 8,798,750 |
| 100 watts | 2,446,653 | 3,312,640 |
| Total | \$18,489,673 | \$21,975,730 |

Non-network volume in the South and mid-West continued to show the greatest strength. Business of this type in the South Atlantic and South Central States during the first half of 1936 exceeded that of the previous year by 48.4%. North Central States non-network volume showed a gain of 24.3% over the corresponding six-month period of last year.

Non-network advertising in the Mountain and Pacific States gained 12.6%, while that in the New England-Middle Atlantic area declined 1.6%. Rising network volume still seems to be the principal explanation of the last-mentioned trend.

Non-network advertising by major geographical districts is found in Table IV.

TABLE IV
NON-NETWORK ADVERTISING BY
GEOGRAPHICAL DISTRICTS

| Geographical District | Gross Time Sales | |
|-------------------------------------|------------------|--------------|
| | First Half | |
| | 1935 | 1936 |
| New England-Middle Atlantic Area.. | \$4,887,087 | \$4,802,650 |
| South Atlantic-South Central Area.. | 2,900,708 | 4,304,570 |
| North Central Area..... | 6,975,707 | 8,676,930 |
| Pacific and Mountain Area..... | 3,726,171 | 4,191,580 |
| Total..... | \$18,489,673 | \$21,975,730 |

Advertising by Type of Rendition

The marked rise of electrical transcription volume in both the national and local fields has been the principal development of

interest during the period in question. Total transcription volume for the first six months of the year exceeded 1935 by 50.4%. National electrical transcription business increased 52.3% and local volume 41.8%.

National live talent business continued to show important increases and rose 37.2% as compared to the corresponding period of 1935. Local live talent volume gained 8.3%. Local record business increased 1.6%.

Of particular interest has been the continued decline of announcement volume in contrast to the rise in transcription and live talent programs. National announcement business decreased 11.2% as compared to the first half of last year, while local volume dropped off 5.8%.

Non-network advertising by type of rendition is presented in Table V.

TABLE V
NON-NETWORK BROADCASTING BY TYPE OF RENDITION

| Type of Rendition | Gross Time Sales | | | | | |
|--------------------------------|----------------------|--------------|-------------|--------------|--------------|--------------|
| | National Non-network | | Local | | Total | |
| | 1935 | 1936 | 1935 | 1936 | 1935 | 1936 |
| Electrical transcriptions..... | \$2,971,754 | \$4,542,695 | \$833,984 | \$1,181,255 | \$3,805,738 | \$5,723,950 |
| Live talent programs..... | 3,830,994 | 5,244,910 | 4,986,251 | 5,398,860 | 8,817,245 | 10,643,770 |
| Records..... | 56,924 | 39,340 | 378,217 | 383,780 | 435,141 | 423,120 |
| Announcements..... | 1,731,381 | 1,700,915 | 3,700,158 | 3,483,975 | 5,431,539 | 5,184,890 |
| Total..... | \$8,591,053 | \$11,527,860 | \$9,898,610 | \$10,447,870 | \$18,489,663 | \$21,975,730 |

Broadcast Advertising Sponsorship

One of the outstanding developments as to advertising sponsorship has been the marked growth of automotive advertising with regard to all portions of the medium. National network volume increased 28.6%, national non-network business 106.0%, and local automotive advertising 47.3%.

Regional network and national non-network gasoline and accessory business gained 47.3% and 34.4%, respectively. Regional network and national non-network drug advertising rose 88.3% and 21.1%, respectively, while national network and local drug volume declined 29.1% and 34.2%, respectively.

National network beverage advertising rose 38.7%, while regional network volume rose more than fourfold. With the exception of national network business, which declined 2.0%, all phases of food advertising increased to an important degree. Marked gains were experienced in national non-network radio set and tobacco advertising.

There were few declines of importance though some heavy decreases occurred in several of the less important categories of national network sponsorship. Broadcast advertising by various product and service classes is set forth in Table VI.

TABLE VI
RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS

| Type of Sponsoring Business | 1936 Gross Time Sales | | | | |
|---|-----------------------|-------------------|----------------------|--------------|--------------|
| | National Networks | Regional Networks | National Non-network | Local | Total |
| 1a. Amusements..... | — | \$325 | \$56,210 | \$217,150 | \$273,685 |
| 1-2. Automobiles and accessories: | | | | | |
| 1. Automobiles..... | \$2,152,900 | — | 1,439,050 | 732,645 | 4,324,595 |
| 2. Accessories, gas and oils..... | 2,356,850 | 90,017 | 886,450 | 469,985 | 3,803,302 |
| 3. Clothing and apparel..... | 191,589 | 2,316 | 232,620 | 1,401,300 | 1,827,825 |
| 4-5. Drugs and toilet goods: | | | | | |
| 4. Drugs and pharmaceuticals..... | 2,515,368 | 62,878 | 2,343,010 | 386,500 | 5,307,756 |
| 5. Toilet goods..... | 5,792,116 | 19,770 | 525,030 | 125,870 | 6,462,786 |
| 6-8. Food products: | | | | | |
| 6. Foodstuffs..... | 5,296,284 | 183,381 | 2,369,020 | 1,392,390 | 9,241,075 |
| 7. Beverages..... | 2,115,612 | 56,501 | 301,660 | 592,380 | 3,066,153 |
| 8. Confections..... | 665,422 | 19,605 | 201,950 | 51,940 | 938,917 |
| 9-10. Household goods: | | | | | |
| 9. Household equipment and furnishings..... | 230,128 | 29,701 | 495,235 | 1,105,835 | 1,860,899 |
| 10. Soaps and kitchen supplies..... | 1,809,459 | 38,556 | 499,240 | 52,850 | 2,400,105 |
| 11. Insurance and financial..... | 246,532 | 4,194 | 131,400 | 455,700 | 847,826 |
| 12. Radios..... | 637,575 | 1,328 | 82,770 | 81,000 | 802,673 |
| 13. Retail establishments..... | — | 2,730 | 63,965 | 815,550 | 882,245 |
| 14. Tobacco products..... | 2,262,747 | 55,890 | 340,940 | 44,525 | 2,704,102 |
| 15. Miscellaneous..... | 1,909,394 | 77,281 | 1,559,310 | 2,522,250 | 6,068,235 |
| Total..... | \$28,181,976 | \$644,473 | \$11,527,860 | \$10,447,870 | \$50,812,179 |

Details as to broadcast advertising trends in various fields of business are as follows:

1a. **Amusements.** National non-network volume increased 94.4% over the corresponding period of 1935, while local volume declined 19.6%. Total business decreased 7.7%.

1. **Automotive.** National network advertising in the automo-

tive field rose 28.6% as compared to the first half of last year. There was no regional network volume as compared to \$6,490 in 1935, automotive advertising always having been a minor item in the regional field. National non-network advertising increased 106.0%, while local volume rose 47.3%.

2. **Gasoline and accessories.** National network volume

gained 18.8% during the period in question as compared to the preceding year. Regional network advertising increased 47.3%, and national non-network business 34.4%. Local broadcast advertising declined 5.7%.

3. **Clothing.** National network advertising declined 28.6%, while regional network advertising decreased 80.0%. National non-network volume rose 30.0% and local broadcast advertising 7.7%.

4. **Drugs and pharmaceuticals.** National network drug volume decreased 29.1% as a result of the gradual discontinuance of this type of business by the networks. Local volume also decreased, dropping off 34.2%. Regional network drug volume rose 88.3%, while national non-network business increased 21.1%.

5. **Toilet goods.** National network business increased 8.0% and national non-network advertising gained 9.1%. Regional network volume declined 3.4%. Local business decreased 6.7% as compared to the corresponding period of the preceding year.

6. **Foodstuffs.** National network advertising declined 2.0% as against the first half of last year. Increases in other fields were as follows: regional networks 51.5%, national non-network 47.5%, local 13.3%.

7. **Beverages.** National network advertising rose 38.7% and regional network volume more than quadrupled. National non-network business gained 7.0%. Local beverage advertising increased 18.8%.

8. **Confectionery.** With the exception of the tripling of regional network volume, due to a rise in this type of advertising by several more important branded lines, all forms of confectionery advertising declined. National network business decreased 21.5%, national non-network volume 30.4%, and local advertising 33.0%.

9. **Household goods.** Declines of 41.5% and 46.3%, respectively, occurred in the national and regional network fields. National non-network advertising increased 26.6%, while local volume rose 2.2%.

10. **Soaps and kitchen supplies.** National network advertising in this class increased 14.1%. Regional volume more than doubled. National non-network business rose 11.1%, and local broadcast advertising gained 19.5%.

11. **Insurance and financial.** General increases occurred throughout all portions of the medium. National network business rose 7.1% and regional network volume more than tripled. National non-network business increased 19.8%, while local financial advertising rose 32.8%.

12. **Radios.** The principal increase in this field was a seven-fold rise in national non-network radio set advertising. National network business increased 12.6%, while local set advertising gained 12.5%.

13. **Department and general stores.** National non-network volume gained 24.0%, while local business decreased 4.9%. Total department store volume declined 2.8%.

14. **Tobacco products.** National network advertising gained

20.8% as against the first half of 1935. Regional network business declined 9.7%. National non-network business rose 46.3%, while local advertising increased 10.0%.

15. **Miscellaneous.** Increases in this classification were as follows: national networks 11.2%, regional networks 35.4%, national non-network 29.3%, local 6.5%.

Retail Broadcast Advertising

Broadcast advertising by various types of retail establishments gained 7.7% as compared to the corresponding period of the preceding year. Principal gains included the following: automobile dealers, 46.1%; clothing and apparel shops, 11.3%; grocery stores, meat markets, etc., 42.6%; furniture stores, 11.8%.

Significant declines were as follows: gasoline stations and accessory stores, 32.4%; drug stores, 11.9%; household equipment dealers, principally electrical household equipment, 7.1%; hardware stores, 19.1%; and department stores, 2.8%.

Broadcast advertising by retail establishments is set forth in Table VII.

TABLE VII
RETAIL BROADCAST ADVERTISING OVER
INDIVIDUAL STATIONS

| Type of Sponsoring Business | Gross Time Sales | |
|---|------------------|-------------|
| | 1935 | 1936 |
| Automobiles and accessories: | | |
| Automobile agencies and used car dealers..... | \$521,280 | \$760,600 |
| Gasoline stations, garages, etc.... | 385,430 | 259,000 |
| Clothing and apparel shops..... | 1,324,932 | 1,475,040 |
| Drugs and toilet goods: | | |
| Drug stores..... | 118,408 | 104,645 |
| Beauty parlors..... | 60,413 | 55,500 |
| Food products: | | |
| Grocery stores, meat markets, etc. | 278,620 | 398,610 |
| Restaurants and eating places.... | 120,995 | 127,080 |
| Beverage retailers..... | 23,299 | 22,810 |
| Confectionery stores..... | 11,315 | 17,430 |
| Household goods: | | |
| Household equipment dealers..... | 351,169 | 325,530 |
| Furniture stores..... | 514,569 | 575,360 |
| Hardware stores..... | 136,908 | 110,190 |
| Radio retailers..... | 73,636 | 69,990 |
| Department and general stores.... | 907,532 | 881,881 |
| Tobacco shops..... | 6,632 | 3,090 |
| Miscellaneous..... | 499,195 | 555,140 |
| Total..... | \$5,334,333 | \$5,741,896 |

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
 JAMES W. BALDWIN, Managing Director

NAB REPORTS

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Vol. 4 - - No. 40
 AUG. 13, 1936

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COMMON ANTENNA SYSTEM

The Federal Communications Commission has issued the following statement in connection with the use of a common antenna system by two broadcast stations, or a broadcast station and another radio station:

The Broadcast Division has received requests from various broadcast licensees for authority to use a common radiating system for two or more radio stations.

The Broadcast Division, on July 17, 1936, made the following ruling in this regard:

Two or more broadcast stations owned by the same licensee may be permitted to use a common antenna, but different licensees will not be authorized to use a common antenna since both licensees under such conditions of operation cannot have complete control of all the apparatus which directly controls the external effects of the station.

UTAH STATION RECOMMENDED

The Cache Valley Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new station at Logan, Utah, to use 1200 kilocycles, 100 watts power, and unlimited time on the air.

Examiner George H. Hill, in Report No. I-274, recommended that the application be granted. He found that there is need for the service of the proposed new station, that no objectionable interference would result from any present or proposed stations, and that its erection would be in the public interest.

COMMISSION REFUSES TO EXTEND EFFECTIVE DATE

The Federal Communications Commission has refused to extend the effective date of Rule 132. In this connection it issued the following official announcement this week:

The Commission has received several requests for a postponement of the working date of Rule 132, adopted on November 12, 1935. This rule requires that the equipment in use at broadcast stations shall be provided with safety features in accordance with the National Electrical Code and that it shall be constructed and operated in accordance with the requirements of good engineering practice. The Broadcast Division on July 2, 1936, decided that no extension of the date of required compliance would be granted.

NEW TEXAS STATION RECOMMENDED

The Gulf States Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station to be located at Corpus Christi, Texas, to use 1330 kilocycles, unlimited time on the air, and 250 watts with 500 watts LS.

Examiner George H. Hill, in Report No. I-272, has recommended that the application be granted "subject to the Commission's ap-

proval of a proper transmitter site." The Examiner found that there is a need for the service proposed to be rendered by the applicant, that "no objectionable interference would result to any existing service for the operation of the proposed station," and that the granting of the application would be in the public interest.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

- Superior Oil Corp., Tulsa, Okla. (2-2356, Form A-2)
- General Reserves Corp., New York City. (2-2357, Form C-1)
- Dayton Rubber Manufacturing Co., Dayton, Ohio. (2-2359, Form A-2)
- Consumers Oxygen Company, Inc., New Orleans, La. (2-2360, Form A-1)
- Affiliated Fund, Inc., Jersey City, N. J. (2-2361, Form A-1)
- Allied Stores Corporation, Paterson, N. J. (2-2362, Form A-2)
- Hunter Steel Company, Pittsburgh, Pa. (2-2365, Form A-2)
- Upson-Walton Company, Cleveland, Ohio. (2-2366, Form A-2)
- Celotex Corporation, Chicago, Ill. (2-2367, Form D-1A)
- Celotex Corporation, Chicago, Ill. (2-2368, Form E-1)
- F. M. Johnson, Shreveport, La. (2-2371, Form A-1)
- J. R. C. Moseley, Shreveport, La. (2-2372, Form A-1)
- Alconquin Hotel Corporation, Cumberland, Md. (2-2373, Form E-1)

RECOMMENDS CEDAR CITY STATION

Harold Johnson and Leland M. Perry applied to the Federal Communications Commission for the erection of a new broadcast station at Cedar City, Utah, to use 1310 kilocycles, 100 watts, and unlimited time.

Examiner George H. Hill, in Report No. I-275, recommends that the application be granted. The Examiner found that there is need for such a station, that no objectionable interference would result and "the programs proposed to be broadcast by the applicants appear to be well balanced and would serve public interest."

FULL TIME RECOMMENDED FOR KGFG

Broadcasting Station KGFG, Oklahoma City, Okla., operating on a frequency of 1370 kilocycles, 100 watts, and sharing time, applied to the Federal Communications Commission to use the same frequency and power but to operate full time. Also the station applied for authority to transfer the control of the corporation from Hale V. Davis to Harold V. Hough through the sale of 133 1/3 shares of the corporate stock.

Examiner John P. Bramhall, in Report No. I-270, recommended that the station be granted authority to use full time instead of sharing and that the stock transfer be allowed to proceed. The Examiner found that by the station's using full time there will be interference with KCRC during simultaneous operation; however, the Examiner believes that "the number of people served and the public good derived from the granting of this application will transcend any interference that might obtain in the service area of Station KCRC." The Examiner found also that the exchange of ownership "would be in the public interest."

RECOMMENDATION FAVORS WATERTOWN STATION

Black River Valley Broadcasts, Inc., applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Watertown, N. Y., to use 1420 kilocycles, 100 watts and 250 watts LS, with unlimited time on the air.

Examiner Melvin H. Dalberg, in Report No. I-271, recommends that the application be granted. The Examiner states from the testimony taken "that there exists a definite need in the area sought to be served for local broadcast facilities and the program material

proposed seems to be of a satisfactory nature for a station of the power requested." He states further that no interference will result either with any existing station or any proposed station.

TWO NEW STATIONS RECOMMENDED

The Albert Lea Broadcasting Corporation applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Albert Lea, Minn., to use 1200 kilocycles, 100 watts power, and unlimited time on the air. Also, the Winona Radio Service filed a similar application for constructing a new station at Winona, Minn.

Examiner R. H. Hyde, in Report No. I-273, recommended that both applications be granted "subject to conditions limiting the operating time of the proposed stations to daytime hours." In the case of the Albert Lea station the Examiner found that there is a need for additional radio service in the applicant's area and that the operation of the proposed station during daytime hours "will not interfere with the fair and efficient service of any other station." He found that there is also need for more service in the Winona area and "the operation of the proposed station simultaneously with Station KFJB during nighttime hours would result in interference, restricting the service of KFJB." However, he states that the operation of the proposed station in daytime hours would not cause any interference.

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 for hearing to show cause why cease and desist orders should not be issued against them.

No. 2821. In an amendment to its complaint against **Henry Loeb, Jr., and Martha Huffman**, selling tobacco products under the trade name **West Memphis Cigarette Co., West Memphis, Ark.**, the Commission further charges those respondents with entering into a conspiracy with retailers and consumers of cigars and cigarettes to suppress and restrain competition in interstate commerce by evading payment of the Tennessee tobacco tax.

The respondents, in carrying out the conspiracy, the amendment alleges, sell and ship to merchants in Memphis or Shelby County, Tennessee, cigars and cigarettes in cartons and boxes which do not bear the Tennessee tobacco tax stamp, and which products are resold to the public without such stamps being affixed thereto, and with the tax unpaid.

Among the merchants with whom the respondents are alleged to have conspired are A. A. Balin, Harry H. Horner, Lester G. Green, J. T. Holmes, Miss Willie H. Jackson, Mack Milstead, Charles E. Sturgios, R. D. Turner, and Browder Pharmacy.

Another allegation in the amendment to the complaint is that the respondents conspired with various persons, including J. H. Gary and an individual named Garner, to form "pools" in the places of their employment for the purchase of the unstamped tobacco products of the respondents, and it is charged that the heads of "pools" so formed did buy the respondents' unstamped products and distributed them to the employees of the Goldsmith & Company department store and the National Bank of Commerce, both of Memphis, and to the employees of other places of business.

No. 2886. Operating hatcheries at **Milltown and Huntingburg, Ind.**, under the trade names **Atz' Hatchery, Atz' Blue Mound Hatchery, and Atz' Mammoth Hatchery, Nolan, Gusta and John Edward Atz** are charged with unfair competition in the sale of baby chicks, in a complaint.

Among the false representations the respondents are alleged to make in magazines having a nation-wide circulation are that their baby chicks are hatched from the eggs of old hens and from eggs produced by poultry flocks that have been "blood-tested" for 11 or 12 years; that they are of various breeds, and "are hatched by the thousands daily for immediate delivery."

Alleging that there is a preference among purchasers for baby chicks hatched from the eggs of old hens and from eggs of flocks that have been blood-tested, for a period of several years, the complaint charges that many of the respondents' chicks are hatched from the eggs of pullets; that the flocks are not blood-tested, as advertised, and that the respondents do not have certain specified breeds for immediate delivery in all cases. In many instances, according to the complaint, the respondents do not make any shipments at all to purchasers, do not notify such purchasers of their inability to fill orders, and do not refund money forwarded with orders.

No. 2888. A complaint has been issued charging four **California** corporations with violation of Section 5 of the Federal Trade Commission Act, by representing "Acme Beer" as superior to other beer products because it is made under a "non-fattening formula" and lacks properties for producing or otherwise bringing about increase in body fat and weight.

The respondents are **Cereal Products Refining Corporation, 762 Fulton St., San Francisco**, and **Acme Brewing Company, 2080 East 49th St., Los Angeles**, which manufacture "Acme Beer," and their selling and distributing agents, **Bohemian Distributing Company, Ltd., 2060 East 49th St., Los Angeles**, and **California Brewing Association, 763 Fulton St., San Francisco**.

Using newspapers, radio broadcasts, billboards and labels for advertising purposes, the respondents represent, the complaint alleges, that the non-fattening quality of "Acme Beer" is due to a formula peculiar to it as distinguished from other beer products; that it contains certain ingredients which cause it to have the tendency to "slenderize," and that for these reasons it is different from and superior to beer sold by competitors.

The complaint charges that all beer, including "Acme," cannot be truthfully represented as non-fattening for all people and without properties for inducing increase in weight, unless consideration is given to the individual dietary habits, physiological idiosyncrasies and fat-producing tendencies of beer consumers.

No. 2890. Unfair competition through use of a lottery scheme in the sale of candy to the public is alleged in a complaint issued against **Queen Anne Candy Company, 1039 Sixth Ave., South, Seattle, Wash.**

Sales are made by means of a punch board, according to the complaint, and purchasers who punch winning numbers from the board are said to receive a box of candy, while those selecting other numbers receive nothing for their money.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 1732. S. Buchsbaum & Co., 243 East Huron St., Chicago, in connection with the sale of jewelry, will cease branding any of its products with the word "Gold" or any combination containing that word to imply that such product is composed of gold in whole or in part, when such is not the fact.

No. 1733. Maurice L. Rothschild, Inc., 304 South State St., Chicago, selling wearing apparel, agrees to discontinue the use in advertising matter, or in any manner, of the words "Lamb's Wool" to describe the interlinings of women's coats which are not interlined with lamb's wool.

No. 1734. Gamble-Skogmo, Inc., with headquarters at 615 Third St., N., Minneapolis, operates a chain of stores for the sale of general merchandise. The respondent corporation stipulates that in advertising the storage batteries it sells, or in tables or schedules purporting to constitute a comparison of its storage batteries with those of competitors, it will discontinue erroneous or inaccurate representations concerning the prices of such batteries or the length of time for which they are guaranteed by their makers, and will stop advertising misleading tabulations alleged to follow the factory specifications and ratings of the Society of Automotive Engineers, but which in fact differ materially from such specifications and ratings.

No. 1735. The National Perforator Co., Inc., 1017 North Front St., Philadelphia, engaged in selling and repairing check perforating machines, signed an agreement to cease misrepresenting the business or status of its competitors, especially the American Perforator Company and the Cummins Perforator Company, both of Chicago, and to discontinue representations tending to deceive purchasers as to the identity of the company with which they are dealing.

According to the stipulation, salesmen of the respondent corporation represented, among other things, that the American Perforator Company and the Cummins Perforator Company had gone out of business; that they had been consolidated with the respondent corporation, and that the latter was the only company that could repair the machines of the two other companies.

No. 1736. Frank Jones Chemical Works, Inc., 57 Lexington Ave., Brooklyn, selling a plating compound designated "Krome Plate," agrees to stop using the words "Krome Plate" as a trade name for its product; the word "Krome" or any imitation of the word "chromium" to imply that the product contains chromium, when such is not the fact, and the word "Plate" in any manner to give the impression that use of the product constitutes a means of plating metal articles, when this is not true.

No. 1737. The Theon Co., Inc., 25 West 18th St., New York City, in the sale of various manicure preparations, including a product designated "Nailtone" which consists of a "massage cream" and a "nourishing cream," will stop using the word "nourishing" as part of the trade name of any of its products which do not feed or nourish the nails, and will cease representations that its preparations remove corrugations or rings from the nails, or prevent them from breaking.

No. 1738. Decorative Cabinet Corporation, 221 McKibbin St., Brooklyn, is engaged in the manufacture and sale of cardboard cabinets and agrees to cease and desist from the use in advertising of the words "cedar-lined" to describe cabinets which do not have a cedar wood lining of the thickness, substantial quantity or per cent by weight of such wood as to afford the protection against moths which is generally recognized by the public to be characteristic of cedar and cedar-lined products.

The respondent corporation also will stop representing, among other things, that its cabinets are of multiple-ply construction, the inner or any ply of which is composed of cedar, when such is not the fact.

No. 1739. Benjamin Peram Scott, trading as American Institute of Technology, 4709 Woodward Ave., Detroit, and Iver M. Holton, stipulate that in the sale of correspondence courses in "electronics," which includes instruction in photo-electric cell, radio and television engineering, they will stop representing, when such are not the facts, that students will be regularly coached by engineers connected with the school, that they must receive classroom and laboratory instruction at the respondents' school or be given a pre-graduation examination there, that the school is under Government supervision and that previous to being given employment students must pass a Federal examination in "electronic" engineering, and that upon graduation a picture of the student and notice of his graduation will appear in newspapers.

The respondents also will discontinue claims that graduates obtain positions paying \$125 a month or more or that some have obtained positions paying \$20,000 annually.

No. 1740. Seaver Exterminating System, 185 North Wabash Ave., Chicago, is engaged in selling a vermin exterminator, together with a purported correspondence course of instruction in the extermination of vermin, one of the conditions for the purchase of such course being that the customer buy certain quantities of the respondent corporation's "Miracle Rat & Mice Exterminator." Under the stipulation, the respondent will stop advertising that the founder of the system has "astounded America"; that students can earn up to \$15,000 a year; that the founder of the system has not had a failure in his 31 years' experience; that rats will not come back within a year, or that the complete lesson material is sent to subscribers immediately upon receipt of the subscriptions, when such is not the fact.

No. 2460. Under an order to cease and desist entered against Kenneth Hauer, 408 Augusta St., Cincinnati, trading as Hauer Distilling Co., he is directed to cease representing through use of the word "Distilling" in his trade name, in advertising matter, or on labels, that he is a distiller of spirituous beverages; that he manufactures by the process of distillation the spirituous beverages he sells; or that he owns or operates a plant where such beverages are distilled, unless he actually does own or operate such a plant.

The order excludes from its provisions gin manufactured by a process of rectification, whereby alcohol purchased but not produced by the respondent is redistilled over juniper berries and other aromatics.

No. 2506. Use of lottery schemes to promote sale of candy has been ordered discontinued in an order to cease and desist entered against Barager-Webster Co., 810 First Ave., Eau Claire, Wis.

The order prohibits the respondent corporation from selling to wholesalers, jobbers or retailers assortments of candy designed to be used, without alteration of the contents of such assortments, to conduct a lottery in the resale of the candy to consumers.

The respondent corporation also is directed to cease supplying dealers with push cards, either with assortments of candy or separately, designed for use in selling the candy to the public.

No. 2606. Savage Candy Co., 2158 Lawrence St., Denver, Colo., has been ordered to discontinue selling to wholesalers, jobbers and retailers candy so assembled in assortments that a lottery scheme is involved when such candy is resold to the public.

The order to cease and desist prohibits the respondent corporation from supplying dealers with push cards designed for use in selling the candy at retail, and from packing in the same assortment of candy pieces of uniform size and shape having centers of a different color, together with larger pieces and a box of candy

which are to be given to purchasers who, by chance, procure a piece of candy with a center of a particular color.

No. 2619. An order has been issued directing the Cosner Candy Company, 2015 Arapahoe St., Denver, Colo., to discontinue selling to wholesalers, jobbers and retailers candy so packed that its resale to the public involves a lottery or gaming device.

The order prohibits the respondent company from supplying dealers with assortments of candy designed to be used in conducting a lottery when the candy is sold to the public; from furnishing dealers with display cards informing purchasers that the candy is being sold by lot or chance, and from placing in the hands of dealers push cards designed for use in selling the candy to the public at retail.

No. 2826. Charles N. Miller Company, 16 Medford St., Boston, has been ordered to cease and desist from selling to dealers assortments of candy so packed that a lottery scheme or game of chance is involved when resold to the public.

The respondent company admitted all the material allegations of the complaint to be true except to deny that it was selling the assortments complained of when the complaint was brought, or thereafter, stating it had discontinued the sale of such assortments prior to issuance of the complaint. The company consented to issuance of the Commission's findings of fact and order to cease and desist.

No. 2887. Mislabeling of leather luggage in violation of section 5 of the Federal Trade Commission Act is alleged in a complaint issued against Israel Zaveloff and Harry Bernstein, 130 Bleecker St., New York City, trading as Everlast Suit Case & Bag Co.

The respondents are alleged to label certain of the luggage they manufacture and sell with the words "Warranted Genuine Leather," when, the complaint charges, such products are manufactured from split cowhide leather, described as the under side of the hide, and not from top grain leather, which is superior in quality and durability.

The public generally believes the word "leather" to mean the top or hairy side of the hide, according to the complaint, which alleges that the label "Warranted Genuine Leather" on the respondents' luggage represents to purchasers that the material with which such luggage is covered is top grain leather, otherwise described as the outside of the hide.

CASE CLOSED BY FTC

No. 2642. The Federal Trade Commission has entered an order closing, without prejudice, its case against the Buff and Polishing Wheel Manufacturers' Association, New York City, and 32 member companies of the association and one non-member company engaged in the manufacture of cotton buff and polishing wheels.

Issued December 5, 1935, the Commission's complaint had charged the association and the respondent companies with entering into a combination and an agreement to suppress competition in the sale of their products and to enhance the prices thereof to purchasers.

The order states that the case was closed because it appeared to the Commission that "the practices charged in the complaint were carried on under the authority conferred by a code formulated and approved under the National Industrial Recovery Act," and that there is no evidence "that the practices charged in the complaint have been indulged in by the respondents since the decision of the United States Supreme Court in the case of A. L. A. Schechter Poultry Corporation, and others, v. United States (295 U. S. 495), it being the policy of the Commission not to proceed against respondents for practices authorized and engaged in prior to May 27, 1935 (the date of the above decision), pursuant to codes formulated and approved under the National Industrial Recovery Act."

In closing the case, the Commission reserved the right to reopen it should the facts warrant.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Thursday, August 20

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Farnsworth Television Incorporated of Pennsylvania, Springfield, Pa.—C. P., 42000-56000 and 60000-56000 kc., 1 KW, unlimited time.

The following action has been taken subject to ratification of the Broadcast Division of the Commission at its next regular meeting:

SPECIAL AUTHORIZATIONS

- KGFF**—KGFF Broadcasting Co. Inc., Shawnee, Okla.—Granted special temporary authority to operate station without an approved frequency monitor for a period not to exceed 15 days.
- KDYL**—Intermountain Broadcasting Corp., Salt Lake City, Utah—Granted special temporary authority to operate without a plate voltmeter for a period not to exceed 3 weeks.
- WBRC**—Birmingham Broadcasting Co. Inc., Birmingham, Ala.—Granted special temporary authority to operate without a plate voltmeter for a period not to exceed 10 days.
- WGNV**—Peter Goelet, Chester Township, N. Y.—Granted special temporary authority to operate simultaneously with station WGBB from 1:30 to 3:00 p. m.; with station WFAS from 3 to 5 p. m.; with WBRB from 5 to 7 p. m., EDST, on Aug. 12, 1936, or to operate simultaneously with WFAS from 1:30 to 5 p. m., and with station WBRB from 5 to 7 p. m., EDST, on Aug. 13, in order to broadcast Hambletonian Races.
- KGKB**—East Texas Broadcasting Co., Tyler, Tex.—Granted extension of special temporary authority to operate from 7 a. m. to 2 p. m., and from 4 to 10 p. m., CST, during August, 1936, instead of the hours now licensed pending compliance with Rule 131.
- WIOD**—WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted special temporary authority to operate a 50 watt portable test transmitter between the hours of 1 and 6 a. m., EST, for a period not to exceed 3 weeks beginning July 31, 1936, in order to determine new transmitter site.
- WBPU**—Transcontinental & Western Air, Inc., Aboard regularly licensed aircraft NC-13711—Granted special temporary authority to operate regularly licensed airplane transmitter, KHDEV, aboard NC-13711, as broadcast pickup (relay broadcast) station on Aug. 1, 2, 8, 9, 15, 16, 22 and 23, to make traffic surveys. Frequency of 2790 kc., 80 watts.
- WBPA**—The National Life & Accident Ins. Co., Nashville, Tenn.—Granted special temporary authority to operate portable mobile relay broadcast transmitter for period Aug. 8 and ending not later than Aug. 16, for the purpose of relay broadcast from a moving train "The Pan American" for re-broadcast over station WSM; frequency 2102 kc., 20 watts.
- W3XEX**—WTAR Radio Corp., Norfolk, Va.—Granted extension of special temporary authority to conduct service tests at its new location at WTAR transmitter building, for period July 30 to Aug. 13, pending action on formal application for modification of C. P. and license to cover same.
- KCMO**—Lester E. Cox, Thomas L. Evans & C. C. Payne, Kansas City, Mo.—Granted extension of special temporary authority to use and operate the 100 watt transmitter formerly used by KGBX in Springfield, Mo., transmitter to be located in the Commerce Trust Building, in Kansas City, Mo., for the period July 31 and ending not later than Aug. 29, 1936.
- WKP**—WQP—RCA Communications, Inc., Rocky Point, N. Y.—Granted extension of special temporary authority to operate point to point telegraph station WKP and WQP to communicate with broadcast pickup station WOEH aboard NC-223-Y, for the period beginning July 30 and ending not later than Aug. 28, for contact control service to facilitate reception of program material by Riverhead, N. Y., receiving station for delivery to NBC network. Frequency WKP 6950 kc., WQP 13900 kc., 40 KW.
- KEC**—KEI—KKL—RCA Communications, Inc., Bolinas, Cal.—Granted extension of special temporary authority to operate point to point telegraph stations KEC, KEI and KKL to communicate with broadcast pickup station WOEH aboard plane NC-223-Y for the period July 30 to Aug. 28, 1936; frequencies 5265 kc. KEC; 9490 kc. KEI; 15475 kc. KKL, 40 KW.
- WFAB**—Fifth Ave. Broadcasting Corp., New York City—Granted special temporary authority to operate station without an approved frequency monitor for a period not to exceed 30 days from Aug. 12, instead of July 17 as granted July 17.
- KUTA**—Utah Broadcasting Co., Salt Lake City, Utah—Granted special temporary authority to operate a 100 watt portable test transmitter in vicinity of Salt Lake City, between the hours of 9 a. m. and 6 p. m., MST, for a period beginning Aug. 1 and ending in no event later than Aug. 15, in order to determine suitable transmitter site.
- WHBF**—Rock Island Broadcasting Co., Rock Island, Ill.—Granted extension of special temporary authority to maintain the main studio of WHBF at Rock Island, for a period August 5 and ending not later than Sept. 3, 1936.
- WMFF**—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Granted special temporary authority to operate station without an approved frequency monitor for a period not to exceed 30 days.
- WSYR**—WSYU—Central New York Broadcasting Corp., Syracuse, N. Y.—Granted special temporary authority to operate a 100 watt portable test transmitter between the hours of 12 midnight and 6 a. m., EST, for a period not to exceed 10 days.
- KFBB**—Buttery Broadcast Inc., Great Falls, Mont.—Granted special temporary authority to operate without an approved frequency monitor for a period not to exceed 30 days.
- WFIL**—WFIL Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary authority to operate on 560 kc., with power of 1 KW at night, during month of August, 1936, pending filing of and action on license application to cover C. P.
- WSBC**—WSBC, Inc., Chicago, Ill.—Granted special temporary authority to use transmitter and studios of station WEDC for a period not to exceed 1 week beginning July 30, in order to move and install new equipment of WSBC.
- KOOS**—Pacific Radio Corp., Marshfield, Ore.—Granted special temporary authority to operate station without an approved frequency monitor for a period not to exceed 40 days.
- WMFJ**—W. Wright Esch, Daytona Beach, Fla.—Granted extension of special temporary authority to use RCA Victor, Type 100-E, transmitter, pending completion of construction and installation of such transmitter, for period July 31 to August 30.
- WIP**—Penna. Broadcasting Co., Philadelphia, Pa.—Granted special temporary authority to operate a 50 watt portable test transmitter between the hours of 1 and 6 a. m., EST, for the period Aug. 5 and ending no later than Aug. 9.
- W6XAI**—Pioneer Mercantile Co., Bakersfield, Cal.—Granted extension of special temporary authority to operate without an approved frequency monitor for a period of 15 days.
- W2XKI**—National Broadcasting Co. Inc., New York City, N. Y.—Granted extension of test period for 30 days from July 19.
- W2XK**—National Broadcasting Co. Inc., New York City, N. Y.—Granted extension of test period for 30 days from July 28.
- WKBV**—Knox Radio Corp., Richmond, Ind.—Granted extension of program test period for 30 days from Aug. 4, pending action on license application.
- WNBD**—WDSU, Inc., New Orleans, La.—Granted temporary authority to operate broadcast pickup station WNBD (over station WDSU) as licensed Aug. 3 to 16, inclusive, to broadcast from ferry.
- WHIO**—The Miami Valley Broadcasting Corp., Dayton, Ohio—Granted extension of program test period for 30 days from July 28.
- WIEK**—WIEL—Atlantic Broadcasting Corp., New York City, N. Y.—Granted temporary authority to operate broadcast pickup stations as licensed Aug. 5 to 10 inclusive, in connection with tests and air show of Army maneuvers at Camp Knox.
- KGKO**—Broadcast Station KGKO, Wichita Falls, Tex.—Granted temporary authority to operate station without antenna ammeter for period of 10 days.
- KSTP**—Natl. Battery Broadcasting Co., St. Paul, Minn.—Granted C. P. for approval of transmitter site and installation of vertical radiator; 1460 kc., 10 KW night, 25 KW day, unlimited time.
- KWTO**—Ozarks Broadcasting Co., Springfield, Mo.—Granted modification of C. P. approving transmitter site and vertical radiator.
- KRRV**—Red River Valley Broadcasting Corp., Sherman, Tex.—Granted modification of C. P. approving transmitter and studio sites and changes in equipment.
- KWJJ**—KWJJ Broadcast Co. Inc., Portland, Ore.—Granted extension of temporary authority to operate on 1040 kc., limited time, and resume operation from 9 to 3 a. m., PST, for the period Aug. 1, 1936 to Feb. 1, 1937.
- WJAG**—The Norfolk Daily News, Norfolk, Neb.—Granted extension of temporary authority to operate on 1060 kc., with power of 1 KW, and limited time for the period Aug. 1, 1936 and ending Feb. 1, 1937.
- WTIC**—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted extension of special experimental authority to

RENEWAL OF LICENSES

- operate unlimited time simultaneously with KRLD, Dallas, Tex., on a frequency of 1040 kc., with power of 50 KW for period Aug. 1, 1936 to Feb. 1, 1937.
- WESG—The Cornell University, Elmira, N. Y.—Granted extension of special temporary experimental authority to operate day-time to sunset at New Orleans on frequency of 850 kc., with power of 1 KW for period Aug. 1, 1936 to Feb. 1, 1937.
- KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—Granted extension of special temporary authority to operate on frequency of 1060 kc., with power of 10 KW simultaneously with station WBAL from 6 a. m. to LS from Aug. 1, 1936 to Feb. 1, 1937.
- KRLD—KRLD Radio Corp., Dallas, Tex.—Granted extension of special temporary experimental authority to operate simultaneously with station WTIC, Hartford, Conn., for period Aug. 1, 1936, and ending not later than Feb. 1, 1937.
- WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted extension of special temporary experimental authority to operate on 1060 kc., with power of 10 KW simultaneously with station KTHS from 6 a. m. to sunset at Hot Springs and alone from sunset at KTHS to 9 p. m., EST, to operate synchronously with WJZ on 760 kc., with power of 2.5 KW from 9 p. m., EST, to midnight employing directional antenna system for period Aug. 1, 1936 to Feb. 1, 1937.
- WOEH—National Broadcasting Co., Inc., Aboard Douglas Airplane NC-223-Y.—Granted extension of special temporary authority to operate regularly licensed temporary broadcast pickup station WOEH, piloted by Howard Hughes and accompanied by NBC operator announcer, as pickup station on frequencies in addition to licensed frequencies to describe flight from Los Angeles to Nome to Siberia and return to New York via Nome and California. Operation extended for period July 30 and ending not later than August 28; frequencies 1606, 2020, 2102, 2760, 4797.5, 6425, 8655, 12862.5 kc., 100 watts.
- WFAA—A. H. Belo Corp., Dallas, Tex.—Granted extension of special temporary authority to use joint call letters WFAA-WBAP and waive the requirements of Rule 156 for period August 1, 1936, to December 1, 1936, in order to broadcast programs of Central Exposition of the Texas Centennial Celebration in Dallas and the Frontier Celebration in Fort Worth.
- WBAP—Carter Publications, Inc., Fort Worth, Tex.—Granted extension of special temporary authority to use joint call letters WFAA-WBAP and waive the requirements of Rule 156 for period August 1, 1936, to December 1, 1936, in order to broadcast programs of Central Exposition of the Texas Centennial Celebration in Dallas and the Frontier Celebration in Fort Worth.
- KWLC—Luther College, Decorah, Iowa.—Granted modification of special temporary authority to remain silent for period August 8, 1936, to August 31, 1936, inclusive, and to operate a minimum of 1 hour per week for period September 1 to September 9, 1936, in order to observe summer vacation.
- KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Granted extension of special temporary authority to operate station without an approved frequency monitor for the period July 30 to August 28, 1936.
- WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to operate without antenna ammeter for a period July 21 to August 19, 1936.
- WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Granted special temporary authority to operate with a temporary antenna pending the rebuilding of towers demolished by storm, for period July 28 to August 26, 1936.
- KSCJ—Perkins Bros. Co. (The Sioux City Journal), Sioux City, Iowa.—Granted special temporary authority to use auxiliary transmitter, with 250 watts power, as main transmitter for period July 22 to August 10, 1936, pending installation of regular transmitter at new site.
- KFJR—Ashley C. Dixon, KFJR, Inc., Portland, Ore.—Granted extension of special temporary authority to operate station without an approved frequency monitor for period August 1 to August 7, 1936.
- KGfJ-W6XKG—Ben S. McGlashan, Los Angeles, Calif.—Granted special temporary authority to operate broadcast station KGfJ and high frequency broadcast station W6XKG to rebroadcast programs of Olympic Games for period August 3 to August 30, 1936.
- The following stations were granted renewal of licenses for the regular period:
- KMMJ, Clay Center, Nebr.; KMPC, Beverly Hills, Calif.; WLWL, New York City; WWVA and auxiliary, Wheeling, W. Va.
- WCAU (Aux.)—WCAU Broadcasting Co., Philadelphia, Pa.—Present license for auxiliary transmitter extended on a temporary basis only for the period ending September 1, 1936, pending receipt and action on application for renewal.
- WMFJ—W. Wright Esch, Daytona Beach, Fla.—Present license extended on a temporary basis for the period August 1, 1936, to September 1, 1936, pending receipt and action on renewal application.
- WRDO—WRDO, Inc., Augusta, Me.—Present license extended on a temporary basis for the period August 1, 1936, to September 1, 1936, pending receipt and action on renewal application.
- WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Present license extended on a temporary basis for the period August 1, 1936, to September 1, 1936, pending receipt and action on renewal application.
- WCBD—WCBD, Inc., Waukegan, Ill.—Present license extended for a period of 3 months from August 1, 1936, upon a temporary basis only subject to such action as may be taken on application for renewal and for transfer of control pending before it.
- WOCL—W. E. Newton, Jamestown, N. Y.—Present license extended on a temporary basis only for the period August 1 to September 1, 1936, subject to such action as may be taken upon application for renewal pending before the Commission.
- W2XBH—Radio Pictures, Inc., Long Island City, N. Y.—Present special experimental station license extended for a period of one month from August 1 to September 1, 1936, on a temporary basis only, pending action on renewal application.

MISCELLANEOUS

- NEW—National Battery Broadcasting Co., St. Paul, Minn.—Designated for hearing C. P. for new station, 920 kc., 1 KW, unlimited time, using directional antenna.
- WELI—City Broadcasting Corp., New Haven, Conn.—Denied request for special authority to operate from local sunset to 8 p. m., EST, power 500 watts, for a period not to exceed 30 days.
- KUSD—University of South Dakota, Vermillion, S. Dak.—The Commission reconsidered its action in designating for hearing applications for renewal of license and modification of license to change hours of operation from share KUSD and WILL ½ time, KFNF ½ time to share KFNF-KUSD ⅓ time, KFNF ⅔ time, dismissed said applications from hearing docket and granted renewal of license on a regular basis.
- WNBC—State Broadcasting Corp., New Britain, Conn.—Denied special temporary authority to operate from local sunset to 8 p. m., EST, for a period not to exceed 30 days, for the purpose of disseminating political information.

The Broadcast Division denied the petition filed by the E. E. Long Piano Co., requesting that the Commission reconsider its action of July 2, 1936, in granting the application of Christina M. Jacobson, d/b as The Valley Electric Co., for a new station at San Luis Obispo, Calif. (site to be determined subject to Commission's approval), subject to Rule 131, and denying the application of the E. E. Long Piano Co. for a new station at San Luis Obispo.

The Broadcast Division denied the motion filed on behalf of Earl C. Anthony, Inc. (KFI), Los Angeles, Calif., requesting the Commission to remand the application of Radio Broadcasting Corp. (KTFI), Twin Falls, Idaho, for modification of license, for further hearing.

The Broadcast Division denied the motion filed on behalf of Southland Industries, Inc., requesting Commission to remand for further hearing the application of J. Laurance Martin, Tatum, N. Mex., for C. P.

The Broadcast Division granted the petition filed on behalf of the Pee Dee Broadcasting Co., of Florence, S. C., protesting the action of the Commission on July 2, 1936, in granting without a hearing the application of O. Lee Stone for C. P. for new station in Florence, and directed that said application be designated for hearing in accordance with provisions of Rule 104.4 and that the effective date of Commission's action on said application be postponed until the date of Commission's decision after hearing on the protest as contemplated by the rules.

The Broadcast Division denied the petition of O. Lee Stone (applicant for a new station at Florence, S. C., granted July 2, 1936, without hearing subject to Rule 104.4), praying the Commission to dismiss the protest filed by the Pee Dee Broadcasting Co. to said grant. The Broadcast Division granted the petition submitted by the Pee Dee Broadcasting Co. by way of answer to the aforesaid petition of Mr. Stone, in so far as it requests a hearing on said protest in accordance with provisions of Rule 104.4.

APPLICATIONS GRANTED

KRKO—Lee E. Mudgett, Everett, Wash.—Granted C. P. to install new transmitter.

KFVS—Hirsch Battery & Radio Co., Cape Girardeau, Mo.—Granted authority to install automatic frequency control.

WNLC—Thames Broadcasting Corp., New London, Conn.—Granted modification of C. P. to change type of equipment and antenna system.

WCLO—Gazette Printing Co., Janesville, Wis.—Granted modification of C. P. to change type of equipment.

WHLB—Head of the Lakes Broadcasting Co., Virginia, Minn.—Granted modification of C. P. approving transmitter site and make changes in equipment.

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Granted modification of C. P. approving transmitter site and erection of vertical radiator.

KMA—May Seed & Nursery Co., Shenandoah, Iowa.—Granted modification of C. P. to change type of equipment and move transmitter.

WCMI—The Ashland Broadcasting Co., Inc., Ashland, Ky.—Granted modification of C. P. authorizing local move.

WKBB—Sanders Bros. Radio Station, E. Dubuque, Ill.—Granted license to cover C. P., **1500 kc.**, 100 watts, 250 watts LS, unlimited time.

WAAF—Drovers Journal Pub. Co., Chicago, Ill.—Granted license to cover C. P., **920 kc.**, 1 KW, daytime only.

WKBV—Knox Radio Corp., Richmond, Ind.—Granted license to cover C. P., **1500 kc.**, 100 watts night, 250 watts day, specified hours.

WJNO—Hazlewood, Inc., W. Palm Beach, Fla.—Granted license to cover C. P., **1200 kc.**, 100 watts, unlimited time.

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Granted license to cover C. P., **1440 kc.**, 500 watts night, 1 KW day, unlimited time.

WNBD—WDSU, Inc., New Orleans, La.—Granted authority to operate broadcast pickup station WNBD, as licensed, for the period August 20 to 22, inclusive, in order to broadcast Louisiana State U. open golf tournament.

WAPI—WAPI Broadcasting Corp., Birmingham, Ala.—Granted authority to operate without antenna ammeter for period of 10 days from August 6, 1936.

WABG—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Granted authority to extend service tests of station WABG for period of 30 days beginning August 6, 1936.

KIIQ—KMTR Radio Corp., Los Angeles, Calif.—Granted authority to operate broadcast pickup station KIIQ as licensed, from September 4 to 7, inclusive, to broadcast National Air Races from Los Angeles Municipal Airport. Also to operate station KIIQ as licensed, from August 8 to 12, inclusive, to cover the American Legion Convention in Los Angeles.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted authority to extend equipment test period for 10 days from August 9.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary authority to operate a 50-watt portable test transmitter between the hours of 1 and 6 a. m., EST, for the period beginning August 10 and ending no later than August 19, 1936, in connection with construction of station's proposed new antenna.

WKAR—Michigan State College, E. Lansing, Mich.—Granted special temporary authority to operate with reduced hours for period August 8 and ending no later than September 17, in order to observe school vacation.

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted special temporary authority to operate from 2 to 4:30 p. m., EDST, on August 14, and from 2 to 3:30 p. m., EDST, on August 15, in order to broadcast American Legion Convention and Parade.

KOIL—Central States Broadcasting Co., Council Bluffs, Iowa.—Granted special temporary authority to operate a 50- to 100-watt portable test transmitter between hours of 1 and 6 a. m., CST, for a period not to exceed 30 days, in order to determine new transmitter site for KOIL.

National Broadcasting Co., Inc., New York City.—Granted extension of authority to transmit programs to foreign countries for a period not to exceed 30 days from August 10, 1936, pending receipt and/or action on formal application.

W9XAF—The Journal Co., The Milwaukee Journal, Milwaukee, Wis.—Present license for special experimental station extended for a period of 1 month from August 1 to September 1, 1936, on a temporary basis only, pending the receipt of and action on renewal application.

KMA—May Seed and Nursery Co., Shenandoah, Iowa.—Granted petition for special temporary authority to operate unlimited time for a period ending in no event later than September 10, 1936, pending action on and completion of construction.

APPLICATIONS RECEIVED

First Zone

WJAR—The Outlet Co., Providence, R. I.—Construction permit **890** to make changes in equipment and increase power from 1 KW to 1 KW night, 5 KW day.

WJAR—The Outlet Co., Providence, R. I.—Construction permit **890** to move old W.E. D-94994 transmitter from The Outlet Co. Bldg., 176 Weybosset Street, Providence, R. I., to junction Newport and Ferris Ave., Rumford, E. Providence, R. I., for auxiliary purposes only.

WTHT—The Hartford Times, Inc., Hartford, Conn.—License to **1200** cover construction permit (B1-P-360) for a new station.

NEW—Harold Thomas, Pittsfield, Mass.—Construction permit for **1310** a new broadcast station to be operated on **1310 kc.**, 100 watts, 250 watts day, unlimited time.

WAWZ—Pillar of Fire, Zarephath, N. J.—Authority to install **1350** automatic frequency control.

WAWZ—Pillar of Fire, Zarephath, N. J.—Construction permit to **1350** install a new transmitter and antenna.

WHDL—Olean Broadcasting Co., Inc., Olean, N. Y.—Construction **1420** permit to install new equipment, change frequency from **1420 kc.** to **1400 kc.**; increase power from 100 watts to 500 watts; and move transmitter from Exchange National Bank Bldg., corner Union and Laurens Streets, Olean, N. Y., to Town of Allegany, N. Y. Amended to change type of equipment and change requested power to 250 watts.

W3XEY—The Baltimore Radio Show, Inc., Baltimore, Md.—License to cover construction permit for a new general experimental station.

NEW—World Wide Broadcasting Corp., Boston, Mass.—Construction permit for a new experimental relay broadcast station to be operated on **6040** and **11790 kc.**, 5 KW.

Second Zone

WKZO—WKZO, Inc., Kalamazoo, Mich.—Construction permit to **590** install new equipment.

WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Extension of special experimental authorization to operate with **610** 1 KW power for the period from 9-1-36 to 3-1-37.

NEW—Sharon Herald Broadcasting Co., near Sharon, Pa.—Construction permit for a new station to be operated on **780 kc.**, 250 watts, daytime.

NEW—David J. Mercier and George F. Warren, d/b as Northern **830** Broadcasting Co., Traverse City, Mich.—Construction permit for a new station to be operated on **830 kc.**, 500 watts, daytime.

NEW—The Louisville Times Co., Louisville, Ky.—Construction **1210** permit for a new station to be operated on **1210 kc.**, 100 watts, unlimited time.

WCMI—The Ashland Broadcasting Co., Inc., Ashland, Ky.—**1310** Modification of construction permit (B2-P-1099) for equipment changes and increase in power, to further request move of studio and transmitter from Hotel Henry Clay, Winchester Street at 16th, Ashland, Ky., to 20th and Greenup Streets, Ashland, Ky.

WEED—William Avera Wynne, Rocky Mount, N. C.—License to **1420** cover construction permit (B2-P-1059) for changes in equipment and increase in power.

W8XIH—WJR, The Goodwill Station, Portable-Mobile.—License to cover construction permit for a new general experimental station.

King—Trendle Broadcasting Corp., Detroit, Mich.—Authority to transmit programs from Station WXYZ to stations of the Canadian Radio Commission.

Third Zone

- WFOR—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—**680** License to cover construction permit (B3-P-1068) for new equipment and move of studio.
- NEW—R. W. Page Corp., Columbus, Ga.—Construction permit **950** for a new station to be operated on **950 kc.**, 250 watts, unlimited time.
- NEW—Columbia Radio Co., Inc., Columbia, S. C.—Construction **1200** permit for a new station to be operated on **1200 kc.**, 100 watts, unlimited time.
- WDAE—Tampa Times Co., Tampa, Fla.—Extension of special **1220** experimental authorization to operate with power of $2\frac{1}{2}$ KW day, with equipment changes, from 10-1-36 to 4-1-37.
- KGFI—Eagle Broadcasting Co., Inc., Corpus Christi, Tex.—Construction permit to install new equipment and move transmitter from Broadway and Leopard Street, Corpus Christi, Tex., to Ocean Drive, Corpus Christi, Tex. Amended to install vertical antenna.
- NEW—Wilton E. Hall, Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **31100, 34600, 37600, 40600 kc.**, 0.5 watts.

Fourth Zone

- NEW—News-Tribune Co., Duluth, Minn.—Construction permit **630** for a new broadcast station to be operated on **630 kc.**, 250 watts, unlimited time.
- WCBD—WCBD, Inc., Waukegan, Ill.—Authority to make changes **1080** in automatic frequency control.
- WCLO—Gazette Printing Co., Janesville, Wis.—Modification of **1200** construction permit (B4-P-1038) for move of transmitter and increase in power, requesting further changes in authorized equipment.
- WSBC—WSBC, Inc., Chicago, Ill.—License to cover construction **1210** permit (B4-P-1037) for move of station and changes in antenna.
- KGBX—Springfield Broadcasting Co., Springfield, Mo.—Construction permit to make changes in equipment, increase power from 500 watts to 1 KW, and move studio from 508 St. Louis Street, Springfield, Mo., to Chamber of Commerce Building, Walnut and Jefferson Streets, Springfield, Mo.
- KSCJ—Perkins Brothers Co. (The Sioux City Journal), Sioux **1330** City, Iowa.—License to cover construction permit (B4-P-619) as modified for changes in equipment, move of transmitter, and change hours of operation.
- KCMO—Lester E. Cox, Thomas L. Evans and C. C. Payne, **1370** Kansas City, Mo.—License to cover construction permit (B4-P-1033) for new equipment, move of transmitter and studio.
- NEW—C. W. Corkhill, Sioux City, Iowa.—Construction permit for **1420** a new station to be operated on **1200 kc.**, 100 watts, unlimited time. Amended to change frequency from **1200 kc.** to **1420 kc.**
- NEW—WDZ Broadcasting Co., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **31100, 34600, 37600, 40600 kc.**, 10 watts.
- NEW—WDZ Broadcasting Co., Portable-Mobile.—Construction

- permit for a new relay broadcast station to be operated on **31100, 34600, 37600, 40600 kc.**, 10 watts.
- NEW—WDZ Broadcasting Co., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **31100, 34600, 37600, 40600 kc.**, 2 watts.
- NEW—WDZ Broadcasting Co., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **31100, 34600, 37600, 40600 kc.**, 2 watts.
- NEW—WDZ Broadcasting Co., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150, 2790 kc.**, 40 watts.
- NEW—WDZ Broadcasting Co., Portable-Mobile.—Construction permit for a new relay broadcast station to be operated on **1622, 2058, 2150, 2790 kc.**, 100 watts.

Fifth Zone

- KLZ—KLZ Broadcasting Co., Denver, Colo.—License to cover **560** construction permit (5-P-B-3274) for move of transmitter, new equipment, and increase in power.
- KLZ—KLZ Broadcasting Co., Denver, Colo.—Authority to determine operating power by direct measurement of antenna.
- KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Construction **970** permit to make changes in equipment and increase power from 5 KW to 10 KW.
- KOOS—Pacific Radio Corp., Marshfield, Ore.—Modification of **1200** construction permit (B5-P-940) for changes in equipment and move of transmitter, requesting further changes in equipment, change hours of operation from daytime to unlimited time, using 250 watts power, and extend commencement and completion dates from 6-24-36 and 12-24-36, respectively, to 60 days after grant and six months thereafter.
- KTW—First Presbyterian Church, Seattle, Wash.—Authority to **1220** make changes in automatic frequency control.
- NEW—Chauncey W. Hammond, Oakland, Calif.—Construction **1280** permit for a new station to be operated on **1280 kc.**, 500 watts, 1 KW day, unlimited time. Amended to change requested power from 500 watts night, 1 KW day, to 1 KW day and night.
- KGCC—E. E. Krebsbach, Wolf Point, Mont.—Modification of **1310** construction permit (B5-P-444) for new equipment, move of transmitter, change in frequency, increase in power, and change in hours of operation, requesting changes in authorized equipment and move of transmitter 1 mile from present authorized site, Wolf Point, Mont.
- KID—KID Broadcasting Co., Inc., Idaho Falls, Idaho.—Modification of **1320** construction permit (B5-P-559) for move of transmitter and increase in power, requesting to install a vertical antenna and to give exact transmitter site as near Idaho Falls, Idaho. Amended to give exact transmitter site as $2\frac{3}{4}$ miles southeast of Idaho Falls on the Ammon Highway, Booneville County, Idaho.
- KAST—Abraham Shapiro, Astoria, Ore.—Voluntary assignment of **1370** license from Abraham Shapiro to Astoria Broadcasting Co.
- KGCC—The Golden Gate Broadcasting Co. (Robert J. Craig), **1420** San Francisco, Calif.—Construction permit to install a new transmitter.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS

Vol. 4 -- No. 41
AUG. 20, 1936

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FLORIDA BROADCASTERS ORGANIZE

Broadcasters of the State of Florida have organized the Florida Association of Broadcasters and have elected officers and appointed committees as follows:

OFFICERS: President, Fred W. Borton; Vice-President, W. Walter Tison; Secretary-Treasurer, Garland W. Powell.

EXECUTIVE COMMITTEE: Fred W. Borton, W. Walter Tison, Garland W. Powell, Frank King, John R. Beacham.

OTHER COMMITTEES: *Short Wave*—Jack Hopkins, Chairman; Harold B. Danforth, John R. Beacham, W. Walter Tison, Gilbert Freeman.

Publicity—Garland W. Powell, Chairman; Gilbert Freeman, Henry G. Wells, L. S. Mitchell, W. B. Byrd.

Highway Line Interference—Garland W. Powell, Chairman; W. Wright Esch, G. G. Fletcher, Harold Meyer.

Educational—Gilbert Freeman, Chairman; John R. Beacham, Garland W. Powell.

Resolutions—W. Walter Tison, Chairman; Jack Hopkins, Harold B. Danforth.

Engineering—(To be appointed later)

RECOMMENDS ILLINOIS STATION CHANGES

Broadcasting stations WHFC, WKBI, and WEHS, all of Cicero, Ill., have applied to the Federal Communications Commission for, respectively, a construction permit, modification of license, and power increase from 100 watts to 100 watts and 250 watts LS. The application of WHFC is for a construction permit as it involves changes in the transmitter equipment and the construction of a new antenna and ground system. Stations WKBI and WEHS use the transmitter of WHFC and their applications involved only a modification of license which is contingent upon the granting of the application for a construction permit of WHFC.

Examiner Melvin H. Dalberg, in Report No. I-276, recommends that the applications be granted. He found that the three stations are rendering a meritorious service "but there appears to be need for additional service and a signal of a higher intensity as requested by these applications." The Examiner found that there might be some slight interference caused by the power increase but, he says, "there appears to be need for increasing the intensity signal as requested in the instant applications for the purpose of aiding and overcoming the high noise level in this area."

WILKINSON FILES APPEAL

An appeal and an application for a stay order has been filed with the Court of Appeals of the District of Columbia by the C. E. Wilkinson Broadcasting Company, Mason City, Iowa, against a

decision of the Federal Communications Commission of July 27 granting a station construction permit to the Mason City Globe Gazette Company at Mason City.

The appeal sets forth the fact that the Wilkinson Company filed an application with the Commission on July 30, 1935, for a construction permit for a station at Mason City which was re-submitted on January 7 of this year. Several applicants had applied for a construction permit at the same place. Hearing was held and the Commission granted the permit to the Globe Gazette Company. The Wilkinson Company claims that the Commission ignored its "rights and interests" in the decision and asks that the Court reverse the Commission's decision.

RECOMMENDS CONTROL CHANGE

Broadcasting Station WCBD, Waukegan, Ill., applied to the Federal Communications Commission for authority to transfer the control of the corporation from Wilbur Glenn Voliva, E. E. Harwood, and M. J. Mintern to Gene T. Dyer, E. M. Ringwald, L. E. Moulds, and W. F. Moss. The station also asked permission to designate its Chicago studio as its main studio.

Examiner George H. Hill, in Report No. I-280, recommended that both of these applications be granted. He found that "since Mr. Dyer and his associates have been in charge of the operation of the station there has been a great improvement in the programs broadcast by the station." He states that the operation generally has been improved. The Examiner found that transfer of the control "would not be in violation" of the Communications Act and the designating of the Chicago studio as the main studio would be in the public interest.

DENIAL OF NEW STATION RECOMMENDED

J. T. Bilben and N. G. Barnard filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new station at Walker, Minn., to use 1310 kilocycles, 100 watts and unlimited time.

Examiner John P. Bramhall, in Report No. I-277, recommends that the application be denied. The Examiner states that the applicants do not have the technical nor financial qualifications to maintain the proposed station. The area proposed to be served is receiving secondary service from clear channel stations and the Examiner states, "It is extremely doubtful as to whether or not the establishment of this station is feasible from an economic standpoint."

INTERFERENCE WOULD BE CAUSED

The Eastern States Broadcasting Corporation filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new broadcasting station at Bridgeton, N. J., to use 1210 kilocycles, 100 watts and daytime operation. In the meantime Station WHAT, Philadelphia, has an application pending before the Commission for operation on 1220 kilocycles, 1,000 watts, and unlimited time on the air.

Examiner John P. Bramhall, in Report No. I-279, states that "the recommended separation for the prevention of objectionable interference between the assignments as requested by the Eastern States Broadcasting Company, Inc., and Station WHAT is 116 miles. Objectionable interference would be expected to the service area of each station if both applications were granted."

MRS. L. M. BURT WANTED

Broadcasting Station KRGV, Weslaco, Texas, is anxious to know the whereabouts of Mrs. L. M. Burt, doing business as

The Burt Company, manufacturers and distributors of CALS-DINE Products.

RECOMMENDS DISMISSING TEXAS APPLICATION

The Hunt Broadcasting Association applied to the Federal Communications Commission for a construction permit for the erection

of a new station at Greenville, Texas, to use 1200 kilocycles, 100 watts, and daytime operation.

Examiner George H. Hill, in Report No. I-278, recommends that the "application be dismissed with prejudice." When the hearing was called the Examiner states that notice was received from the applicant asking that its application be dismissed. The Examiner therefore recommended that it be dismissed with prejudice.

BROADCAST STATION CHANGES

The Federal Communications Commission this week made public a list containing alterations and corrections (italicized) to the broadcast list dated January 1, 1936, for the month of July as follows:

| Call Letters | Main Studio Location | Name of Licensee | Power | Frequency (kc) | Time Designation |
|--------------|---|---|------------------------------|----------------|---|
| KCRJ | Jerome, Ariz. | Charles C. Robinson | 100w | 1310 | S. H. |
| KEHE | Los Angeles, Calif.-T- Santa Monica <i>C. P. T-Los Angeles</i> | Evening Herald Publishing Co. | 500w 1kw-LS 1kw-5kw-LS | 780 | <i>C. P.-D</i> S-KELW U |
| KERN | Bakersfield, Calif. | <i>McClatchy Broadcasting Co.</i> | 100w | 1370 | U |
| KFBK | Sacramento, Calif. | <i>McClatchy Broadcasting Co.</i> | 5kw | 1490 | U |
| KFEL | Denver, Colo. T-Edgewater <i>C. P.-T-nr. Denver</i> | Eugene P. O'Fallon, Inc. | 500w | 920 | S-KVOD |
| KFH | Wichita, Kans. | Radio Station KFH Co. | 1kw 5kw-LS | 1300 | U |
| KFJM | Grand Forks, N. Dak. | University of North Dakota | 100w | 1370 | U |
| KFNF | Shenandoah, Iowa | KFNF, Inc. | 500w 1kw-LS | 890 | S-WILL, KUSD S-KUSD eff. when WILL goes to 580kc U |
| KGBX | Springfield, Mo. T-nr. Springfield | Springfield Broadcasting Co. <i>Strike out S. A. T-nr. Springfield-500w-1230--U-Exp.</i> | 500w | 1230 | U |
| KGBZ | | <i>Strike out all particulars</i> | | | |
| KGCC | Wolf Point, Mont. | E. E. Krebsbach | 100w 250w-LS | 1310 | S. H. |
| KGHL | Billings, Mont. | Northwestern Auto Supply Co., Inc. | 1kw 2½kw-LS 5kw-LS | 780 | U |
| KGLO | Mason City, Iowa | <i>Strike out S. A. 780kc-Exp.</i> Mason City Globe GAZETTE Co. Effective 8-1-36 | 100w | 1210 | U (C. P. only) |
| KHUB | Watsonville, Calif. | F. W. Atkinson Effective 8-15-36 | 250w | 1310 | D (C. P. only) |
| KIUJ | Santa Fe, N. Mex. | J. Laurance Martin | 100w | 1310 | U |
| KLAH | Carlsbad, N. Mex. | Barney Hubbs, A. J. Crawford, Jack Hawkins, Harold Miller d/b as Carlsbad Broadcasting Co., a partnership | 100w | 1210 | U (C. P. only) |
| KMA | Shenandoah, Iowa | May Seed and Nursery Co. <i>Strike out Effective 7-7-36-U</i> | 1kw 2½kw-LS | 930 | S-KGBZ **U |
| KMJ | Fresno, Calif. | <i>McClatchy Broadcasting Co.</i> | 500w 1kw-LS | 580 | U |
| KMMJ | Clay Center, Nebr. | <i>KMMJ, Incorporated</i> | 1kw | 740 | L-WSB |
| KOBH | Rapid City, S. Dak. | <i>Black Hills Broadcast Co. (Robert Lee Dean)</i> | 100w | 1370 | U (C. P. only) |
| KOCA | Kilgore, Texas | <i>Oil Capital Broadcasting Assn. (James G. Ulmer, Pres.)</i> Effective 8-1-36 | 100w | 1210 | U (C. P. only) |
| KROY | Sacramento, Calif. | <i>Royal Miller</i> Effective 9-8-36 | 100w | 1210 | D (C. P. only) |
| KSUN | Lowell, Ariz. | Copper Electric Co., Inc. | 100w | 1200 | U |
| KTEM | Temple, Texas | <i>Bell Broadcasting Co.</i> Effective 7-17-36 | 100w | 1370 | D (C. P. only) |
| KUSD | Vermillion | University of South Dakota | 500w | 890 | S-KFNF, WILL S-KFNF eff. when WILL goes to 580 kc |
| KVCV | Redding, Calif. M. C. P. S. of Redding | Golden Empire Broadcasting Co. <i>Strike out effective 4-21-36</i> | 100w | 1200 | U (C. P. only) |

| Call Letters | Main Studio Location | Name of Licensee | Power | Frequency (kc) | Time Designation |
|--------------|-------------------------|--|--|----------------|--|
| KVSO | Ardmore, Okla. | The Ardmoreite Publishing Co., Inc. | 100w | 1210 | D C. P. U. |
| KWEA | | <i>Strike out all particulars—Effective 8-1-36</i> | | | |
| KWVG | Stockton, Calif. | McClatchy Broadcasting Co. | 100w | 1200 | U |
| KYA | San Francisco, Calif. | Hearst Radio, Inc. | 1kw | 1230 | U |
| | | | C. P. 5kw-LS | | |
| KYOS | Merced, Calif. | Merced Star Publishing Co. | 250w | 1040 | D (C. P. only) |
| WABI | Bangor, Maine | Community Broadcasting Service | 100w | 1200 | S. H. |
| | C. P. T-Brewer | | 250w-LS | | U |
| WASH | Grand Rapids, Mich. | The Kunsy-Trendle Broadcasting Corp. | 500w | 1270 | S-WOOD |
| | | | C. P. 1kw-LS | | |
| WCMI | Ashland, Ky. | The Ashland Broadcasting Co. | 100w | 1310 | U |
| | | | C. P. 250w-LS | | |
| WDBO | Orlando, Fla. | Orlando Broadcasting Co., Inc. | 250w | 580 | U |
| | | | **1kw | | |
| | | | C. P. 1kw | | |
| | | | S. A. 1kw-LS-Exp. | | |
| | | | S. A. 1kw-night | | |
| WEAN | Providence, R. I. | Shepard Broadcasting Service, Inc. | 500w | 780 | U |
| | | | C. P. 1kw | | |
| WEBR | Buffalo, N. Y. | WEBR, Incorporated | 100w | 1310 | U |
| | | | 250w-LS | | |
| WEEI | Boston, Mass. | WEEI Broadcasting Corp. | 1kw | 590 | U |
| | T-Weymouth | | C. P. 5kw-LS | | |
| WEXP | Clarksburg, W. Va. | The Exponent Co. | 100w | 1370 | D (C. P. only) |
| WFBR | Baltimore, Md. | Baltimore Radio Show, Inc. | 500w | 1270 | U |
| | | | 1kw-LS | | |
| *KVEC | San Luis Obispo, Calif. | Christina M. Jacobson, tr. as The Valley Elec. Co. | 250w | 1200 | D (C. P. only) |
| | | | <i>Effective 9-29-36</i> | | |
| WFOR | Hattiesburg, Miss. | Forrest Broadcasting Co., Inc. | 100w | 1370 | U |
| | Formerly WPFB | | | | |
| WGBF | Evansville, Ind. | Evansville On the Air, Inc. | 500w | 630 | Simultaneous D. S-KFRU WOS, night Simultaneous D. S-KFRU, night |
| | | | C. P. 1kw-LS | | |
| WGL | Fort Wayne, Ind. | Westinghouse Electric and Manufacturing Co. | 100w | 1370 | U |
| WGNV | Chester Twp., N. Y. | Peter Goelet | 100w | 1210 | S-WBRB, WFAS, WGBB |
| | C. P. Newburgh | | | | |
| WHBL | Sheboygan, Wisc. | Press Publishing Co. | 250w | 1300 | U |
| WIP | Philadelphia, Pa. | Pennsylvania Broadcasting Co. | 500w | 610 | U |
| | | | S. A. 1kw-Exp. | | |
| | | | **1kw | | |
| WIRE | Indianapolis, Ind. | Indianapolis Broadcasting, Inc. | 500w | 1400 | U |
| | | | 1kw-LS | | |
| | | | C. P. 1kw-5kw-LS | | |
| WIS | Columbia, S. C. | Station WIS, Inc. | 1kw | 560 | U |
| | T-nr. Columbia | | 5kw-LS | | |
| | | | <i>Strike out S. A. 1kw-5kw-LS—560kc</i> | | |
| WJAR | Providence, R. I. | The Outlet Co. | 1kw | , 890 | U |
| | T-E. Providence | | <i>Strike out S. A. 500w-night-Exp.</i> | | |
| WJBC | Bloomington, Ill. | Arthur Malcolm McGregor, and Dorothy Charlotte McGregor, a partnership | 100w | 1200 | S-WJBL |
| | T-Normal | | 250w-LS | | |
| WKRC | Cincinnati, Ohio | WKRC, Incorporated | 500w | 550 | U |
| | | | S. A. 1kw-Exp. | | |
| | | | C. P. 1kw-5kw-LS conditionally | | |
| | | | <i>Strike out C. P. 2½kw-LS</i> | | |
| WLBF | Kansas City, Kans. | The WLBF Broadcasting Co. | 100w | 1420 | U |
| | | | | **1310 | |
| WLMU | | <i>Strike out all particulars</i> | | | |
| | Formerly WLIN | | | | |
| WMCA | New York, N. Y. | Knickerbocker Broadcasting Co., Inc. | 500w | 570 | U |
| | T-Flushing | | **1kw | | |
| WMEX | Boston, Mass. | The Northern Corp. | 100w | 1500 | U |
| | T-Chelsea | | 250w-LS | | |
| | C. P. T-Milton | | 5kw | 1470 | |
| WOL | Washington, D. C. | American Broadcasting Co. | 100w | 1310 | U |
| | C. P. T-Md. | | 1kw | 1230 | |
| WOLS | Florence, S. C. | O. Lee Stone | 100w | 1200 | D (C. P. only) |

| Call Letters | Main Studio Location | Name of Licensee | Power | Frequency (kc) | Time Designation |
|--------------|---|--|----------------------|----------------|--------------------|
| WOOD | Grand Rapids, Mich. | Kunsky-Trendle Broadcasting Corp. | 500w C. P. 1kw-LS | 1270 | S-WASH |
| WPRA | Mayaguez, P. R. | Puerto Rico Advertising Co. | 100w 250w-LS | 1370 | S. H. (C. P. only) |
| WQDM | St. Albans, Vt. | E. J. Regan and F. Arthur Bostwick, d/b as Regan and Bostwick | 100w | 1370 | S. H. |
| | C. P. T-St. Albans Bay..... | | 1kw..... | 1390 | |
| WROK | Rockford, Ill. | Rockford Broadcasters, Inc. | 500w | 1410 | U |
| WSMB | New Orleans, La. | WSMB, Inc. | 1kw | 1320 | U |
| WSPG | | <i>Strike out all particulars</i> | | | |
| | | <i>Issues being determined by Court of Appeals, District of Columbia</i> | | | |
| WTAG | Worcester, Mass. C. P. T-Holden..... | Worcester Telegram Publishing Co., Inc. | 500w 1kw | 580 | U |
| WTFI | Athens, Ga. C. P. Atlanta | Liberty Broadcasting Co. | 500w | 1450 | U |
| WWSW | Pittsburg, Pa. | Walker and Downing Radio Corp. | 100w 250w-LS | 1500 | U |

** See Abbreviations—Lists of January 1, 1936.

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 for hearing to show cause why cease and desist orders should not be issued against them.

Nos. 2889-2891. Selling leather luggage in interstate commerce, **Mutual Brief Case Company, Inc.**, 133-135 Kossuth St., Newark, N. J., and **Rubin E. Rappeport**, trading as **R. E. Rappeport**, 1700 West Monroe St., Chicago, are charged in separate complaints with unfair competition in misrepresenting the quality of their products.

The respondents are said to label their products, manufactured from split cowhide leather, with the words "Cowhide," "Cowhide Only" or "Warranted Genuine Cowhide," to imply that the material covering such luggage is top grain leather, when, according to the complaint, such is not the fact.

Top grain leather, the complaint alleges, is superior in quality, durability and price to split leather, which is the under side of the hide, and the public generally is said to believe that the word "leather" means the top or hairy side of the hide.

No. 2892. **Willard F. Main, Cedar Rapids, Iowa**, is charged in a complaint with using unfair methods of competition in the sale of coin-operated vending machines and candy, confections, peanuts and other commodities for use in such machines. Main is said to trade under the names of **W. F. Main Co.**, **The Machen Co.**, **Standard Mercantile Co.**, **Appleton Novelty Co.**, and **New Specialty Co.**

The complaint alleges that the respondent, in advertising matter, testimonials, and through assertions made by his salesmen, makes false representations which deceive purchasers of his vending machines as to the real or usual profits to be derived from their operation, and which misleads such purchasers into the belief that their investment guarantees a return of 120 per cent; that failure to earn such return entitles them to a refund of their money plus 6 per cent interest, and that they can buy additional machines by giving their personal note for one-third of the purchase price, the remainder to be paid out of the earnings of the machines, provided the purchasers furnish satisfactory credit information or security.

Earnings from the machines do not average a minimum of \$2 a month each, as represented, according to the complaint, which also alleges that the respondent's contract contains so many provisions with which purchasers must comply that it is impossible for them to obtain the benefit of the repurchase agreement; that the 120 per cent profit agreement is a snare and subterfuge, and that the respondent in most cases refuses to accept a note for one-third down payment on additional machines bought, and refuses credit to purchasers, which is a condition precedent to the repurchase agreement.

No. 2893. A complaint has been issued charging **Midwest Publishing Company**, 540 North Michigan Ave., Chicago, and its president, **Walter H. Gorham**, with unfair methods of competition in the sale of a set of reference books entitled "Modern American Encyclopedia," together with a 10-year quarterly extension service.

By means of sales talks and advertising literature, the respond-

ents are said to represent that the encyclopedia set is a new, modern and up-to-date reference work, when, according to the complaint, the respondent Gorham and two associates purchased a set of old plates made in 1891, from which four prior owners printed five editions of reference books under various titles, and from which plates, very slightly revised, the respondents now print a sixth edition. The complaint alleges that prospective purchasers are not properly informed of the antiquated character of the material and data in the books, and that the many rapid scientific, historical and other changes that have occurred since 1891 render the "Modern American Encyclopedia" practically valueless for reference purposes.

The respondents allegedly circulate advertising literature containing the names of 33 persons, each prominent in a particular field of learning or industry, and represent that each of these has contributed substantially to the so-called new and modern encyclopedia, when, according to the complaint, such is not the fact, except that a few of the persons named contributed slightly to the original work in 1891 and revisions thereof.

No. 2894. Alleging unfair competition in connection with the sale of a hair treatment designated "Pro-Ker," a complaint has been issued against **Pro-Ker Laboratories, Inc.**, 10 East 49th St., New York City.

The complaint charges that the respondent corporation represents in advertising matter, testimonials and radio broadcasts that "Pro-Ker" is a competent treatment for baldness; that it corrects or cures any hair or scalp disorder, forces nature to replace fallen hair, produces a new growth of hair, and makes the scalp healthy and strong.

Such representations are grossly exaggerated and false, the complaint alleges, and tend to cause unfair diversion of trade to the respondent corporation from competitors who truthfully advertise their products.

No. 2895. Charged with representing that she owns a hatchery where she has baby chicks for sale, when such is not the fact, **Helen G. Dougherty**, 5910 California Ave., Eldorado, Altoona, Pa., and trading as **Farm Service Company, Tyrone, Pa.**, is named respondent in a complaint alleging violation of Section 5 of the Federal Trade Commission Act.

The complaint alleges that when the respondent receives an order, she buys baby chicks from a hatchery, which ships them direct to the purchaser, and that she does not select the chicks, does not see them crated and never has them in her possession.

Other representations which the complaint charges are untrue are that the chicks she sells are hatched from eggs weighing 24 to 28 ounces a dozen; that a written guarantee of safe delivery accompanies each shipment; that she has had 40 years' experience in the poultry business, and that her husband is connected with her present business.

No. 2896. A complaint has been issued charging **Utilities Engineering Institute, Inc.**, with office at 404 North Wells St., Chicago, and a branch at 841 Broadway, New York City, with using unfair methods of competition in the sale of correspondence courses in air conditioning and electric refrigeration.

Alleging that the respondent corporation advertises for prospects in the classified columns of newspapers, the complaint charges such advertisements, known as "blind ads," are so worded as to conceal the fact that only a correspondence school course is offered for sale, and have deceived prospective purchasers into believing

that the advertiser is in a position to offer employment, when such is not the fact.

The respondent corporation, the complaint alleges, has adopted a fictitious name, "Globe Agency," which it falsely represents to students as a separate company retained to collect overdue accounts, and under which name it threatens customers with court proceedings and with additional charges and costs if overdue payments are not made promptly. According to the complaint, "Globe Agency" is none other than the respondent corporation.

No. 2897. Allegedly misrepresenting the selling price, value and effective qualities of toilet and purported medicated soap, **Hewitt Soap Co., Inc.**, 289 Linden Ave., **Dayton, O.**, and its subsidiary, **Crown Soap Co.**, also trading as **Dayton Soap Co.**, are named respondents in a complaint charging unfair methods of competition in the sale of such products.

According to the complaint, the respondents' soaps are of cheap grade, and although labeled at prices ranging from 2 cakes for 25 cents to 25 cents a cake, are sold by the respondents to their canvassers at from 2 cents to 4½ cents a cake, and are comparable to soaps ordinarily sold at retail at from 2 cakes for 5 cents to 10 cents a cake, or 3 for 25 cents.

The prices marked on the soap products, the complaint alleges, are fictitious and exaggerated, are intended by the respondents and their canvassers to be far in excess of the prices actually charged consumers, and such soap products are never sold at the labeled prices.

No. 2899. Use of unfair methods of competition to promote the sale of a shoe polish designated "Sav-An-Upper," in violation of Section 5 of the Federal Trade Commission Act, is alleged in a complaint issued against **Perfect Manufacturing Co.**, 3325 Madison Road, **Cincinnati**.

The complaint charges that agents and dealers selling "Sav-An-Upper" cannot, as the respondent corporation allegedly represents in its advertising matter, realize an enormous margin of profit, such as 202 per cent, on quick and easy sales; do not become "independent" by handling the product, nor are their profits guaranteed or limited in amount only by their own efforts.

No. 2900. False claims for the therapeutic value of "Nuga-Tone" are alleged in a complaint issued against **National Laboratory**, 767 Milwaukee Ave., **Chicago**, which sells that product as a treatment for diseases of the stomach, intestinal and other organs.

The respondent corporation is said to advertise in newspapers, magazines and over the radio, that the product is an efficient remedy for indigestion and stomach trouble, removes the cause of aches and pains in the muscles, nerves and bones and gives new power to the muscular and nervous system.

Such representations are false, according to the complaint, which alleges that the product is of a potentially harmful character and particularly dangerous in the hands of lay users.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 2629. An order to discontinue unfair methods of competition in the sale of toilet articles has been entered against **Sterling Company**, 112 11th St., **Des Moines, Iowa**, its former president, **Don Parmelee**, and **Paul H. Williams** and **Sibley F. Everett**, who control the corporation.

The respondents are directed to stop representing that prizes announced in certain of their advertising matter are awarded to those who transmit most promptly accurate solutions or answers to problems, puzzles, or questions set forth in such advertising matter, and that any person has won a prize in such contest, when such are not the facts.

Persons who most promptly submitted solutions of puzzles, together with \$2, were led to believe, the Commission found, that they not only would be given an assortment of "Bonnie Day" articles, but would share in the distribution of the prizes, when, in fact, they were merely purchasers of the respondents' products and could become, if they chose, salesmen of such products and enter the contest for the prizes offered.

No. 2843 Chicago Macaroni Company, trading as **A. Morici & G. Matalone Company**, 2148 Canalport Ave., **Chicago**, has been ordered to cease and desist from the use of unfair methods of competition in the sale of a product designated "Italy Brand Table Oil".

The order directs the respondent company to discontinue representing in advertising matter, on labels or by radio broadcasting, that **A. Morici & G. Matalone Company** is an Italian or Italian-American concern engaged in the business of importing

olive oil from Italy, or that the olive oil ingredient of its product is produced in or imported from Italy, unless such is a fact.

No. 2858. False representations as to the characteristics, effectiveness and curative value of "Neway Latex Bandages" and the earnings to be made in selling such products shall be discontinued under an order to cease and desist entered against **Roy C. Greenberg** and **Sarah J. Rosenheim**, trading as **Neway Manufacturing Co.**, 30 South Clinton St., **Chicago**.

The order prohibits the respondents from representing in any manner that their "Neway Latex Bandage" is porous, allowing the skin to "breathe" and the wound to heal much quicker; that it holds snugly and comfortably, yet admits air while keeping out dirt and germs and resisting water; that there is no need to buy arch supports or expensive devices for bunions as this product helps to correct all foot ailments; that it is used to assist in slenderizing large ankles, and that doctors and hospitals are aware that it offers "the safest way on earth" to treat patients.

FEDERAL COMMUNICATIONS COMMISSION ACTION

No hearings are scheduled for the Commission during the week beginning Monday, October 24.

The Broadcast Division at a regular meeting has taken the following action:

APPLICATIONS RECONSIDERED AND GRANTED

KTAT—**KTAT Broadcast Co., Inc.**, Fort Worth, Tex.—Granted consent to voluntary assignment of license from **KTAT Broadcast Co., Inc.**, to **Raymond E. Buck** (1240 kc., 1 KW, unlimited time).

KOMA—**National Radio Mfg. Co.**, Okahoma City, Okla.—Granted voluntary assignment of license from **National Radio Mfg. Co.** to **Hearst Radio, Inc.** (1480 kc., 5 KW, unlimited time).

WACO—**Central Texas Broadcasting Co., Inc.**, Waco, Tex.—Granted voluntary assignment of license from **Central Texas Broadcasting Co., Inc.**, to **KTSA Broadcasting Co.** (1420 kc., 100 watts, unlimited time).

APPLICATIONS GRANTED

KFGQ—**Boone Biblical College**, Boone, Iowa.—Granted special temporary authority to operate from 2:30 to 4 p. m., CST, September 1, 1936.

WAAF—**Drovers Journal Publishing Co.**, Chicago, Ill.—Granted special temporary authority to operate from 5 to 6 a. m., CST, for the period beginning September 1, 1936, and continue as long as Eastern Standard Time is in official use in Chicago, but not later than March 1, 1937.

WOW—**Woodmen of the World Life Ins. Association**, Omaha, Nebr.—Granted extension of special temporary authority to operate with power of 5 KW at night for the period August 30 to September 28, 1936.

KUSD—**University of South Dakota**, Vermillion, S. Dak.—Granted extension of special temporary authority to remain silent for the period September 1 to September 14, 1936, in order to observe summer vacation.

WCBD—**WCBD, Inc.**, Waukegan, Ill.—Granted extension of special temporary authority to use studio located at Zion, Ill., as main studio, pending action on application to move studio to Chicago, for the period August 22 and ending no later than September 20, 1936.

KOTN—**Universal Broadcasting Corp.**, Pine Bluff, Ark.—Granted extension of special temporary authority to operate unlimited time for the period August 24 to September 22, 1936, in order to broadcast special Arkansas Centennial Program each night.

WDBJ—**Times-World Corp.**, Roanoke, Va.—Granted extension of special temporary authority to operate station without an approved frequency monitor for the period August 24 to September 22, 1936.

WCOA—**Pensacola Broadcasting Co.**, Pensacola, Fla.—Granted special temporary authority to operate a 50-watt portable test transmitter between 12 midnight and 6 a. m., EST, for the period August 15 to September 13, 1936, in order to conduct site tests.

KBTM—**Beard's Temple of Music**, Jonesboro, Ark.—Granted authority to operate from 6:30 p. m., CST to the close of Northeast Arkansas Centennial Pageant at Wallcott, Ark., on night of September 5; denied request to operate special hours on August 6 and 7 and 10, and September 6.

WNAC—Shepard Broadcasting Service, Inc., Boston, Mass.—Granted license to cover C. P. authorizing installation of new equipment and increase in day power to 5 KW.

WCOL—WCOL, Inc., Columbus, Ohio—Granted license to cover C. P. authorizing changes in equipment.

WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.—Granted modification of C. P. to change tubes in the last radio stage and make changes in directional antenna.

KGGC—The Golden Gate Broadcasting Co., San Francisco, Cal.—Granted C. P. to install new equipment.

WTHT—The Hartford Times, Inc., Hartford, Conn.—Granted license to cover C. P. to erect new broadcast station to operate on 1200 kc., 100 watts, daytime.

WNBF—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Granted C. P. to install new antenna and move transmitter locally.

WFOR—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Granted license to cover C. P. authorizing installation of new equipment and move of studio locally.

WMBH—Joplin Broadcasting Co., Joplin, Mo.—Granted C. P. to install new equipment.

WSBC—WSBC, Inc., Chicago, Ill.—Granted license to cover C. P. authorizing move of station locally and erecting a new antenna system.

WGH—Hampton Roads Broadcasting Corp., Newport News, Va.—Granted C. P. to install vertical radiator and move transmitter locally.

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—Granted modification of C. P. to move transmitter site 750 feet northwest of present approved site, and approving new transmitter and directional antenna system.

WCAZ—Superior Broadcasting Service, Inc., Carthage, Ill.—Granted license to cover C. P. authorizing local move of station and installing new equipment.

WRR—City of Dallas, Texas.—Granted modification of license for use of same antenna systems by stations WRR and KVPA.

WAWZ—Pillar of Fire, Zarepath, N. J.—Granted authority to install automatic frequency control equipment.

KTW—First Presbyterian Church, Seattle, Wash.—Granted authority to make changes in automatic frequency control equipment.

WCBD—WCBD, Inc., Waukegan, Ill.—Granted authority to make changes in automatic frequency control equipment.

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted C. P. to install new equipment.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted license to cover C. P. authorizing installation of new equipment, increase in day power from 1 to 5 KW, and installation of directional antenna nighttime operation; 1260 kc., 1 KW night.

WLBC—Donald A. Burton, Muncie, Ind.—Granted license to cover C. P. authorizing installation of new equipment and vertical antenna and increase in day power from 100 watts to 250 watts; 1310 kc., simultaneous day, sharing WTRC at night.

KRBC—The Reporter Broadcasting Co., Abilene, Texas.—Granted modification of C. P. approving transmitting and studio sites, and install new equipment.

KYOS—Merced Star Publishing Co., Merced, Cal.—Granted modification of C. P. approving transmitting and studio sites; install vertical radiator.

MISCELLANEOUS

KCMO—Lester E. Cox, Thomas L. Evans & C. C. Payne, Kansas City, Mo.—Upon consideration of protests to its action of June 20, 1936, in granting application for modification of license to move studio locally and change hours of operation from specified to unlimited, for station KCMO, filed by the Midland Broadcasting Co. (KMBC), and The First National Television, Inc., both of Kansas City, Mo., the Commission reconsidered its action in granting this application and directed same be designated for hearing. KCMO issued special temporary authority to operate unlimited time pending hearing and decision on protests of Midland Broadcasting Co. and First National Television, Inc.

ORAL ARGUMENTS

Granted request for oral argument in re Examiner's Report No. 1-246, on the application of Missouri Broadcasting Corp. (WIL),

St. Louis, Mo., for C. P. and Star-Times Publishing Co., St. Louis, for C. P., and directed said oral argument be heard on September 10, 1936.

Granted request for oral argument in re Examiner's Report No. 1-255, on application of Wichita Falls Broadcasting Co. (KGKO), Wichita Falls, Tex., for C. P., and directed said oral argument be heard on September 17, 1936.

SET FOR HEARING

NEW—Michael F. Murray.—Designated for hearing (to be heard with other St. Cloud applications) C. P. for new station, 560 kc., 500 watts, daytime. Site to be determined.

WCFL—Chicago Federation of Labor, Chicago, Ill.—Set date for hearing on C. P. to install new equipment and increase power to 50 KW; to be heard September 24, 1936, before the Broadcast Division.

APPLICATIONS DENIED

WELI—City Broadcasting Corp., New Haven, Conn.—Denied authority to operate from LS to 8 p. m., EST, with 50 watts, for period of 30 days from September 1, 1936.

KOOS—Pacific Radio Corp., Marshfield, Ore.—Denied authority to operate from LS to 9 p. m., PST, with 100 watts, on 1200 kc., for period of 30 days.

The Broadcast Division has taken the following actions, subject to ratification at its next regular meeting:

APPLICATIONS GRANTED

WJEP—The Stromberg Carlson Television Mfg. Co., Rochester, N. Y.—Granted special temporary authority to operate broadcast pickup station WJEP as licensed August 13 to 15, inclusive on dredge boat off Port of Rochester, N. Y. Also granted special temporary authority to operate station August 20 to 25, inclusive in order to broadcast educational program on Coast Guard Cutter Jackson.

W2XKI—National Broadcasting Co., Inc., New York City.—Granted extension of test period for 30 days beginning August 18.

KFNF—KFNF, Inc., Shenandoah, Iowa.—Granted special temporary authority to operate a portable mobile transmitter during the period August 18 and ending no later than August 23, as a broadcast pickup station for the purpose of broadcasting annual Sidney, Iowa, Rodeo; frequencies 31100, 34600, 37600, 40600 kc., 50 watts.

KGLO—Mason City Globe Gazette Co., Mason City, Ia.—Granted special temporary authority to operate a 40-watt portable test transmitter between hours of 9 a. m. and 5 p. m., CST, for a period not to exceed 10 days from August 17, in vicinity of Mason City, in order to make local survey.

WHAS—The Courier-Journal Co. and the Louisville Times Co., Louisville, Ky.—Granted extension of special temporary authority to operate a 50-watt portable test transmitter from 12 midnight to 6 a. m., CST, for period August 18 and ending not later than September 16, 1936, in order to determine new transmitter site.

WGST—Georgia School of Technology, Atlanta, Ga.—Granted extension of special temporary authority to operate a 100-watt portable test transmitter on 890 kc. between hours of 12 midnight and 6 a. m., EST, for period August 12 to September 10, 1935, in order to determine new antenna location.

WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted special temporary authority to operate from 6:45 p. m. to 12 midnight, CST, August 25, in order to broadcast election returns.

KIDO—Boise Broadcast Station, Boise, Idaho.—Granted extension of special temporary authority to operate with temporary antenna for a period beginning August 22 and ending not later than September 20, 1936, pending completion of construction.

WABI—Community Broadcasting Service, Bangor, Maine.—Granted special temporary authority to operate from 2 to 6 p. m., EDST, August 24 to 29, inclusive, in order to broadcast from Bangor, Maine, fairgrounds.

WLBL—State of Wisconsin Department of Agriculture and Markets, Stevens Point, Wis.—Granted extension of special temporary authority to operate without an approved frequency monitor for the period August 14 to September 12, 1936.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Granted special temporary authority to operate without an antenna ammeter for a period not to exceed 15 days from August 9, 1936.

WSYR—WSYU—Central New York Broadcasting Service, Syracuse, N. Y.—Granted extension of special temporary authority to operate a 100-watt portable test transmitter between the hours of 12 midnight and 6 a. m., EST, for a period beginning August 8 and ending in no event later than August 27, 1936.

WPRP—Julio M. Conesa, Ponce, P. R.—Granted extension of special temporary authority to operate station without an approved frequency monitor for a period beginning August 8 and ending not later than September 6, 1936.

WELI—City Broadcasting Corp., New Haven, Conn.—Granted special temporary authority to operate from 8 p. m. to 12 midnight, EST, on August 29, in order to broadcast a talk by Wm. Lemke; on September 16, in order to broadcast a talk by Rev. Coughlin, and on September 22 in order to broadcast dinner of Rotary Club.

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Granted special temporary authority to operate from local sunset (7 p. m., CST) to 10 p. m., CST, August 25, in order to broadcast Alumni Federation of Louisiana State University.

W8XIN—Radio Air Service Corp., Cleveland, Ohio.—Granted extension of special temporary authority to operate a radio transmitting apparatus as a general experimental broadcast pickup station for the period August 3 to September 1, 1936, to broadcast political activities; frequencies 31100, 34600, 37600, 40600 kc., 10 watts.

KDYL—Intermountain Broadcasting Corp., Salt Lake City, Utah—Granted extension of special temporary authority to operate station without plate voltmeter for a period not to exceed 7 days from August 13, 1936.

KSEI—Radio Service Corp., Pocatello, Idaho—Granted special temporary authority to operate station without an antenna ammeter for a period beginning August 11 and ending no later than August 26, 1936.

WSMK—WSMK, Inc., Dayton, Ohio—Granted special temporary authority to operate simultaneously with KQV from 10 to 11 p. m., EDST, on August 18, in order to broadcast the Sharkey-Louis fight.

KGFL—KGFL, Inc., Roswell, New Mexico—Granted special temporary authority to operate from 7:30 p. m. to 12 midnight, MST, August 18, 1936, in order to broadcast election returns.

KFRO—Voice of Longview, Longview, Texas—Granted special temporary authority to operate from local sunset (7 p. m., CST) to 12 midnight CST, August 17 to 22, inclusive, 1936, in order to broadcast political speeches of candidates for public offices in Texas and Gregg.

WAPI—WAPI Broadcasting Corp., Birmingham, Ala.—Granted extension of special temporary authority to operate station without antenna ammeter for period August 16 and ending no later than August 25, 1936.

WNYC—City of N. Y. Dept. of Plant and Structures, New York City—Granted extension on a temporary basis only of auxiliary license for the period August 1 to September 1, 1936, pending receipt and/or action on renewal application.

APPLICATIONS SET FOR HEARING

KJR—Fisher's Blend Station, Inc., Seattle, Wash.—Application for C. P. to install new equipment and increase power to 10 KW.

The Broadcast Division reconsidered its action of July 22, 1936, in granting the petition filed by Geo. W. Young, licensee of station WDGY, Minneapolis, Minn., requesting that the Commission return to the National Battery Broadcasting Co., one of its two pending applications for C. P. for a new station in St. Paul, Minn., and directed that application File No. B4-P-1160 of the National Battery Broadcasting Co. be designated for hearing, to be heard with that company's application File No. B4-P-1143.

APPLICATIONS DISMISSED

KMTR—KMTR Radio Corp., Los Angeles, Cal.—The Broadcast Division, upon its own motion, (1) reconsidered its action of August 27, 1935, in designating the application for renewal of license of station KMTR for hearing, and directed that said application be dismissed from the hearing docket

and (2) granted a regular renewal of license, effective September 1, 1936. The Division further directed that an order be entered accordingly and forwarded to all interested parties.

ORAL ARGUMENT GRANTED

WOL—Ex. Rep. No. 1-247: American Broadcasting Co., Washington, D. C.—The Broadcast Division, upon consideration of requests for oral argument in this Examiner's Report filed by the National Broadcasting Co., Inc., licensee of stations WRC and WMAL; the Indianapolis Power & Light Co., licensee of station WFBM, WCAE, Inc., and the Monocacy Broadcasting Co., and motion of the American Broadcasting Co. to strike said requests, and petition of the American Broadcasting Co. suggesting that the case be reopened for oral argument, rescinded its action of July 22, 1936, in granting the application for station WOL to move transmitter, change frequency from 1310 kc. to 1230 kc., and increase power from 100 watts to 1 KW, unlimited time (directional antenna), and directed that oral argument be held upon exceptions to Ex. Rept. No. 1-247, said oral argument to be heard on September 10, 1936.

RENEWAL OF LICENSES

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

KELW, Burbank, Cal.; KFDY, Brookings, S. Dak.; KFEL, Denver, Colo.; KFKA, Greeley, Colo.; KFNF, Shenandoah, Ia.; KFPY, Spokane, Wash.; KFRU, Columbia, Mo.; KFSD, San Diego; KFYR, Bismarck, N. Dak.; KGHL, Billings, Mont.; KGKO, Wichita Falls, Texas; KGW, Portland, Ore.; KHQ, Spokane, Wash.; KXL, Oakland, Cal.; KOAC, Corvallis, Ore.; KOMO and auxiliary, Seattle, Wash.; KPRC, Houston, Tex.; KSAC, Manhattan, Kans.; KSFO, San Francisco; KVI, Tacoma, Wash.; KVOS, Denver, Colo.; WAAF, Chicago; WBAA, W. Lafayette, Ind.; WBEN and auxiliary, Buffalo, N. Y.; WCHE, Charleston, W. Va.; WCOC, Meridian, Miss.; WDAF, Kansas City, Mo.; WDBO, Orlando, Fla.; WDEV, Waterbury, Vt.; WEAN, Providence, R. I.; WEEI, Boston; WFIL and auxiliary, Philadelphia; WFLA-WSUN, St. Petersburg and Clearwater, Fla.; WGBF, Evansville, Ind.; WGBI, Scranton, Pa.; WGR, Buffalo, N. Y.; WHJB, Greensburg, Pa.; WGST, Atlanta, Ga.; WIBW, Topeka, Kans.; WILL, Urbana, Ill.; WJAX, Jacksonville, Fla.; WKY, Oklahoma City; WMC and auxiliary, Memphis, Tenn.; WMT, Cedar Rapids, Ia.; WOSU, Columbus, Ohio; WQAM and auxiliary, Miami, Fla.; WQAN, Scranton, Pa.; WREC, Memphis, Tenn.; WSPA, Spartanburg, S. C.; WSUI, Iowa City, Ia.; WTAD, Quincy, Ill.; WTMJ, Milwaukee, Wis.; WWNC, Asheville, N. C.

APPLICATIONS RECEIVED

First Zone

NEW—Lawrence K. Miller, Pittsfield, Mass.—Construction permit for a new station to be operated on 930 kc., 250 watts, daytime.

WOV—International Broadcasting Corp., New York, N. Y.—1130 Authority to transfer control of corporation from John Iraci, Giustina B. Iraci and Mariannina C. Iraci to Arde Bulova, 766 shares of common stock.

NEW—Eugene Meyer & Co., d/b as The Washington Post, Washington, D. C.—1310 Construction permit for a new station to be operated on 630 kc., 250 watts, 500 watts day, unlimited time. Amended to change type of equipment, changes in antenna, change frequency from 630 kc. to 1310 kc., power from 250 watts, 500 watts day, to 100 watts, 250 watts day, and omit request for facilities of WMAL.

NEW—Hearst Radio, Inc., Albany, N. Y.—1240 Construction permit for a new station to be operated on 970 kc., 1 KW, unlimited time. Amended to change frequency from 970 kc. to 1240 kc., change transmitter site from Rural, Albany, N. Y., to New Albany, N. Y., and make changes in equipment.

NEW—Hearst Radio, Inc., Washington, D. C.—1240 Construction permit for a new station to be operated on 1240 kc., 1 KW, unlimited time; to use directional antenna.

NEW—Oliver C. Harriman & Ralph Clark, New York, N. Y.—Construction permit for a new visual broadcasting station to be operated on 42000-56000, 60000-86000 kc., 2 KW.

NEW—Oliver C. Harriman & Ralph Clark, New York, N. Y.—Construction permit for a new general experimental station to be operated on 42000-56000, 60000-86000 kc., 1 KW.

NEW—Oliver C. Harriman & Ralph Clark, New York, N. Y.—Construction permit for a new general experimental broadcast station to be operated on 31600, 35600, 38600, 41000 kc., 2 KW.

Atlantic Broadcasting Corp., New York, N. Y.—Authority to transmit programs to CFRB, Toronto, and CKAC, Montreal, and to stations of the Canadian Radio Commission or its successor.

Second Zone

NEW—The Schuylkill Broadcasting Co., Pottsville, Pa.—Construction permit for a new station to be operated on 580 kc., 250 watts, daytime.

NEW—Lou Poller, Scranton, Pa.—Construction permit for a new 930 station to be operated on 930 kc., 250 watts, daytime.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Modification of license to change hours of operation from specified hours to unlimited time.

WADC—Allen T. Simmons, Akron, Ohio.—License to cover construction permit (B2-P-689) for changes in equipment and increase in power.

WLVA—Lynchburg Broadcasting Corp., Lynchburg, Va.—Construction permit to change frequency from 1200 kc. to 1390 kc., make changes in equipment, increase power from 100 watts, 250 watts day, to 500 watts day and night, and install directional antenna for night use.

NEW—Roanoke Gospel Tabernacle, Earl T. Favro, Pastor, 1500 Roanoke, Va.—Construction permit for a new station to be operated on 590 kc., 100 watts, specified hours. Amended to change frequency from 590 kc. to 1500 kc., give studio and transmitter sites as Route No. 2, Box 585-A, Roanoke County, Virginia.

Third Zone

KTSA—KTSA Broadcasting Co., San Antonio, Tex.—Construction permit to install a new transmitter.

WGST—Georgia School of Technology, Atlanta, Ga.—Construction permit to install a new transmitter and antenna and increase power from 500 watts, 1 KW day, to 1 KW night, 5 KW day, and move transmitter from Third and Cherry Streets, Atlanta, Ga., to site to be determined, Atlanta, Ga.

WNOX—Continental Radio Co., Knoxville, Tenn.—Construction permit to install a new transmitter and antenna, increase power from 1 KW, 2 KW day, to 1 KW, 5 KW day, and move transmitter from Holston Hills, near Knoxville, Tenn., to Anderson Road, near Knoxville, Tenn.

WRR—City of Dallas, Texas, Dallas, Tex.—Authority to determine operating power by direct measurement of antenna for auxiliary transmitter.

WRR—City of Dallas, Texas, Dallas, Tex.—Authority to use the transmitter of Station KVPA (W. E. Type 6-B, 1 KW) as an auxiliary transmitter.

KRMD—Radio Station KRMD, Inc., Shreveport, La.—Construction permit to make changes in equipment, install new antenna, increase power from 100 watts to 100 watts night, 250 watts day.

KFRO—Voice of Longview, Longview, Tex.—Construction permit to make changes in equipment and increase power from 100 watts to 250 watts.

KCMC—KCMC, Inc., Texarkana, Ark.—Construction permit to install a new transmitter and vertical antenna.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Modification of construction permit (B3-P-588) as modified for a new station on 1420 kc., 100 watts, daytime, to further request change in frequency from 1420 kc. to 1200 kc., power from 100 watts to 100 watts night, 250 watts day, hours of operation from daytime to unlimited time, make changes in equipment, and move studio from Read House, 9th and Broad Sts., Chattanooga, Tenn., to site to be determined, Chattanooga, Tenn.

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C. 1440 —Special experimental authorization to operate on 1 KW night and day for period of three months.

KPLT—The North Texas Broadcasting Co., Paris, Tex.—Modification of construction permit (B3-P-442) for a new station, requesting authority to change type of equipment, install antenna, give exact transmitter site as Paris, Tex. (no street address), and move studio from 34-36 Lamar Avenue, Paris, Tex., to corner Main and Austin Streets, Paris, Tex.

Fourth Zone

KFEQ—KFEQ, Inc., St. Joseph, Mo.—Construction permit to install a new transmitter and antenna and move transmitter from Pauline and Elwood Sts., St. Joseph, Mo., to The South 15 acres of the East 40 acres of the N.W. ¼ of Sec. 33-57-36, St. Joseph, Mo.

WIB—University of Minnesota, Minneapolis, Minn.—Construction permit to install new transmitter, make changes in antenna, change frequency from 1250 kc. to 760 kc., power from 1 KW to 5 KW, hours of operation from specified hours to share-WCAL (2/3 daytime).

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Modification of license to change hours of operation from specified hours to unlimited time. Requests facilities of Stations WLB and WCAL (contingent upon B4-P-1292 and B4-P-1293).

WCAL—St. Olaf College, Northfield, Minn.—Construction permit to make changes in equipment, install a new antenna, change frequency from 1250 kc. to 760 kc., power from 1 KW, 2½ KW day, to 5 KW day, and hours of operation from specified hours to share-WLB (1/3 daytime).

KOIL—Central States Broadcasting Co., Omaha, Nebr.—Modification of license to move studio from 600 Huntington Avenue at Fairmont Park, Council Bluffs, Iowa, to Omaha National Bank Building, Omaha, Nebr.

NEW—Arthur H. Croghan, Minneapolis, Minn.—Construction permit for a new station to be operated on 1310 kc., 100 watts, daytime.

KFJM—University of North Dakota, Grand Forks, N. Dak.—Modification of construction permit (B4-P-501) for changes in equipment, change of frequency, and increase in power, requesting changes in authorized equipment, move of transmitter 0.12 mile from present site, University Campus, Grand Forks, N. Dak., and for approval of vertical antenna.

WEOA—Evansville on the Air, Inc., Evansville, Ind.—Construction permit to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day.

WCBS—WCBS, Inc., Springfield, Ill.—Construction permit to make changes in equipment, install a vertical antenna and move transmitter from 319 East Jefferson Street, Springfield, Ill., to 2200-2206 S. 6th Street, Springfield, Ill.

WBBM Broadcasting Corp., Chicago, Ill.—Authority to transmit programs to stations CFRB, Toronto, and CKAC, Montreal, and to stations of the Canadian Radio Commission or its successor.

Fifth Zone

KGW—Oregonian Publishing Co., Portland, Ore.—Authority to determine operating power by direct measurement of antenna.

KGW—Oregonian Publishing Co., Portland, Ore.—License to cover construction permit (B5-P-1136) for changes in equipment.

KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—Construction permit to make changes in equipment.

W9XJI—The Reynolds Radio Co., Inc., Portable-Mobile.—License to cover construction permit for a new general experimental broadcast pickup station.

W9XJI—The Reynolds Radio Co., Inc., Portable-Mobile.—Modification of license to change name from The Reynolds Radio Co., Inc., to KLZ Broadcasting Co.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
JAMES W. BALDWIN, Managing Director

NAB REPORTS

Vol. 4 - - No. 42
AUG. 27, 1936

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BROADCASTING NOT AFFECTED BY ROBINSON-PATMAN LAW

The Federal Trade Commission has been very reticent in making any statement in connection with the new Robinson-Patman law. It is therefore of great interest to note that in a discussion of that legislation as it will occur in the forthcoming annual report of the Commission, that body has made the following official announcement:

"Authority to enforce compliance with the new Act, as distinguished from criminal proceedings, is by virtue of Section 11 of the Clayton Act vested in the Commission in all cases in which the new Act is not applicable to common carriers subject to the Interstate Commerce Act, as amended, to common carriers engaged in wire or radio communications or radio transmission of energy or to banks, banking associations and trust companies.

"The Interstate Commerce Commission has authority to enforce compliance by common carriers subject to the Interstate Commerce Act as amended; the Federal Communications Commission has authority to enforce compliance in cases applicable to common carriers engaged in wire or radio communication or radio transmission of energy; while the Federal Reserve Board has authority to enforce compliance where the Act is applicable to banks, banking associations, and trust companies."

NO REPLY FROM HERMAN STARR

Under date of July 31, 1936, the Managing Director addressed to Herman Starr, President of the Music Publishers Holding Corporation, a telegram reading as follows:

"Understand MPHC filed application last evening for reinstatement in the ASCAP stop will appreciate full statement by telegraph and information concerning any steps that have been taken to refund moneys received by MPHC directly from stations since January first nineteen thirty six."

To date no reply has been received to this telegram.

RULE 229 AMENDED

The Federal Communications Commission announced this week that it has amended Rule 229. In this connection the announcement states:

The Commission on August 14, 1936, amended Rule 229 by adding the following frequencies for experimental broadcast:

38,900, 39,100, 39,300, 39,500, 39,700, 39,900,
40,800 and 41,400 kilocycles.

The Broadcast Division will promulgate rules governing the broadcast stations that will be assigned to these frequencies.

GLOBE ADVERTISING AGENCY

According to correspondence with the Globe Advertising Agency, 213 West Austin Avenue, Chicago, Illinois, that agency is repre-

sented by Norman T. Baker. It will be remembered that Norman T. Baker was once the licensee of a radio station (KTNT) at Muscatine, Iowa; that Mr. Baker claims to have a cure for cancer; and that his radio license was denied by the Federal Radio Commission.

Under date of August 18 we addressed the following letter to the Globe Advertising Agency:

"Our attention has been directed to the account which you have submitted to certain radio broadcasting stations, having to do with a health book. We will greatly appreciate it if you will forward a copy of this health book together with a copy of the follow-up correspondence sent to persons who make inquiry."

In reply to this letter we received a communication signed "Baker Hospital, by R. A. Bellows, Superintendent for Lessee." There were enclosed with Mr. Bellows' letter two booklets, one entitled "America's Greatest Crime" and the other, "Cancer is Curable."

Although it is believed that few stations today are accepting per inquiry accounts, this experience indicates the dangers which are involved in carrying blind advertisements.

RADIO PREVIEWS ATTEMPTS CHISEL

The undated letter recently mailed to several broadcasting stations by Leon Lee, President, Radio Previews, Inc., should draw a prompt reply from members based upon the provisions contained in Paragraph 6 of the NAB Code of Ethics.

This letter, which is actually an insult to the intelligence of the stations to which it is sent, seeks a franchise agreement whereby the station would receive for the purpose of radio broadcasting a complete one-half hour program, electrically recorded, to be known as the "Movie Review of the Week," or under such other title as the station may from time to time determine. According to the proposed agreement these programs shall consist of five or six excerpts from the forthcoming major film releases, of the station's own choosing, and shall contain dialogue, songs and tax-free music from such productions. Under the proposed franchise agreement the station would agree to broadcast these programs as a sustaining feature each week and to furnish to the Radio Review, Inc., a signed statement in standard form to be furnished, of the date and the time allotted to such broadcast. The station would agree not to broadcast these recordings during the hours of 8 to 10 p. m., and would further agree not to broadcast any other recordings transcribed directly from motion picture productions during the term of the contract.

This is an out and out attempt to obtain free radio advertising for motion pictures. The franchise agreement as proposed would not even amount to an exchange of time for talent because the station would agree, in the case of sponsorship, to pay \$5.00 upon delivery each week for each recorded program received.

Happily, broadcasting stations have learned that it pays to treat all their advertisers alike and they will not be misled by Mr. Lee.

RECOMMENDS CHANGES FOR KRNT

Broadcasting station KRNT, Des Moines, Iowa, operating on a frequency of 1320 kilocycles, filed an application with the Federal Communications Commission to increase its power from 500 to 1,000 watts at night and from 1,000 to 5,000 watts until local sunset, and to install a directional antenna. The station operates with unlimited time.

Examiner George H. Hill, in Report No. I-281, recommended that the application be granted. He found that there is need for the service proposed, and that the operation of KRNT as proposed "would improve the service of other stations now operating on the 1320 kilocycle frequency." The Examiner states also that increasing the daytime power of the station will extend its service to an area not now receiving such service "of approximately 11,000

square miles, and the population served will be increased from 661,930 to 1,038,845."

COMMISSION RESCINDS ITS ACTION

The Broadcast Division of the Federal Communications Commission announced this week that it has rescinded its action of July 2 in denying the application of the Central Broadcasting Company, Eau Claire, Wis., "and requested that copies of the order and statement of facts and grounds for decision therein be returned to this office for cancellation."

At the same time this announcement was made the Commission also announced that it had entered a final order in the case of this company granting the application for a construction permit for a new broadcast station to operate on 1050 kilocycles, 250 watts daytime, the site to be determined subject to the Commission's approval. The application was granted subject to Rules 131, 132 and 139. It is effective 3 a. m., Eastern Standard Time, September 15.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

- Roxborough Knitting Mills, Inc., Philadelphia, Pa. (2-2376, Form A-1)
- Hamilton Manufacturing Company, Two Rivers, Wis. (2-2377, Form A-1)
- Peerless Casualty Company, Keene, N. H. (2-2378, Form A-2)
- Tulsa Oil Development Company, Tulsa, Okla. (2-2379, Form A-1)
- Peerless Corporation, Cleveland, Ohio. (2-2380, Form A-2)
- Silver Syndicate, Inc., Wallace, Idaho. (2-2381, Form A-1)
- Homestead Fire Insurance Co., Baltimore, Md. (2-2383, Form A-2)
- Mergraf Oil Products Corp., Detroit, Mich. (2-2384, Form A-1)
- American Refrigerator Transit Co., St. Louis, Mo. (2-2385, Form A-2)
- Creameries of America, Inc., Los Angeles, Calif. (2-2386, Form A-2)
- G. S. McKenzie et al., Los Angeles, Calif. (2-2387, Form F-1)
- W. H. Barber Co., Minneapolis, Minn. (2-2388, Form A-2)
- Cook Paint & Varnish Company, North Kansas City, Mo. (2-2390, Form A-2)
- Masonite Corporation, Chicago, Ill. (2-2391, Form A-2)
- Coca-Cola Bottling Co., of New York, Inc., New York City. (2-2392, Form A-2)
- Oakhurst Garden Apts. Corp., Lynbrook, N. Y. (2-2393, Form A-1)
- Allied Annie Laurie Gold Mines, Inc., Kimberly, Utah. (2-2394, Form A-1)
- Rio Grande Water Power Company, New York City. (2-2396, Form E-1)
- Dividends Shares, Inc., Jersey City, N. J. (2-2397, Form A-1)
- Mansul Chemical Company, Jacksonville, Fla. (2-1955, Form A-1)

RADIO SAFEGUARD URGED

Federal Communications Commissioner George Henry Payne, talking this week before the Rotary Club of Bayshore, L. I., urged the public to a keener interest in the great developments that are taking place in the radio world in order that there should not grow up a monopoly against the public interest.

"Developments and inventions that are now going on and being made in the radio field," said Commissioner Payne, "will affect the mental life and education, and possibly the material interests, of every person in the country. Behind this development, fraught with so much importance to our people, a fierce struggle is going on for the control of the great resource of the air.

"Private interests favoring private monopoly are naturally anxious that there be just as little governmental 'interference' (regulation) as possible in what they call their 'business.' Those who believe that we must not repeat the mistakes of the past and allow the wasteful private exploitation of our resources are just as keenly aroused in behalf of the government taking a strong stand to protect the public interests.

"The indifference of the public to the importance of this struggle is lamentable. Fascinated by the wonders of radio and the astonishing developments in the entire field of communications, little attention has been given to the economic control of these new developments. Unless the public is aroused, its interests are

apt to be neglected and lax administration is apt to creep in. In this way private monopoly, without warrant of law, establishes itself and, too late, the public bestirs itself to recover ground that never should have been lost."

FEDERAL TRADE COMMISSION ACTION

Complaints

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

Nos. 2901-2902-2903-2904-2905. Five New York jobbers of foodstuffs and flavoring extracts have been served with complaints charging unfair competition in the sale of extracts.

The respondent companies are: **National Kream Company, Inc.**, 360 Furman St., Brooklyn; **Eldeen Spice Company**, 336 Delancey St., New York; **Solomon Hornick and Fannie Hornick**, trading as **Italian-American Spice Company**, 320 Henry St., New York; **Trieste Importing Company**, 19 Vestry St., New York; and **Saul Cohen and David Jawetz**, trading as **Eagle Spice Company**, 1412 66th St., Brooklyn.

Bottles containing flavoring extracts offered for sale are alleged to have borne labels on which appeared the following language in Italian: "Diploma No. C135-Registration 352, Bertola Extract, Incomparable, First Prize at the Expositions in Milan and Florence—1903, Rosolio Rosa, National Chemical Laboratory, Milan, Italy; Imported Products; General Agents, Paramount Sales Co., N. Y., U. S. A. ½ Oz."

These representations, according to the complaints, indicated to the public that the flavoring extracts were prepared and packaged by the National Chemical Laboratory at Milan, Italy, that they were imported into the United States, and implied that the products were awarded first prize at certain Italian expositions, when, in fact, the complaint alleges that these representations were not true and that the extracts sold were prepared and packaged in the State of New York by American manufacturers.

The respondents' representations are alleged to cause purchasers to believe that they are buying imported extracts superior in merit to domestic products.

No. 2906. Charging the respondent with making certain misrepresentations in advertising and selling safety razor blades, alleged to be in violation of Section 5 of the Federal Trade Commission Act, a complaint has been issued against **R. H. Macy & Company, of New York City**, in which the respondent company is allowed until September 25, next, to show cause why it should not cease and desist from the practices named.

The complaint sets out that the respondent company sells safety razor blades designated as "Macy's Double Edge DeLuxe Blades," and that these blades are purchased by the respondent from the manufacturer thereof, the Utility Blade Corporation, of Maplewood, N. J. This manufacturer, says the complaint, at the request of the respondent company, packs said blades in small containers of ten blades each and upon the package prints the designation mentioned, also the words "Made of English Razor Steel." In advertising its safety razor blades, the complaint sets out, the respondent company makes the following representation:

"We went to Pennsylvania for a new secret-process, high-speed steel. In ingots, we took it to England to be rolled to a ribbon, because the British armorers roll steel with unbeatable accuracy. We brought the ribbon-reels back from England and had them cut into blade-shapes, then honed and stropped with more loving care than we've ever seen put into such a job."

The complaint says that in fact the blades are stock blades made by the Utility Blade Corporation, are made for sale and are sold to retailers generally; are not made under the respondent's supervision; are not made of English razor steel, but of steel made and fabricated in the United States, except that the steel is rolled in England. The complaint avers that there are other retailers of safety razor blades who purchase blades from the same manufacturer, and from other manufacturers, who do not misrepresent them and that the misrepresentations alleged have the capacity and tendency to divert business to the respondent company from its competitors, to the injury of such competitors.

No. 2907. Charging unfair competition in the sale of flavoring extracts, a complaint has been issued against **Anna R. Barletta**, of 2100-2102 East 177th St., New York City, trading as **Barletta Manufacturing & Packing Co.**, and **Hereules A. Barletta**.

Bottles containing flavoring extracts sold in interstate commerce are alleged to have been labeled with Italian designations indicating that the products were prepared and packaged by modern

Italian laboratories in Naples or Milan, Italy, and that they were imported into the United States. Counter display cartons are said to have shown that the respondents' products had won a prize at an Italian exposition. These representations, according to the complaint, were not true, and the products as sold had been compounded and packaged by the respondents in New York State.

Deception of buyers and diversion of trade to the respondents from competitors are alleged to have resulted from the respondents' practices, which, according to the complaint, constituted violation of Section 5 of the Federal Trade Commission Act.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 2409. The **Metropolitan Surgical Instrument Council, Inc., of New York City**, its officers and 48 member firms or companies, have been ordered to cease and desist from combining to fix and establish uniform prices at which members or others shall sell surgical instruments and supplies.

The order also prohibits the printing and publishing of lists containing names of dealer-members so as to include in such lists only so-called regular or "recognized" dealers, distributors and wholesalers, and to exclude and identify as such so-called "non-recognized" dealers, distributors and wholesalers, and the supplying of such lists to manufacturers of surgical instruments and appliances.

Maintenance of coercive and concerted action, boycott and other united action against manufacturers, dealers and others to require them to refrain from selling to non-member dealers, is also barred under the order.

The respondents are directed to cease procuring adherence by association members to a price schedule agreed upon, by means of a system of fines exacted from members making sales of surgical instruments and supplies at prices less than those set out in the schedules.

The Commission granted leave to certain respondents to sign answers or amended answers agreeing to issuance of an order to cease and desist from the practices alleged in the complaint.

The complaint against 16 individual respondents was dismissed because it was believed the order to cease and desist against the 48 member firms or companies effectively restores free and open competition between and among all respondents selling surgical instruments and appliances in interstate commerce. These individual respondents are Ben Gordon, Oscar Cochran, John C. Lindsey, C. Invedinato, Edward Low, Anthony J. Jamison, and H. S. Nussbaum, officers of the council, all of New York City, and the following active members: Nathan S. Low, Victor W. Filler, Benjamin J. Perlstein, E. G. Pfarre, S. B. Amsterdam, George J. Young, Maurice F. Powell, and Robert Horwitz, all of New York City, and George Dornhaefer, Jersey City, N. J.

The complaint in so far as it applied to Samuel Wasserman, trading as City Surgical Co., was dismissed because this respondent was not a member of and did not participate in activities of the council, and that against Barney B. Rifkin, of New York City, was dismissed because of his retirement from business.

Nos. 2612-2662. Orders have been issued requiring **Ucanco Candy Co., Inc.**, of 600 East Fourth Street, **Davenport, Iowa**, and **Brecht Candy Company**, 2111 North Speer Blvd., **Denver, Colo.**, to cease and desist from selling and distributing to jobbers and wholesalers candy so packed and assembled that sales to the general public are made, or are designed to be made, by means of a lottery, gaming device, or gift enterprise.

The orders also direct the respondents to stop supplying wholesalers or jobbers with "push cards" for use in the sale of candy to the public.

The Denver firm is also prohibited from packing or assembling in the same assortment of candy for resale to the public, pieces of candy of uniform size and shape having centers of a different color, together with larger pieces or small packages of candy, which larger pieces or small packages are to be given as prizes to the purchaser procuring a piece of candy with a center of a particular color.

No. 2755. An order has been issued requiring eight manufacturers dealing in sportswear in **Boston, Brockton and Dorchester, Mass.**, to discontinue any understanding or combination among themselves to restrict and eliminate competition in the interstate sale of flannel skirts, by agreeing to quote and sell them at a uniform price.

The order also prohibits distribution to customers of identical

notice to the effect that the price of flannel skirts would be at a uniform price.

Sportswear dealers named as respondents are: **Boston Sportswear Co.**, 72 Kneeland St.; **Robert Hamilt**, 75 Kneeland St., trading as **Bobby Sportswear Co.**; **Gordon Maid Skirt Co., Inc.**, 75 Kneeland St.; **Louis Wadman Co.**, 75 Kneeland St., trading as **Oxford Sportswear Co.**; **Louis Maltzman**, 75 Kneeland St., trading as **Simmons Sportswear Co.**; **Schwartz Sportswear Co., Inc.**, 75 Kneeland St., all of **Boston**; **Weatherproof Clothing Mfg. Co.**, 146 Court St., **Brockton, Mass.**, and **David A. Sallop**, trading as **Peerless Sportswear Co.**, 1394 Dorchester Ave., **Dorchester, Mass.**

Findings are that the respondent companies, in October, 1935, entered into an understanding or combination, agreeing to quote and sell flannel skirts at a uniform price of \$16.50 a dozen, and that they distributed identical written notice to that effect, and sales were made at that price.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Tuesday, September 1

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—North Jersey Broadcasting Co., Inc., Paterson, N. J.—C. P., **620 kc.**, 250 watts, daytime.

NEW—Wm. H. Davis, Dixon Pyles, W. H. Johnson, d/b as Magnolia Broadcasting Co., Jackson, Miss.—C. P., **1420 kc.**, 100 watts, unlimited time.

Wednesday, September 2

HEARING BEFORE AN EXAMINER

(Broadcast)

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Authority to transfer control of corporation to WJR, The Goodwill Station; **1450 kc.**, 500 watts, 1 KW LS, unlimited time.

Thursday, September 3

HEARING BEFORE AN EXAMINER

(Broadcast)

KMMJ—The M. M. Johnson Company, Clay Center, Nebr.—C. P., **740 kc.**, 2½ KW LS, limited time. Present assignment: **740 kc.**, 1 KW LS, limited time.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Modification of license, **550 kc.**, 1 KW, 5 KW LS, unlimited time (requests facilities of KFUE). Present assignment: **550 kc.**, 1 KW, 5 KW LS, shares with KFUE.

KFUE—Evangelical Lutheran Synod of Missouri, Ohio, and Other States, Rev. R. Kretzschmar, Chairman, Board of Control of Concordia Seminary, Clayton, Mo.—Renewal of license, **550 kc.**, 500 watts, 1 KW LS, shares with KSD.

The Broadcast Division has taken the following action subject to ratification at its next regular meeting:

APPLICATIONS GRANTED

WJER—The Journal Co., Milwaukee, Wis.—Granted authority to operate broadcast pickup station on frequencies **1606, 2020, 2102, 2760 kc.**, August 23 to 29, inclusive, to broadcast Wisconsin State Fair.

KFEL—Eugene P. O'Fallon, Inc., Radio Station KFEL, Denver Colo.—Granted authority to extend test period 30 days from August 20.

KIGA-KABE—National Battery Broadcasting Co., St. Paul, Minn.—Granted authority to operate broadcast pickup stations as licensed, September 4 to 12, inclusive, for testing and broadcast Minnesota State Fair.

WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa.—Granted special temporary authority to operate with reduced power of 1 KW for a period beginning August 19 and ending in no event later than September 1, 1936, in order to comply with terms of modification of permit.

WINS—Hearst Radio, Inc., New York City.—Granted extension of special temporary authority to operate a 100-watt transmitter on 1180 kc. between hours of 1 and 6 a. m., EST, in vicinity of Jersey Meadows, for a period beginning August 23 and ending no later than September 21, in order to make field tests to determine new transmitter site.

WSBT—South Bend Tribune, South Bend, Ind.—Granted special temporary authority to operate a 100-watt portable transmitter on 1010 kc. during daytime hours for the period beginning August 24 and ending in no event later than September 22, in order to make transmitter site tests in the South Bend area.

WRBL—WRBL Radio Station, Inc., Columbus, Ga.—Granted special temporary authority to operate a 100-watt portable transmitter between the hours of 1 and 7 a. m., CST, for a period not to exceed 10 days, in order to conduct a location survey.

WDAE—Tampa Times Co., Tampa, Fla.—Granted special temporary authority to operate without plate voltmeter for the period August 20 and ending in no event later than September 3, 1936.

WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted special temporary authority to operate from 10 p. m. to 11:30 p. m., EDST, on August 28, 1936, in order to broadcast Col. Knox speech, and to operate from 8 p. m. to 12 midnight, EDST, September 8, to broadcast election returns.

WEST—Associated Broadcasters, Inc., Easton, Pa.—Granted extension of special temporary authority to operate simultaneously with station WKBO from 10 to 11 a. m. and from 5 to 6 p. m., EST, for the period August 25 to September 23, 1936, pending agreement on division of time due to adoption of Daylight Saving Time in Easton, Pa.

WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Granted extension of special temporary authority to operate with a temporary antenna pending the rebuilding of towers demolished by storm, for period August 27, 1936, and ending not later than September 25, 1936.

WCAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted special temporary authority to operate on 860 kc. and 1020 kc. in addition to 1170 kc. for test purposes between 2 and 6 a. m., EST, for the period August 24 to August 28, in order to make a comparison of fading on three frequencies approximately 150 kc. apart.

WCBD—WCBD, Inc., Waukegan, Ill.—Granted special temporary authority to operate station without antenna ammeters for a period beginning August 23 and ending no later than September 1, 1936.

WJIM—Capital City Broadcasting Co., Lansing, Mich.—Granted special temporary authority to operate station without antenna ammeter for a period not to exceed 10 days pending repair to that apparatus.

WDEV—Mary M. Whitehill, Executrix of Estate of Harry C. Whitehill, Waterbury, Vt.—Granted special temporary authority to operate from 7 to 10:30 p. m., EST, August 28, 1936, in order to broadcast speech by Col. Frank Knox.

WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa.—Granted modification of C. P. to change type of equipment authorized by original C. P.

WDAE—Tampa Times Co., Tampa, Fla.—Granted petition to withdraw its application for modification of license (Docket No. 4082), without prejudice, under provisions of Rule 103.8.

WJDX—Lamar Life Ins. Co., Jackson, Miss.—Granted petition to intervene in the hearing of application of Magnolia Broadcasting Co., Jackson, Miss., for C. P.

WKBB—Sanders Bros. Radio Station, E. Dubuque, Ill.—Granted petition to intervene in the hearing on application of Telegraph Herald, Dubuque, Iowa, for C. P.

WMCA—Knickerbocker Broadcasting Co., Inc., New York City.—The Commission, upon consideration of the protests by the Central New York Broadcasting Corp., WKBN Broadcasting Corp., WFIL Broadcasting Co., and the Southern Connecticut Broadcasting Corp., protesting the action of the Commission on July 2, 1936, in granting without a hearing application of WMCA to increase power from 500 watts to 1 KW, directed that said application be designated for hearing in accordance with the provisions of Rule 104.4 and that the effective date of the Commission's action on said application be postponed until the date of the Commission's decision after hearing on protests.

APPLICATION DENIED

WKEU—Radio Station WKEU, Griffin, Ga.—Denied special temporary authority to operate from local sunset (6:30 p. m., CST) to 12 midnight, CST, August 26, 1936.

RENEWAL OF LICENSES

The Commission granted the following applications for renewal of broadcast station licenses, for the regular period:

KGBU, Ketchikan, Alaska; KGFX, Pierre, S. Dak.; KHJ and auxiliary, Los Angeles, Calif.; KLZ, Denver; KPOF, near Denver; KTAR, Phoenix, Ariz.; KWTO, Springfield, Mo.; WCAO and auxiliary, Baltimore; WELL, New Haven, Conn.; WFMD, Frederick, Md.; WICC, Bridgeport, Conn.; WIP, Philadelphia; WIS, Columbia, S. C.; WJAR, Providence, R. I.; WJAY, Cleveland, Ohio; WKBN, Youngstown, Ohio; WKRC, Cincinnati; WKZO, Kalamazoo, Mich.; WLBL, Stevens Point, Wis.; WLBZ, Bangor, Maine; WMAL, Washington, D. C., and auxiliary; WNAX, Yankton, S. Dak., and auxiliary; WORL, Boston, Mass.; WOW, Omaha, Nebr.; WSYR-WSYU and auxiliary, Syracuse, N. Y.; WTAG, Worcester, Mass.; WTAR and auxiliary, Norfolk, Va.; WWJ, Detroit, Mich.

WMFJ—W. Wright Esch, Daytona Beach, Fla.—Granted renewal of license for the period ending January 1, 1937.

W8XO—The Crosley Radio Corp., near Mason, Ohio.—Granted renewal of special experimental license for experimental service, effective August 21, 1936, to expire November 21, 1936, in exact conformity with existing license.

W1XAC—Shepard Broadcasting Service, Inc., Quincy, Mass.—Granted renewal of special experimental license for experimental service, effective August 21, 1936, to expire November 21, 1936, in exact conformity with existing license.

APPLICATIONS RECEIVED

First Zone

NEW—Bay State Broadcasting Corp., Providence, R. I.—Construction permit for a new station to be operated on 720 kc., 1 KW, limited time.

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—920 Construction permit to install directional antenna for day and night use, increase power from 500 watts to 1 KW, and change hours of operation from daytime to unlimited.

WAWZ—Pillar of Fire, Zarephath, N. J.—Modification of license 1350 to increase power from 500 watts night, 1 KW day, to 1 KW night and day.

WAAB—Bay State Broadcasting Corp., Boston, Mass.—Modification of construction permit (B1-P-1212) for changes in equipment, requesting to install a new transmitter.

Second Zone

NEW—Statistical Research Laboratories, Inc., Cleveland, Ohio.—1200 Construction permit for a new station to be operated on 1200 kc., 100 watts night, 250 watts day, unlimited time.

WXYZ—Kunsky-Trendle Broadcasting Corp., Detroit, Mich.—1240 Modification of license to change name from Kunsky-Trendle Broadcasting Corporation to King-Trendle Broadcasting Corporation.

WASH—Kunsky-Trendle Broadcasting Corp., Grand Rapids, Mich.—1270 Modification of license to change name from Kunsky-Trendle Broadcasting Corp. to King-Trendle Broadcasting Corp.

WOOD—Kunsky-Trendle Broadcasting Corp., Grand Rapids, Mich.—1270 Modification of license to change name from Kunsky-Trendle Broadcasting Corporation to King-Trendle Broadcasting Corporation.

NEW—Waldo Abbot, Ann Arbor, Mich.—Construction permit for 1550 a special broadcast station to be operated on 1570 kc., 1 KW, unlimited time. Amended to request frequency 1550 kc., transmitter and studio sites to be determined, Ann Arbor, Mich.

Third Zone

NEW—Seaboard Investment Co., Inc., Montgomery, Ala.—Construction permit for a new station to be operated on 610 kc., 500 watts night, 1 KW day, unlimited time. Amended to change requested power from 500 watts, 1 KW day, to 250 watts night, 500 watts day.

NEW—Texhoma Broadcasting Co., Wichita Falls, Tex.—Construction permit for a new station to be operated on 630 kc., 1 KW, unlimited time.

KWKH—International Broadcasting Corp., Shreveport, La.—Extension of special experimental authorization to operate on 1100 kc., unlimited time, with directional antenna at night for period 2-1-36 to 8-1-36. Amended: For period from 8-1-36 to 2-1-37.

WDAE—Tampa Times Co., Tampa, Fla.—License to cover construction permit (B3-P-622) for equipment changes and increase in power.

KUOA—KUOA, Inc., Fayetteville, Ark.—Modification of license to move main studio from Fayetteville, Ark., to Campus of John Brown University, Siloam Springs, Ark.

NEW—Radio Enterprises, partnership of R. Lacy and J. R. Curtis, Lufkin, Tex.—Construction permit for a new station to be operated on 1310 kc., 100 watts, daytime.

WDAH—Tri-State Broadcasting Co., Inc., El Paso, Texas—Modification of license to use the transmitter now licensed to KTSM located at corner Texas and Stanton Streets, El Paso, Tex.

KPDN—Pampa Daily News, Inc., Pampa, Tex.—Voluntary assignment of license from Pampa Daily News, Inc., to R. C. Hoiles.

NEW—H. W. Wilson and Ben Farmer, Wilson, N. C.—Construction permit for a new station to be operated on 1310 kc., 100 watts, daytime.

NEW—William Avera Wynne, Wilson, N. C.—Construction permit for a new station to be operated on 1310 kc., 100 watts, daytime.

NEW—Paul B. McEvoy, Pub., Hobart Democrat-Chief, Hobart, Okla.—Construction permit for a new station to be operated on 1420 kc., 100 watts, unlimited time.

Fourth Zone

WOWO—Main Auto Supply Co., Fort Wayne, Ind.—Modification of license to change name from Main Auto Supply Co. to Westinghouse Radio Stations, Inc.

WIBO—Wm. C. Forrest, Poynette, Wis.—Construction permit to install a new transmitter.

WHBL—Press Publishing Co., Sheboygan, Wis.—Construction per-

mit to install a new transmitter and change power from 250 watts to 250 watts night, 1 KW day.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—License to cover construction permit (B4-P-848) as modified authorizing installation of new equipment and removal of transmitter.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Authority to determine operating power by direct measurement of antenna.

WMBH—Joplin Broadcasting Co., Joplin, Mo.—Construction permit to make changes in equipment; install directional antenna for night use; change frequency from 1420 kc. to 1380 kc.; increase power from 100 watts, 250 watts day, to 500 watts; move transmitter from 1334 Roosevelt Ave., Joplin, Mo., to 1 mile east of city limits of Joplin, Mo., and studio from 1334 Roosevelt Avenue, Joplin, Mo., to 401 Main Street, Keystone Hotel, Joplin, Mo. Amended to make further changes in equipment.

W10XDD—Evansville on the Air, Inc., Portable-Mobile.—Construction permit to change power from 2.4 watts to 35 watts and make changes in equipment.

Fifth Zone

NEW—John R. & Joe L. Peryatel and Richard K. Beauchamp d/b as Peryatel Bros. & Richard K. Beauchamp, Ration, New Mexico—Construction permit for a new station to be operated on 1210 kc., 100 watts, unlimited time.

KHUB—F. W. Atkinson, Watsonville, Calif.—Modification of construction permit (B5-P-781) for a new station, requesting authority to install vertical antenna, approval of transmitter site at Santa Cruz Highway, Watsonville, California, and studio at Near Watsonville-Santa Cruz Highway, Watsonville, Calif.

NEW—W. E. Whitmore, Hobbs, New Mexico—Construction permit for a new station to be operated on 1210 kc., 100 watts, unlimited time. Amended: To change frequency from 1210 kc. to 1500 kc., and hours of operation from unlimited time to daytime only.

Hawaiian Zone

KGU—Marion A. Mulrony & Advertiser Publishing Co., Ltd., Honolulu, Territory of Hawaii—Construction permit to make changes in equipment.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
 JAMES W. BALDWIN, Managing Director

NAB REPORTS

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Vol. 4 -- No. 43
 SEPT. 1, 1936

American Society of Recording Artists, Inc.

As information to members, there is printed below a report and opinion in respect of the American Society of Recording Artists, Inc.

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CRAWFORD & SPRAGUE
 117 Liberty Street
 New York, N. Y.

August 28, 1936.

THE NATIONAL ASSOCIATION OF BROADCASTERS,
 National Press Building,
 Washington, D. C.

GENTLEMEN:

You have requested me to investigate the activities of the American Society of Recording Artists, Inc., a California Corporation, and to report to you the results of my findings, and to submit to you an opinion and brief with respect to the rights of performers who have made phonograph records as against radio stations who broadcast such records.

THE ORGANIZATION OF ASRA

The American Society of Recording Artists, Inc., filed Articles of Incorporation in the office of the Secretary of State of the State of California on May 3, 1934. The incorporators and first directors of the Corporation named in the Certificate are G. Brandt, C. Andrews and E. Hensgen, all of whom gave their addresses as 403 Lane Mortgage Building, Los Angeles, California. The Corporation is authorized to issue 2500 shares of stock of \$10 par value, all of which is common stock, so that the total capitalization is \$25,000.00. The Articles state that the principal office will be located in the County of Los Angeles, in the State of California. The Corporation is given broad general powers. The specific powers deal generally with the business of dealing in, for broadcasting and other commercial purposes, records of "the voice talents or work of artists", promoting the popularity of recording artists, contracting for the reproduction or use of records for broadcasting and commercial purposes, and to deal in copyrights and patents. The Charter appears to have been filed by Leonard J. Meyberg, an attorney at law, located in the Lane Mortgage Building in Los Angeles, and who is now General Counsel of ASRA. A copy of the Articles of Incorporation is attached at the end of this report as Exhibit "1".

On July 17, 1934, the Department of Investment of the Division of Corporations of the State of California granted the application of ASRA for a permit authorizing it to sell its stock and issued a permit with the expiration date of January 17, 1935, authorizing the sale and issuance of not to exceed 2,000 shares at par in cash to the three incorporators named in the Articles of Incorporation, and to Arthur Levy and William Leeds, or to any of them. No application for an extension of the permit beyond January 17, 1935, is shown on the records of the Secretary of State, so the Corporation either complied with the permit and issued the shares, or permitted the permit to lapse. I believe it is a fair presumption that at least some of the shares have been issued. It is impossible to ascertain the names of the present stockholders and the amount of their holdings without approaching the Executives of ASRA for this information, and this was deemed unwise at present. The application filed by ASRA for the permit is likewise not available from the Division of Corporations, except upon order of ASRA, or its attorney. A copy of the permit is inserted at the end of this report, as Exhibit "2".

It is known that G. Brandt, named in the Certificate as one of the Incorporators and Directors, is Secretary to Leonard J. Meyberg, the attorney who prepared and filed the Articles of Incorporation. It seems quite likely that C. Andrews and E. Hensgen, the other two Incorporators and First Directors, are likewise associated with Mr. Meyberg and have no financial interest in the Corporation, or are acting for undisclosed parties. The appearance of the names Arthur Levy and William Leeds in the permit leads one to the conclusion that these men are the real parties in interest. Mr. Levy is listed on the letterheads of ASRA as "Executive Secretary". Mr. Leeds has been in New York City recently soliciting licenses from broadcasting stations. It is possible, however, that stock was issued to Brandt, Andrews and Hensgen and that they either retained it for themselves, or transferred it to parties who did not desire their names to appear. The maximum capitalization under the permit is \$20,000.00, and this amount would not be increased without additional permits from the State of California. The actual capital may, however, be substantially less than \$20,000.00,

as the permit did not require the issuance of 2000 shares, that figure being merely the upper limit.

METHODS OF OPERATION OF ASRA

Between May 3, 1934, and February 15, 1935, ASRA undertook to establish the nucleus of a membership of artists. It established an Executive Committee with Al Jolson as its Chairman. It contacted some of the makers of phonograph records and endeavored to have them become members. The plan was that ASRA would keep ten per cent. of the income from royalties and would divide the balance equally between the artist members and the Recording Company members.

On February 15, 1935, a form letter went out to artists over the name of the Chairman of the Executive Committee, inviting the recipient to accept membership in ASRA in order to secure a share in the income which it expected to collect from broadcasters "estimated up to \$5,000,000 annually". A copy of this letter is attached as Exhibit "3".

Enclosed with the letter from ASRA to the artists was a form of "Application for Regular Membership," which contained an assignment to ASRA for five years of "all rights of reproduction for use for broadcast and/or commercial purposes * * * with the right to determine royalties * * *. Rights, otherwise contained in contracts now existing between me and Recording Companies are not included herein." It was further provided that the artist would pay no dues, initiation fees or assessments, and would not be liable for any debts or obligations of ASRA. By this agreement the artist was to receive forty-five per cent. of the royalties collected by ASRA for broadcasting phonograph recordings of the artist. A copy of this application appears as Exhibit "4" at the end of this report.

On April 1, 1935, ASRA sent a form letter to most all of the broadcasting stations in the United States, acquainting the recipients with the Organization of ASRA and its purposes, and that it then had "hundreds of the World's leading recording artists" as members. The letter stated that it had adopted "Licensee memberships" whereby broadcasters might be represented and obtain licenses to broadcast the talents of the members of ASRA through the medium of phonograph records, and stating that it intended to begin the collection of royalties on May 1, 1935, and that any one desiring to continue to broadcast with the consent of the artist should have his signed application in the hands of ASRA not later than April 15, 1935. A copy of this letter of April 1 is attached as Exhibit "5".

With the letter of April 1, 1935, there was enclosed a printed form of "Application for Licensee Membership." A typewritten copy of this form is attached to this report as Exhibit "6".

On the reverse side of the printed form there was printed Sections 1 to 14 of Article XII of the by-laws of ASRA referring to licensee members and a typewritten copy of this map appears as Exhibit "7" attached to this report.

On or about May 1, 1935, ASRA's negotiations with the Phonograph Companies came to an end, the Phonograph Companies declining to accept memberships. Accordingly, ASRA prepared a new form of application to be signed by artists, containing an assignment of "all rights of reproduction or use for broadcasting and/or commercial purposes * * * of the applicant's recorded voice, talents or work, together with the right to determine the royalty * * * excluding therefrom, however, any and all rights included in any contract now existing between applicant and a Reproduction Company." The agreement specifically excluded such "rights of reproduction for ordinary recording purposes, as are now contained in the general form contracts used by Victor, Columbia or Brunswick Companies, copies whereof are on file in the office of the Society * * *". The right is also given ASRA to sue in its own name, or in the name of the applicant, to enforce any of the rights granted by the applicant, but at the sole expense of ASRA. The applicant further agreed to pay ASRA ten per cent. of the sums thereafter received by the applicant by reason of the applicant's work with Recording Companies, or for mechanical reproduction of the applicant's voice, talent or work, whether the contracts were obtained by ASRA or not, it being stated that this additional compensation was agreed upon in view of the increased returns contemplated by the parties from the sale of records through the efforts of ASRA. A copy of this application for membership is attached to this report as Exhibit "8". It is not known which artists have signed this form of application and which have signed the application previously used and referred to herein as Exhibit "4".

On February 10, 1936, another circular form letter was sent to broadcasting stations by ASRA over the signature of its Executive

Secretary, Mr. Arthur W. Levy, to which was attached a copy of a resolution of the Board of Directors of ASRA, held February 1, 1936, and a reprint from page 55 of "Variety" of January 22, 1936, regarding the decision in the Court of Common Pleas in Philadelphia, in the case of Fred Waring v. Station WDAS. On the back of the letter of February 10, there was printed a list of artists whom ASRA claimed had previously assigned to it the right to use their talents for broadcasting purposes through the medium of recordings, pursuant to written memorandum thereof on file with the Society. The letter demanded that the stations refrain from broadcasting phonograph records of these members without a license and that the stations account and pay ASRA for each usage made, if the stations failed or refused to abide by ASRA's demands. Copies of these papers are attached hereto and marked Exhibit "9".

Later in the Spring of 1936, ASRA sent to Broadcasting Stations a printed circular bearing no date, but containing at the top of the page the words "Al Jolson, President" and at the bottom of the first page a list of the Board of Governors and the Chairmen of the various Committees. The inner portion of the circular contained various excerpts from Court decisions, while the back cover bore a list of Court decisions which were supposed to be authority for ASRA's right to demand royalties for the broadcasting of phonograph records. A typewritten copy of this printed circular is attached as Exhibit "10".

The present offices of ASRA are located in Room 205 of the Belson Building at No. 6513 Hollywood Boulevard in Los Angeles, California. The space occupied consists of approximately three rooms and a sparsely furnished reception room. The name "American Society of Recording Artists, Inc." appears on the door of Room 205 and the same name appears on the bulletin board in the lobby of the building, together with the names of Anna Mae Bell and Arthur W. Levy, the latter of whom is the Executive Secretary of ASRA.

ASRA maintains another office in the Bank of America Building in Beverly Hills, California, at No. 9470 Santa Monica Boulevard. On the door of Room 408 of that building there appears the name "American Society of Recording Artists, Inc." and below it the words "Bureau of Investigation." The space occupied seems to consist of only one office, or room.

The last circular letter (Exhibit "10") carries only the Beverly Hills address.

RADIO STATIONS THAT HAVE TAKEN ASRA LICENSES

So far as I have been able to ascertain, only three stations have, during the two years of existence of ASRA, entered into license agreements with it.

This Spring, Station KMPC of Beverly Hills, California, with 500 watts power, and Station KGFJ of Los Angeles, with 100 watts power, signed ASRA contracts, but immediately ceased using phonograph records and changed to electrical transcriptions. These stations are required by their licenses to pay ASRA an annual service fee of \$60.00, even though no phonograph records are broadcast.

Station KPFL of Dublin, Texas, with 100 watts power signed an ASRA contract on March 2, 1936. When it came time to pay its second quarterly service fee, it wrote ASRA requesting that it be relieved of the service charge because it had broadcast only four records of performances of ASRA artists in almost four months, but ASRA declined to eliminate the charge.

Station KFOX of Long Beach, California, with 1000 watts power, negotiated with ASRA, but, I am informed, has since decided not to sign any agreement.

Each of these stations that has signed is committed for a period of one year and for two years unless written notice is given ASRA thirty days prior to the end of the first year in accordance with the terms of the agreement.

PERCENTAGE OF RECORDINGS AFFECTED BY ASRA

I have taken the list of artists printed on the back of ASRA's letter to radio stations of February 10, 1936 (See Exhibit "9") and compared these names with the names of artists appearing on lists of the October, 1935, Releases of Columbia and Victor, a 1936 Circular of Releases by Decca, and the Victor Red Seal list in its 1936 catalog with the following result:

COLUMBIA:

Of 282 selections recorded, 64 are by artists on the ASRA list, or 23 per cent.

DECCA:

Of 381 recorded compositions 88 are by artists on the ASRA list, or 23 per cent.

VICTOR:

Of 186 recordings on the October, 1935, Victor list, 49 are by artists on the ASRA list, or 26 per cent.

Of 2,365 recordings on the Victor Red Seal list in its 1936 catalog 653 are by artists on the ASRA list, or 27½ per cent.

The average of the current recordings of the three companies appears to be about 25 per cent ASRA*.

DEFECTS IN FORM OF LICENSE TO STATIONS

(a) Specific Objections to Form of License

By-Laws part of agreement

(1) The first paragraph of the agreement provides that the station "agrees to abide * * * by the By-Laws of the Society applicable to such 'Licensee Memberships'". The third paragraph provides that "The By-Laws printed on the reverse side hereof shall be binding upon the parties hereto the same as though contained herein." Section 4 of Article XII of the By-Laws provides that "such application, together with the By-Laws of the Society pertaining thereto, shall constitute the agreement or license between the Society and the applicant Licensee Member." Section 6 of Article XII of the By-Laws provides that "Each Licensee Member shall be bound by these By-Laws * * *." It is not clear whether the station would or would not be bound by any By-Laws other than those contained on the back of the Agreement. There would seem to be no necessity for the reference to By-Laws in the first paragraph of the agreement unless other By-Laws than those contained on the back of the agreement were contemplated. *The clauses in paragraph 1 of the agreement and in section 4 of the By-Laws should be eliminated and if possible a clause should be added to the agreement that no By-Laws other than those enumerated on the back of the agreement shall in any way affect the terms of the agreement and that no modifications of such By-Laws shall affect the terms of the agreement.* These changes regarding By-Laws may not be considered by some stations to be of sufficient importance to them to justify insisting on their being made.

Release covering past use

(2) Paragraph 4 of the agreement states:

"Provided the applicant shall have fulfilled this agreement, upon its part, the Society agrees to release the applicant from any and all liability to it or its Regular Members, without compensation whatsoever, or charge therefor to it or its Regular Members, arising from the broadcasting of its members' talent through the medium of recordings, occurring prior to the date of signing of this application."

It is doubtful if this clause legally releases the station from claims by ASRA members for past use. An examination of the forms of application for membership by the artist fail to disclose any such right being given to ASRA by the Artist. The By-Laws applicable to such members are not available to broadcasters but in the absence of some specific right in the By-Laws to release licensees from claims by the Artists this clause affords no protection to the station except that it amounts to a covenant on the part of ASRA (and not its members) not to sue the station. Even this covenant is subject to limitations in that it is effective only if the station fulfills the agreement. With a contract as ambiguous as this, there will be room for many claims by ASRA of non-fulfillment by the station with the corresponding claim made that by reason thereof prior claims have not been released. *Any station considering a license with ASRA should ascertain before signing the license that the artist members of ASRA have explicitly agreed either in the By-Laws which they have accepted or in some other specific manner, to the granting of releases, and (b) endeavor to eliminate from the clause the words "Provided the*

* (The computation includes recordings of orchestras conducted by ASRA members—for instance Barbirolli conducting the London Symphony. It is extremely doubtful whether Barbirolli has any rights in such recordings as he plays no instrument in these performances. Also a great many recordings are of soloists with orchestral accompaniment. The soloist may be an ASRA member and the orchestra not or vice-versa. ASRA, since it can speak only for its members, cannot give a complete license on these recordings.)

applicant shall have fulfilled this agreement, upon its part, the Society agrees to release" and to substitute the words "Society, for itself and on behalf of its members, hereby releases."

Wattage, wage-length

(3) The sixth paragraph of the agreement fixes the charges for stations with power of less than 500 watts at 5 cents, with power of less than 1000 watts at 10 cents and with 1000 watts or more at 15 cents per "usage." The applicant is required to specify its day wattage and night wattage on the application. Many if not most stations using phonograph records have a higher daytime power than night time power because greater power is necessary in the daytime to cover the same area as lesser power will cover at night. And yet under this arrangement a station may have to pay twice or three times as much for broadcasting a record in the daytime than for broadcasting the same record at night. *I am of the opinion that the fee should be fixed on the night time wattage and should be no greater during the daytime and that the agreement should be modified to expressly so provide.* Section 8 of Article XII of the By-Laws obliges the station to notify ASRA "of any change * * * in wave length and/or wattage" and to pay royalties covering such wattage at which the station operates. *The reference to wave length should be stricken as no change in wave length can possibly affect the royalties payable by the station. The remainder of the clause should be modified by adding after the word "wattage" the clause reading "providing such change in wattage increases or decreases the rate of royalty payable by the station."* By incorporating these changes the station will not be put to the annoyance of reporting changes in operation which cannot in any way concern ASRA, and the failure to report which might amount to an innocent breach of the agreement.

Usage

(4) The sixth paragraph of the agreement provides that a fee shall be paid for each usage of the talent of a member. Assuming that two ASRA artists appear on one record are there two fees payable or only one? For instance Richard Crooks sang for a recent Victor release to the accompaniment of an orchestra conducted by Nat Shilkret. Both artists are ASRA members. *The agreement should specifically provide as follows: "Where a recording contains talent of two or more 'Regular Members' royalty shall be paid as though the recording contained talent of only one 'Regular Member'."*

Electrical Transcriptions

(5) The eighth paragraph from the end of the agreement reads:

"Talent as herein expressed shall be the work or voice or other reproduction from a personal effort which may be broadcast by or through the facilities of the applicant, without the personal appearance of the artist, and whether through the medium of recordings or otherwise."

This clause and Section 10 of Article XII of the ASRA By-Laws would require stations broadcasting electrical transcriptions in which an ASRA member appeared to pay a fee to ASRA although the maker of the transcription had already paid that artist in full for the specific purpose of broadcasting. *Electrical transcriptions should be specifically excepted from the terms of the license.*

72-Hour Restriction Clause

(6) The sixth paragraph from the bottom of the page of the agreement reads:

"The applicant agrees to refrain from broadcasting such talents through the medium of recordings, at such times as may be designated from time to time in writing by the Society, when the Society believes such broadcast may interfere with the services of any regular member, and due notice of such suspension shall be given the applicant not less than 72 hours in advance of such suspension time or date."

By this clause and Section 11 of the By-Laws of ASRA, ASRA could conceivably restrict all recordings of every one of its "members" without any cause whatsoever, thereby securing by agreement an effective injunction (so to speak) which otherwise only a Court could bring about, if at all. It is my opinion, for the reasons set forth more fully later on in this report, that a performer cannot legally enjoin a radio station from broadcasting a phonograph record (provided the station is using no deception in its broadcasts and correctly announces on the air the recording as a recording) because the performer has no contract with the station. If a sta-

tion signed a license containing this clause the Courts would quite likely enjoin the broadcasting of records after the 72 hour notice of restriction was given irrespective of the reasons or lack of reasons for the ban, although there would probably be some defenses available to the station such as for instance that the performer has an adequate remedy at law by way of damages. But whatever way one looks at it the clause is detrimental to any station who is bound to it. *Therefore efforts should be made (1) to eliminate it entirely on the ground (a) that the Society does not really need it since the agreements with artists give the artists no corresponding right and, (b) that the agreement is terminable by the Society at the end of a year in any event so that if the Society wishes not to have broadcast recordings of any one or more artists the license for the new period can be drawn for only those artists who are willing to have their records broadcast for that year, (2) to change that section reading "when the Society believes such broadcast may interfere with the services of any regular member" to read as follows "so as to prevent the recording of a member to be broadcast in an area covered by a 'live' broadcast of that member within — hours preceding or following such live broadcast," or (3) to fix a limitation on the number of recordings that can be under a ban at any one time.*

The clause in its present form is broad enough to allow the Society to ban a recording of Crumit if it believed it would interfere with the services of "John Charles Thomas," for the language does not provide that the talent to be banned must be that of the member whose services might be believed by the Society to be interfered with. This may seem rather far fetched but the language clearly permits of such a construction. This ambiguity should in any event be removed by ASRA.

Reporting records broadcast

(7) The third paragraph from the end of the agreement reads:

"The applicant shall forward to the Society promptly on the last day of each week, on forms to be furnished by the Society, a daily log sheet of all talents broadcast from records played by it."

This clause should be limited by inserting after the word "talents" the words "of 'regular members' of Society." ASRA should have no interest in broadcasts of recordings other than its members. Such information should be confidential to the station.

Service Fee of \$60 a year

(8) The second paragraph from the end of the agreement reads:

"The applicant herein shall pay the Society a monthly service fee of \$5.00, commencing with the date of acceptance hereof, by the Society, payable quarter-annually in advance, remittance for the first quarter to accompany this application." (See also Section 5, Article XII of By-Laws.)

While the amount of this "service fee" may not seem large there seems no justification for any charge whatever. No part of this fee goes to the Artists but only to the stockholders of ASRA. What service is ASRA rendering to the station? ASRA should be content with its percentage of royalties received for its "artist members." *The service fee should be eliminated from the agreement and By-Laws.*

Not a license to broadcast records but admission of artists' rights therein

(9) The concluding paragraph of the agreement reads:

"Nothing herein contained shall be deemed to include or refer to or limit or extend rights to or interfere with the playing of a phonograph record except in so far as there may be a broadcast of the talents of a regular member of the Society through the medium of a recording in which case it shall be the right of the Society to control the use of such talent for broadcasting purposes and collect compensation therefor."

At first glance this might appear to be harmless to the station. On further examination, however, it is apparent that it is a specific back-handed admission by the station that the ASRA members have rights in phonograph records and that such members may interfere with the broadcasting of the same and control their use and collect royalties. Assume that the station decided a year or two later that it could not afford to pay the royalties then demanded. The station would not be in a position then to do anything but cease using records of any artist who had at any time been an ASRA member because the station would be faced with

its prior admission in writing of the artists' rights. If sued the station would then find itself with either no defense or very limited and doubtful defenses.

Assume that the station broadcasts a record containing not only the performance of an ASRA member but (as will usually be the case) also the performance of an orchestra, the leader and members of which are not ASRA members. Assume further that one or more of the non-members sues the station and proves to the Court or jury that this station had admitted in writing that the ASRA artists had rights in that recording, can one seriously believe that the station could succeed in convincing the Court or jury that while the ASRA artist admittedly had rights that the non-ASRA artist had none? The clause would be nearly as embarrassing when the non-ASRA artist sued on a recording containing no performances by a co-artist of ASRA. This clause should also be read in conjunction with my analysis of Section 13 of the By-Laws in paragraph (11) which follows shortly hereafter. *Both this clause and Section 13 of the By-Laws should be stricken from the agreement.*

Cooperation

(10) Section 7 of Article XII of the By-Laws provides:

"One of the purposes of the Society shall be to regulate and collect a royalty by reason of the broadcasting of talent of its artist or regular members through the medium of recordings."

Section 8 of Article XII of the By-Laws concludes with the sentence:

"Each member shall lend his every cooperation at all times to the interest of the Society to the end that the Society may carry out its purposes in the most economical, effective and speedy manner."

Just what is the purpose behind these provisions is not clear but the purpose, whatever it may be, is certainly not for the advantage of the broadcaster. By becoming a "licensee member" of ASRA a station thereby subscribes in writing to the purpose of regulating and collecting royalties for the broadcasting of records. This admission would be damaging to a station sued by a non-ASRA member or, after the license expired, by an ASRA member.

The "cooperation" mentioned in Section 8 might mean that a station might be guilty of a breach of the agreement and might thereby subject itself to damages if it failed to "cooperate" to enable the Society to collect its royalties economically, effectively and speedily. The cooperation called for by the Society might conceivably be to urge the enactment of statutes giving rights to performers in recordings. The station might be called upon to urge other stations to become "licensee members." Dozens of other instances of possible cooperation might be demanded which the station would never wish to undertake. The station could perhaps never sue ASRA for that might be construed to be a breach of the station's agreement to "cooperate." Conceivably, if ASRA should sometime be charged to be operating in violation of the Anti-Trust Statutes, the station might be charged as a co-conspirator with ASRA as a party to a common scheme.

There is no justification for the above provision quoted from Sections 7 and 8 and they should be eliminated at all costs because they are highly dangerous.

Not a license to broadcast records

(11) Section 13 of Article XII of the By-Laws provides:

"The licenses to be granted to the Licensee Members through the acceptance of the application is a license under the provisions of the Application and these By-Laws to the use of the talent of the Society's Regular Members for broadcasting purposes through the medium of recordings, but shall not in any manner affect or pertain to his phonograph record or the playing thereof."

The meaning of this clause is not clear. Probably the language is purposely vague, its real purpose being to protect ASRA from damage claims by a station which has been sued by non-ASRA members or phonograph record companies claiming rights in the identical record containing performances of ASRA members. For example, Benny Goodman, an ASRA member, has a trio known as The Benny Goodman Trio. Victor made a record #25324 of two popular dance numbers—"Too Good To Be True" and "All My Life." The vocal choruses are sung by Helen Ward. She is not an ASRA member. ASRA by this clause is endeavoring to escape any liability for claims of misrepresentation or indemnity arising out of claims made by Helen Ward, the members of the trio other than Benny Goodman himself, and by Victor. *The*

agreement thus narrows itself down to a mere covenant not to sue instead of a license to broadcast phonograph records containing performances of ASRA artists. A station could not safely broadcast any recording of an ASRA member pursuant to a contract with ASRA without first ascertaining that no other artists had performances recorded in the record and that the recording company claimed no rights. The vast majority of phonograph records contain performances of more than one artist. In fact a soloist without an accompanist is a rarity.

A further purpose behind this By-Law may be ASRA's desire to escape suits for accounting by non-ASRA artists and recording companies who may have equal rights in the recordings. This By-Law should be eliminated.

Station's guarantee to use certain percentage of records of ASRA members

(12) We understand that recently ASRA has been adding a rider to the contracts it attempts to secure from stations to the effect that the station agrees that of the records broadcast at least —% (we think it is 40%) will be of the talents of ASRA members. We think this is an inexcusable provision and one that should be refused by all stations. It is too much of a straight jacket on the programming activities of the stations and is not in the public interest.

(b) General Objections to Form of Licenses

Membership plan

(13) The corporate structure of ASRA is most unusual. The charter, a copy of which is attached to this report, discloses that ASRA is a stock corporation. No provision is made in the charter for memberships. I find no provision in the Civil Code of California authorizing stock corporations to have members. The California Code defines a stock corporation as one authorized to issue shares of stock, and "nonstock corporations" as including all corporations other than stock corporation. A member is defined as a person signing the articles of a nonstock corporation and each person admitted to membership therein. Section 303 of the California Civil Code provides what may be regulated in by-laws of corporations. Sections 10 and 15 inclusive contain the only provisions relating to memberships and they refer to nonstock corporations. Since ASRA is a stock corporation as distinguished from a nonstock corporation, it is difficult to see by what authority it can issue memberships and make provisions for members in its by-laws.

Both the applications signed by the artists and those for the signatures of radio stations specifically provide that neither the applications, nor the memberships nor licenses constitute stock or investment security and that the member does not participate in the Society's profits or losses and that the membership is non-assessable, non-negotiable and non-voting, and the members are to pay no dues or initiation fees and they shall not be responsible or liable for the debts or obligations of the Society. However, it is possible that a "licensee member" or an artist member might not escape liability in a suit by a third party against such member for the reason that the member has acquiesced in being classified as a member and in being held out to the public as such. Such members might conceivably be held to be engaged in a joint adventure, for which each member would be liable to third parties dealing with ASRA. Since the "licensee members" have really nothing to gain by being so classified, I am of the opinion that no station should accept such a classification, but should, if it chooses to contract with ASRA, do so only on the basis of a simple commercial contract without any entangling alliances which might come up to haunt the station later on.

Indemnity agreement

(14) The agreement is very defective in its present form for the lack of an agreement by ASRA to protect the station against suits arising out of the broadcasting of phonograph records. I am of the opinion that the agreement should be modified by adding the following language:

"The Society agrees to indemnify, save and hold the applicant harmless, and defend the applicant from and against any claim, demands or suits that may be made or brought against the applicant with respect to the broadcasting of recordings on which are contained the talents of any 'regular member' of the Society."

Financial responsibility under indemnity

(15) The present paid-in capital of ASRA appears to be not in excess of \$20,000. Therefore, an indemnity by ASRA would

presumably be good only to the extent of that amount of money and perhaps much less depending upon how much money they have left on hand. I am of the opinion that ASRA should furnish each radio station it licenses with a good and sufficient surety company bond guaranteeing the performance of the indemnity agreement.

List of artist members and periods of membership

(16) The agreement refers to the talents of ASRA's "regular members," but nowhere does it state the names of these members. There should be attached to each agreement a list of each and every "regular member" with the beginning and expiration dates set forth beside each name or in some other satisfactory way. It is essential that the periods of the memberships should be known to the stations in order that they may know during what period the recordings may be broadcast, and so that they may avoid broadcasting recordings of artists after the memberships have expired. There should be a clause in the agreement specifically providing that the Society agrees to notify the applicant of any additions or deletions from the list of members and of all renewals and expirations and that the Society will indemnify and save and hold the applicant harmless against all claims for broadcasting recordings of such members prior to the receipt of notice of such changes by the station from the Society.

List of records that may be performed under license

(17) As I pointed out in some of the specific objections to the form of this agreement no station can feel free under the terms of the present license to broadcast a phonograph record merely because the name of an ASRA artist is on the label for the reason that practically every record contains the performances of two or more artists and in most cases those two or more artists will not all be ASRA members. The obligation of determining whether or not any other artists or other parties have rights in these recordings should not fall upon the radio station, but should be assumed by ASRA since that is its business and since it is the "seller" and because it must have access to this information. I recommend that there be added to the agreement a clause specifically providing that the Society agrees to send to the station with the executed license application a list of all phonograph records giving the name of each composition, the name of the artist, the name of the manufacturer and the manufacturer's number which ASRA guarantees to the station full performance rights, excepting only the performance rights in the musical compositions contained therein and that the Society agrees to keep this list supplemented each month by listing recordings currently being released by the recording companies.

No protection from claims by non-ASRA artists and recording companies

(18) As indicated previously in this report and in Paragraph 17 above the present license form gives no protection against claims by the recording companies and by non-ASRA artists whose performances may be recorded in the same records as the performances of ASRA artists. If the indemnity agreement set forth in Paragraph 14 above can be included and if a list of guaranteed records can be secured and kept up to date as suggested in Paragraph 17 above, then the stations will have some measure of protection. Without such changes the stations are acting at their peril. ASCAP indemnifies the stations against all claims made by anyone claiming a right in the musical compositions licensed by it, and so there is no reason why ASRA should not likewise indemnify and protect the stations against claims made by others with respect to the phonograph records containing performances of ASRA members.

DISADVANTAGES OF CONTRACTING WITH ASRA

Recognition of a non-established right

(1) As stated elsewhere in this report there are no statutes in the United States or in any state giving artists property rights in their performances which have been recorded. There has been only one judicial decision in this country on the exact point, and while that decision was in favor of the artist, it is a decision of a lower court of the State of Pennsylvania and is subject to reversal by the higher courts of the State. In addition the facts in that case varied considerably from the facts that would ordinarily be present. I am of the opinion as stated elsewhere in this report that the decision is contrary to analogous cases decided in the United States Supreme Court. By signing the license a station recognizes to some extent at least the existence of the right which is being claimed by ASRA and which has not yet been established either by

statute or by any high tribunal. The United States Congress had a bill before it last Spring which would give performing artists the right ASRA is now contending that it has. This bill met with strong objection by broadcasters, motion picture producers and others and it is sufficient to say that Congress apparently did not feel the giving of such a right was sufficiently in the public interest to justify the passage of the bill. I believe that it will be disadvantageous to recognize the right claimed by ASRA until Congress has passed a statute giving such a right or until the highest courts of the land have judicially determined that such a right exists without a statute.

Encouragement of other societies

(2) The broadcasters are well acquainted with the activities of organized groups in the field of copyrighted music. Were the radio stations to contract with ASRA at this time, the field would become lucrative to other groups who would undoubtedly organize other societies with the result that eventually one would have to have a license from a number of different groups.

Reporting of broadcasts of records

(3) The agreement provides that every week a report must be made to ASRA of all records broadcast by it. I have recommended that the agreement be changed by limiting the reports to those records containing performances of ASRA members, but even then this reporting is going to be annoying and obnoxious to the stations and will entail considerable work.

Increased royalties in future

(4) The custom of corporations of this kind has been to increase the charges greatly after the practice of paying royalties has become established. I believe the royalties paid by radio stations to ASCAP has increased about 300% in the last four years. It is to be noted that in ASRA's letter of February 15, 1935 to artists, a copy of which is attached to this report, that the royalties estimated to be collected from broadcasters would be up to \$5,000,000 annually. While this figure is rather fantastic because it is nearly twice as much as ASCAP is collecting from radio stations for its huge catalogue of copyrighted music, nevertheless it is significant of what the stations may expect to be charged after the first year or two of license. The station may feel now that if the fees grow too high in the future, it may decide to litigate the right of ASRA to collect these royalties. However, as I have pointed out more fully in this report, the station will find its defenses greatly weakened by the mere fact of having recognized this principle for a period of time and having paid royalties for the use of records.

Disadvantage in form

(5) The disadvantages mentioned in the preceding four paragraphs are those general disadvantages which would result from signing any contract with ASRA even in a greatly changed form. If the changes that have been suggested previously in this report are not made, then each of the changes that is refused adds to the disadvantage of taking out the license.

ADVANTAGES OF CONTRACTING WITH ASRA

Relief from litigation

(1) The members of ASRA should not be able to sue for any uses made of records containing their performances by broadcasting during the period of the license. This is not of any particular importance because probably very few, if any of them, would ever bother to bring suit. From 1920 to 1935 not a single suit was instituted by an artist against a radio station for broadcasting a phonograph record, and the situation would be the same today if it were not for the organization of ASRA and similar societies which are trying to create new rights where none existed before. It should be noted here that unless many of the changes suggested previously in this report are made in the agreement, that the covenant not to sue is merely a covenant on the part of ASRA and does not bind anyone else unless such other persons are in fact members of ASRA. Under the present form of agreement the station is not apprised of the names of the members.

Release of damage claims for past use

(2) As indicated in Paragraph 2 of the specific objections to the form of license this release is of doubtful validity because it does not appear from any of the documents that we have been able to examine that ASRA has the right to release claims for past use. Even if this release proved valid, it is important that it should

not be over emphasized. It would be a very difficult task for ASRA or any artist to establish rights in the records, prove what broadcasts were made and prove damage resulting therefrom.

LEGAL RIGHTS OF ASRA

Reference should be made here to two clauses in the latest form of application for membership for use by artists as they may have some bearing on the rights of ASRA. They read:

"During the term hereof, nothing herein contained shall be deemed to include any rights of reproduction for ordinary recording purposes, as are now contained in the general form contracts used by Victor, Columbia, or Brunswick Companies, copies whereof are on file in the office of the 'SOCIETY,' and are specifically referred to herein, and by such reference made a part hereof."

"Included in this assignment shall be the rights herein mentioned for all recordings heretofore made or to be made during the term hereof, and as to past recordings shall be all rights to the use of any mechanical production of the 'APPLICANT'S' recorded voice, talents or work not included in the contract under which the said recording was made, and the 'SOCIETY'S' rights therein shall be for broadcasting, commercial, or use otherwise."

These clauses and the Victor, Columbia and Brunswick contracts referred to as being in the ASRA file should be carefully studied by any station which is either contemplating a license with ASRA or is defending a suit brought in the name of ASRA. Perhaps the clauses were included at the insistence of the recording companies who also claim property rights and in order to forestall claims of interference with the contracts between the artists and the recording companies. If ASRA has no possible rights in certain of these records then certainly the stations should not agree to pay royalties for using such records.

It is self-evident that ASRA can have no more rights than its artist "members" had immediately prior to the signing of the membership applications.

I am of the opinion that the artists never had any property rights in the phonograph records.

See

Ingram v. Bowers, 47 F (2d) 925; 57 F (2d) 65;
Cheney Bros. v. Doris Silk, 35 F (2d) 279; cert. denied 281 U. S. 728;
Bristol v. Equitable Life, 132 N. Y. 264;
Chappell v. Fields, 210 F 864.

Even if the artists once had property rights in phonograph records they cease to have such rights after the records are sold as restrictions as to use do not follow chattels once they are sold.

See

Bobbs-Merrill Co. v. Straus, 210 U. S. 339;
Bauer v. O'Donnell, 229 U. S. 1;
Dr. Miles Medical Co. v. Park, 220 U. S. 373;
Boston Store v. American Graphophone, 246 U. S. 8;
Universal Film v. Copperman, 218 F 577.

I am also of the opinion that there is no unfair competition since the station causes no deception.

Howe Scale v. Wyckoff, 198 U. S. 118;
Gottham Music v. Denton & Haskin, 259 N. Y. 86;
Apollinaris v. Scherer, 27 F 18.

I believe that the opinion of the Court of Common Pleas of Pennsylvania in the case of *Waring v. WDAS* is contrary to the above authorities of the Supreme Court of the United States and is based upon decisions which are distinguishable and that the decision should not be followed by the higher courts of Pennsylvania to which it will be appealed or by courts of other jurisdictions.

For a full analysis of these and other decisions on which I base my opinion see the draft of defendant's brief in the case of *Crumit v. Marcus Loew Booking Agency* in opposition to the plaintiff's motion for temporary injunction in the Supreme Court of the State of New York, County of New York, of which a copy has been previously sent you. (Ed. Note: A copy of this brief will be furnished the members at an early date.)

RIGHTS OF ASRA TO DAMAGES

Assuming for the purposes of argument that ASRA and its "members" have some property rights in phonograph records

(which we believe they have not) the question arises as to whether any money judgment can be secured against radio stations for the broadcasting of such records.

The statutory minimum damage provisions of the Copyright Act (\$250.00) will have no application since the rights which will be sought to be enforced will not be copyrighted.

There is no precise precedent on which to base an opinion regarding damages. There have been relatively few decisions regarding damages for the wrongful use of literary property protected by the common law, and such decisions as have been rendered are based upon facts that are so different from the facts that would arise on any suit by ASRA or its members that such decisions will carry little or no weight.

Such rights as may exist are of an intangible nature and most analogous to patent and trademark rights. Therefore we have examined cases of this nature to ascertain what the courts have decided with respect to intangible property of that character.

It is said that in a suit in equity the net profits may be recovered as profits made by the use of the plaintiff's property and that the defendant, as constructive trustee, is compelled to account for them.

It is said that in an action at law only damages can be recovered and they will be measured by the plaintiff's loss and not by the defendant's gain, profits being held not to be the measure of damages nor any element thereof where there is any other method of ascertaining and measuring the damages (Sutherland on Damages, page 4492).

It is my opinion that ASRA and its artists will not be able to show any evidence of actual damage sustained by the broadcasting of phonograph records. Damages are to be calculated on definite proof and not imagined (*New York City v. Ransom*, 64 U. S. 487, 8; *Rude v. Westcott*, 130 U. S. 152 at 167). In patent cases where the plaintiff has licensed the use of his patent on a royalty basis the courts have allowed a recovery based upon a reasonable royalty (*Dowagiac Mfg. Co. v. Minnesota Moline Plow Co.*, 235 U. S. 641; *Alliance v. DeVilbliss*, 76 Fed. (2d) 503; *Duplicate v. Triplex*, 81 Fed. (2d) 352). Since ASRA has fixed a maximum royalty of \$.15 a broadcast and has offered to grant licenses to all stations on that basis or at a lesser price I am of the opinion that the courts would use the reasonable royalty measure of damage and that ASRA would be estopped from claiming any greater fee.

Even assuming that ASRA could get away from the reasonable royalty measure of damage it would be a difficult task to secure an accounting of the plaintiff's profits from the broadcasting of phonograph records for the burden would be upon ASRA to apportion the net profits of the station attributable to the use of the record because the profits in every case will be commingled with the profits derived from the use of other program material by the station (*Westinghouse v. Wagner*, 235 U. S. 604; *Dowagiac Mfg. Co. v. Minnesota Moline Plow Co.*, 235 U. S. 641).

It is quite probable that the courts would not require the stations to account for profits because the stations have acted in good faith and because there would be no evidence of fraudulent conduct on their part (*Saxlehner v. Siegel-Cooper Co.*, 179 U. S. 42); furthermore, I believe that the courts should find that the damage has been too insignificant to warrant a decree for an accounting which was the decision in *Hennessy v. Wine-Growers Association*, 212 Fed. 308 at 311. Both of the two cases cited above are trademark cases.

The broadcasting of phonograph records has been acquiesced in by artists ever since the inception of broadcasting in 1920, 16 years ago. The failure to assert rights should amount to laches and should be a bar to an injunction or at least to damages (*Saxlehner v. Eisner*, 179 U. S. 19; *McLean v. Fleming*, 96 U. S. 245).

CONCLUSIONS

My conclusions may be summarized as follows:

1. The artists have no legal right to prevent radio stations from broadcasting phonograph records.
2. The disadvantages of entering into a contract with ASRA far outweigh any possible advantages.
3. The form of agreement submitted by ASRA to radio stations is basically defective and objectionable in many important particulars.
4. ASRA's right to damages is dependent upon the right to prevent stations from broadcasting phonograph records and since I conclude that neither ASRA nor the artists have that right, then it follows there can be no damages.

Respectfully submitted,

STUART SPRAGUE.

EXHIBIT 1

Filed in the office of the Secretary of State of the State of California, May 31, 1934, Frank C. Jordan, Secretary of State, (signed) Chas. J. Hagan, Deputy.

Department of State, Corporation Number 158671.

ARTICLES OF INCORPORATION

of

AMERICAN SOCIETY OF RECORDING ARTISTS, INC.

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned, G. BRANT, C. ANDREWS and E. HENSGEN, a majority of whom are residents and citizens of the State of California, United States of America, have this day voluntarily associated ourselves together for the purpose of forming a corporation under the laws of the State of California;

AND WE DO HEREBY CERTIFY:

First: That the name of the corporation shall be

AMERICAN SOCIETY OF RECORDING ARTISTS, INC.

Second: That the purposes for which this corporation is formed, are:

To make, manufacture, rent, lease, purchase, sell or trade in records and recordations of voice talents or work of artists or others, and to record for all purposes.

To acquire, buy, sell, rent, lease, trade and deal in for broadcasting and/or commercial purposes, or for any other purpose, records and recordations of the voice talents or work of artists, or any other person or persons, and to contract in relation thereto, and to generally deal in copyrights, royalties, patents or any rights to records or recordations, or anything arising therefrom or a part thereof.

To deal in recording or recordation and the reproduction of voice talents or work of recording artists; to acquire rights of reproduction of voice talents on work of artists, and to use and deal in the same for all purposes.

To carry on the business of dealing in recordings and to promote the popularity of recording for private broadcasting or commercial purposes, or any other purpose for which the said recordings may be used to promote the popularity of recording artists.

To buy, sell, trade in, import, export, manufacture, rent, handle, and use radio sets, cabinets and receiving apparatus and recording and reproduction instruments and devices, of any kind or nature used in conjunction therewith, or incidental or accessory thereto; and to conduct the business of rendering service in the installation, operation, supply of parts, repairs, maintenance and upkeep of such apparatus, instruments or accessories.

To buy, sell, trade in at wholesale or retail, export, manufacture, rent, handle, repair, and use acoustic devices of all sorts, musical instruments, phonographs, phonograph records, transcription cabinets, telephones, and all sound receiving, recording, amplifying, producing, or reproducing devices, machines, apparatus or instruments, and to do each and everything incidental thereto.

To make contracts for the reproduction of use of records or recordings for broadcasting and commercial purposes and for such other purposes as the same may be used, and to arrange, provide, and contract for the use thereof.

To deal in copyrights, rights of representation, licenses, and privileges of any sort likely to be conducive to the objects of the company, and to employ persons to write, compose or invent plays, songs, interludes, prologues, epilogues, poetry, music and dances, and to remunerate such persons, and to print and publish, or cause to be printed or published or recorded, any play, poem, song or words of which the company may have the copyright or the right to publish or record, and to sell, distribute and deal with any matter so printed or recorded as the company may think fit; and to grant licenses or rights in respect of any property of the company or that the company may acquire a right or interest in, to any other person, firm or company.

To enter into, make, perform and carry out contracts of every sort and kind, with any person, firm, association, corporation, private, public or municipal or body politic, and with the government of the United States, or any state, territory or colony thereof or any foreign government.

To purchase, lease or otherwise acquire all kinds of personal property which the corporation may deem necessary or convenient for the purpose of its business.

Generally to purchase, take on lease or in exchange, hire or otherwise acquire any real and personal property, and any rights

or privileges which the company may think necessary or convenient for the purposes of its business.

To borrow money, to make and issue promissory notes, bills of exchange, bonds, debentures and obligations and evidences of indebtedness of all kinds, whether secured by mortgage, pledge or otherwise without limit as to amount, and to secure the same by mortgage, pledge or otherwise.

To conduct its business and have one or more offices, and unlimitedly and without restriction to hold, purchase, lease, mortgage and convey real and personal property in or out of this State, and in such place and places in the several States and territories of the United States, colonial possessions and territorial acquisitions of the United States, and in foreign countries, as shall from time to time be found necessary and convenient for the purpose of the company's business.

To purchase or otherwise acquire and to hold, sell, acquire, transfer, mortgage, pledge or otherwise dispose of shares of the capital stock and bonds, debentures or other evidences of indebtedness created by any other corporation or corporations, domestic or foreign, and, while the holder thereof, to exercise all the rights and privileges of ownership, including the right to vote thereon.

To issue bonds, debentures or obligations of the company, from time to time, for any of the objects or purposes of the company, and to secure the same by mortgage or mortgages, or deed or deeds of trust, or pledge, or lien on any or all of the real and personal property, rights, privileges and franchises of the company where-soever situated, and to be acquired, and to sell, trade or otherwise dispose of any or all of the same, all in such manner and upon such terms as the Board of Directors may deem proper.

It is the intention that the objects and powers specified and clauses contained in this paragraph shall, except where otherwise expressed in said paragraph, be nowise limited or restricted by reference to or inference from the terms of any other clause of this or any other paragraph in this charter, but that the objects or powers specified in each of the clauses of this paragraph shall be regarded as independent objects and powers.

But nothing herein set forth is to be construed to authorize the formation hereby of an insurance, safe deposit or trust company, banking corporation or savings bank, railroad company or corporation deemed to possess any of the powers prohibited to corporations formed under the statutory provisions aforesaid.

To deal with patents, and copyrights, and acquire those taken out by others, acquire or grant licenses in respect to patents and copyrights, or work, transfer or do whatever else with them may be thought fit.

To acquire, hold, use, sell, assign, lease, mortgage or otherwise dispose of letters patent and copyrights of the United States or of any foreign country, patents, patent rights, copyrights, licenses and privileges, inventions, improvements and processes, trademarks and trade names, compositions, works of art, or anything that may become the subject of a copyright or patent, or pending applications therefor relating thereto or useful in connection with any business of the corporation. To purchase or by any other means acquire, and protect, prolong and renew, whether in the United States or elsewhere, any patents, patent rights, copyrights, licenses, protections and concessions which may appear likely to be advantageous or useful to the company, and to use and turn to account any such or any right therein or thereto, and to manufacture under or grant licenses and privileges in respect to the same, and to do each and everything in connection therewith that may be allowed by law and that may be deemed right and proper by the Board of Directors of the company.

To do all and everything necessary, suitable, convenient, or proper for the accomplishment of any of the purposes, or the attainment of any one or more of the objects herein enumerated, or incidental to the powers herein named, or which shall at any time appear conducive or expedient for the protection or benefit of the corporation, either as holders of or interested in, any property or otherwise; with all the powers now or hereafter conferred by the laws of California upon corporations.

Third: That the principal office for the transaction of the business of the corporation will be located in the County of Los Angeles, State of California.

Fourth: That the total number of shares of stock which the corporation shall have authority to issue is Twenty Five Hundred, (2,500), the par value of each share shall be Ten (\$10.00) Dollars; the aggregate par value of the stock of the corporation shall be Twenty Five Thousand (\$25,000.00) Dollars.

Fifth: All of said shares of capital stock shall be Common stock without preference.

Sixth: That the number of directors of this corporation shall be

three (3); that the names and addresses of the persons who are hereby appointed to act as first directors of this corporation are:

| Name | Address |
|-------------|---|
| G. Brandt, | 403 Lane Mortgage Building, Los Angeles, Calif. |
| C. Andrews, | 403 Lane Mortgage Building, Los Angeles, Calif. |
| E. Hensgen, | 403 Lane Mortgage Building, Los Angeles, Calif. |

Seventh: No stock shall be assessable; preemptive rights shall be granted to shareholders.

IN WITNESS WHEREOF, we, all the incorporators and directors of said corporation, have hereunto set out hands and seals as such incorporators and directors of said corporation in the State of California, 16th day of May, 1934.

Signed,
G. BRANDT,
C. ANDREWS,
E. HENSGEN.

STATE OF CALIFORNIA,
County of Los Angeles, ss:

On this 16th day of May, 1934, before me, Paul Joseph, a Notary Public in and for the County of Los Angeles, State of California, residing therein, duly commissioned and sworn, personally appeared G. BRANDT, C. ANDREWS and E. HENSGEN, known to me to be the persons whose names are subscribed to the within instrument and severally acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year in this certificate first above written.

PAUL JOSEPH,
Notary Public in and for said
County and State.

EXHIBIT 2

Before the
DEPARTMENT OF INVESTMENT
DIVISION OF CORPORATIONS
of the
STATE OF CALIFORNIA

In the matter of the application of
AMERICAN SOCIETY OF RECORDING ARTISTS, INC.
for a permit authorizing it to sell and issue its securities
Permit, File No. 59415LA; Receipt No. LA11266

THIS PERMIT DOES NOT CONSTITUTE A RECOMMENDATION OR ENDORSEMENT OF THE SECURITIES PERMITTED TO BE ISSUED, BUT IS PERMISSIVE ONLY

AMERICAN SOCIETY OF RECORDING ARTISTS, INC.,
a California corporation, is hereby authorized to sell and issue its securities as hereinbelow set forth:

1. To sell and issue to C. Andrews, E. Hensgen, G. Brandt, Arthur Levy and William Leeds, or any of them, an aggregate of not to exceed 2,000 of its shares, at par, for cash, lawful money of the United States, for the uses and purposes recited in its application, and so as to net applicant the full amount of the selling price thereof.

This permit is issued upon the following condition:

(a) That unless sooner revoked, suspended, or renewed by the Commissioner upon such terms and conditions as he may deem proper, this permit and all authority to sell or issue securities hereunder, shall terminate and expire on the 17th day of January, 1935.

Dated: Los Angeles, California
July 17, 1934.

EDWIN M. DAUGHERTY,
Commissioner of Corporations.

(S E A L)

By FRANK P. BARTON (Signed)
FRANK P. BARTON,
Deputy.

WSP-MM

EXHIBIT 3

AMERICAN SOCIETY OF RECORDING ARTISTS, INCORPORATED
GUARANTY BUILDING, HOLLYWOOD, CAL.

February 15, 1935.

In view of your prominence in the professional world, the Executive Committee has requested that we invite you to accept membership in our Society. This involves no obligation whatever on your part but rather, will serve to bring you additional income from your recordings.

We, you and I, and all other recording artists, have been losing millions of dollars yearly through the unauthorized use of our records for broadcasting.

As individuals, we were ignored when we asked broadcasters not to play our records in competition with our personal services. We were also ignored when we asked for royalties for playing our records on the air.

But now, we have our own Society to regulate and license the use of our records, to restrict their use when they interfere with our personal services, to collect and distribute royalties for the use of our records for broadcasting, and to otherwise protect our rights. Membership already includes many prominent recording artists too numerous to mention here.

Ours is the only organization in the world devoted exclusively to protection of the rights of recording artists and recording companies. We, artist-members, pay NO DUES, NO INITIATION FEES, NO ASSESSMENTS. Royalties collected from broadcasters, estimated up to five million dollars annually, will be distributed:

- 45% to the artists-members
- 45% to the recording company-members
- 10% to the Society for its expenses

Personally, I am heart and soul in this movement, which aims to secure for recording artists what is rightfully theirs. I am sure you want to join us and receive your share. Fill out the enclosed application and mail it at once.

With kindest personal regards,

Fraternally,
Al Jolson (Signed)
Chairman Executive Committee.

EXHIBIT 4

AMERICAN SOCIETY OF RECORDING ARTISTS
Incorporated
Guaranty Building, Hollywood, California

APPLICATION FOR REGULAR MEMBERSHIP

I hereby file application for a Membership of the American Society of Recording Artists, Inc., and will abide by its By-laws, applicable to such memberships. So that the Society may regulate and license, etc., broadcasting of, or commercial use of records or recordings heretofore, or hereafter to be made by me (meaning reproduction of my recorded voice, talent or work), for value received, I hereby assign to said Society for five (5) years, irrespective of date the same was, is, or will be released for sale, all rights of reproduction for use for broadcast and/or commercial purposes for which such recording may be used, with the right to determine royalty, charge or use to be made therefor. Rights, otherwise, contained in contracts now existing between me and recording companies are not included herein. The Society at its own expense may take such action and in such form as it deems necessary to enforce such rights against any person whomsoever, and I will execute such instruments from time to time as may be required by the Society to carry out its intentions or purposes. I shall receive a sum equal to 45% of any and all royalties collected by the Society for the broadcasting or commercial use of records or mechanical reproductions of my recorded voice, talent or work, payable monthly as received by the Society. Neither this application nor membership is stock or investment security; it includes no participation in the Society's profits or losses. It is not assessable under any condition, is non-negotiable, non-voting and non-transferable.

IT IS UNDERSTOOD THAT I PAY NO DUES, NO INITIATION FEES, NO ASSESSMENTS, AND THAT I SHALL AT

NO TIME BE RESPONSIBLE OR LIABLE FOR ANY DEBTS OR OBLIGATIONS OF THE SOCIETY, WHATSOEVER.

Signed
Address.....
(Give address to which you wish royalty checks mailed)
Telephone..... Introduced by.....

EXHIBIT 5

AMERICAN SOCIETY OF RECORDING ARTISTS
Incorporated
Guaranty Bldg., Hollywood, Cal.

April 1, 1935.

GENTLEMEN:

As a broadcaster you are undoubtedly aware of the great injustices and financial losses being suffered by recording artists through the exploitation of their talents by radio stations, their sponsors, and advertisers, through the medium of phonograph records without the consent or authorization of the artist by either such radio station, its sponsor or its advertiser and without compensation to the artist therefor.

One of the contributing factors to this unauthorized, but general practice (which is so admittedly unfair to the artist), is that such artists collectively have had no medium or representation heretofore through which they asserted or protected their rights.

To this end the American Society of Recording Artists was founded more than a year ago and today includes among its membership hundreds of the world's leading recording artists.

A purpose of the Society is to represent its members in the broadcasting field, to license broadcasters, establish a usage rate for each use of the artist's talents and to collect for its artist members certain compensation to which, it must be admitted, they are rightfully entitled; that is, compensation for the use of their talents for broadcasting through the medium of recordings.

This Society has adopted "licensee memberships" whereby broadcasters may be represented and thus obtain for themselves and their sponsors and advertisers, a license to broadcast such talents.

The Society believes that the responsibility for the unlicensed use of its member's talents for broadcasting through the medium of recordings, rests with both the advertiser, sponsor, and broadcaster and such licensee membership is intended to afford protection to all parties concerned and to offer a medium through which broadcasters, and through them, their sponsors and advertisers, may compensate artists reasonably for the use of their talents through the medium of recordings.

It is intended also that such cooperation would tend to stop legislative and other methods of prohibiting entirely the use over the air of talent not recorded specifically for broadcast purposes. To the applicants who respond immediately it is intended that the licensee membership shall release the broadcaster, and through it its sponsors and advertisers from liability to the Society's artist member, for the past use of his or her talent, and grant the artist member's rights to the use of his or her talents over the air in the future through the medium of recordings under the provisions and terms of its By-laws and application.

As specified in the application, there is a service fee of \$5.00 per month, payable quarter-annually in advance in addition to the modest rate to be paid for each usage of the artist members' recorded talents.

The Society in no way proposes to hamper or harm broadcasters, large or small, and the moderation of its terms governing licensee membership, the integrity of its members whose rights noted in the licensee membership have been vested in the Society, and the honest sincerity of purpose on which the Society is founded evidence this fact.

The so-called royalty charges may at the broadcaster's discretion be passed on to its sponsors or advertisers who really enjoy the benefit of the use of the talent of the Society's members.

You will realize, of course, the Society's premise, that the purchase of a record which may carry with it the right to play it on your phonograph or turn-table carries no license or authorization from the artist to broadcast his or her recorded talents, nor have your sponsors or advertisers such right from the artist through your purchase of such a record.

The Society intends to begin the collection of royalties on May 1st, 1935. If it is your desire to continue the broadcasting of the talents of its artist members, with a specific license, authorization and the consent of the artist, the Society would like to have your signed application filed with it at its home office not later than April 15, 1935.

Upon its receipt, log sheets will be forwarded as well as further instructions for facilitating the tabulation of usages and the distribution of funds collected.

Trusting that you will give this your immediate attention,
Very truly yours,
GEORGE H. HALL (Signed)

EXHIBIT 6

APPLICATION FOR LICENSEE MEMBERSHIP
to
AMERICAN SOCIETY OF RECORDING ARTISTS
Incorporated
GUARANTY BUILDING, HOLLYWOOD, CALIFORNIA

The undersigned hereby files application with the American Society of Recording Artists, Inc., for the license hereinafter described (herein called a "Licensee Membership" of the said Society) and if accepted, agrees to abide by the terms and regulations herein set forth and by the By-laws of the Society applicable to such "Licensee Membership."

This Application, when duly executed by the Executive Secretary of the Society, shall constitute the license agreement between the Society as assignee of the rights of its "Regular Members" herein described, and the undersigned broadcaster as licensee of the right to broadcast the talents of the said "Regular Members" as herein described, and under the terms and conditions herein named; the Society having obtained assignments from its Regular Members for the broadcasting purposes herein described, under which this license is to be granted.

The By-laws printed on the reverse side hereof shall be binding upon the parties hereto the same as though contained herein. The term of this license shall be for one year and shall renew for a second year unless terminated by either of the parties upon written notice thirty days prior to date of expiration.

Provided the applicant shall have fulfilled this agreement, upon its part, the Society agrees to release the applicant from any and all liability to it or its Regular Members, without compensation whatsoever, or charge therefor to it or its Regular Members, arising from the broadcasting of its members' talent through the medium of recordings, occurring prior to the date of signing of this application.

This license is granted to the applicant under the following terms and conditions:

Payable on the 5th day of the month following such broadcasts, by remittance addressed to the Society at its home office, the applicant shall pay to the Society for the broadcasting of the talents of its regular members through the medium of recordings and for the license herein granted as follows:

Class A station 1000 watts and up shall pay 15 cents per usage.
Class B station 500 watts to 999 watts shall pay 10 cents per usage.

Class C station 499 watts or less shall pay 5 cents per usage.

1. An uninterrupted use of talent broadcast through the medium of a recording or reproduced from either side of a 10-inch double-faced 78 R.P.M. record where the playing time is not more than three minutes and forty-five seconds will constitute one usage.

2. An uninterrupted use of talent broadcast through the medium of a recording or reproduced from either side of a 12-inch double-faced 78 R.P.M. record where the playing time or recorded portion thereof does not exceed five and one-half minutes shall constitute two usages.

3. An uninterrupted use of talent broadcast through the medium of a recording or reproduced from either side of a 10-inch double-faced 33 $\frac{1}{3}$ R.P.M. record where the playing time does not exceed six minutes shall constitute two usages.

4. An uninterrupted use of talent broadcast through the medium of a recording or reproduced from either side of a twelve-inch double-faced 33 $\frac{1}{3}$ R.P.M. record where the playing time does not exceed nine minutes shall constitute three usages.

5. Usage of talents for broadcast through the medium of single faced records shall come under the various classifications, as noted elsewhere herein, in proportion to the actual recorded or playing time on the record, but in no event at the rate of less than one usage.

6. The partial or interrupted use of the broadcasting of the said talent through the medium of a record or recorded program for radio broadcast purposes constitutes one usage, provided such partial usage does not exceed at any time a period greater than three minutes of actual playing time, subsequent usages to be charged for at the rate noted.

The above regulations also serve to cover the broadcasting of the said talents through the medium of recordings or records whose outside diameter is less than ten inches and more than twelve inches where the recorded portion comes under the various classes as mentioned.

The broadcasting of talent reproduced from records as re-recordings, by the transfer method commonly known as dubbing or otherwise, shall be paid for under the same rates as an original broadcast from such records. Talent as herein expressed shall be the work or voice or other reproduction from a personal effort which may be broadcast by or through the facilities of the applicant, without the personal appearance of the artist, and whether through the medium of recordings or otherwise.

Nothing herein contained shall prohibit the applicant from charging its advertiser, sponsor or customer for the broadcasting of the said talents of the Society's said "artist members" through the medium of said recordings.

The applicant agrees to refrain from broadcasting such talents through the medium of recordings, at such times as may be designated from time to time in writing by the Society, when the Society believes such broadcast may interfere with the services of any regular member, and due notice of such suspension shall be given the applicant not less than 72 hours in advance of such suspension time or date.

Neither this application nor "memberships" or license is stock or investment security and includes no participation in the Society's profits or losses. It is not assessable under any condition, is non-negotiable, and non-voting.

It is understood that the applicant pays no dues, no initiation fees, no assessments, and shall not be responsible or liable for any debts or obligations of the Society whatsoever.

The applicant shall forward to the Society promptly on the last day of each week, on forms to be furnished by the Society, a daily log sheet of all talents broadcast from records played by it.

The applicant herein shall pay the Society a monthly service fee of \$5.00, commencing with the date of acceptance hereof, by the Society, payable quarter-annually in advance, remittance for the first quarter to accompany this application.

Nothing herein contained shall be deemed to include or refer to or limit or extend rights to or interfere with the playing of a phonograph record except insofar as there may be a broadcast of the talents of a regular member of the Society through the medium of a recording in which case it shall be the right of the Society to control the use of such talent for broadcasting purposes and collect compensation therefor.

Dated 193...
Signed
Authorized Officer
Station
Owner
Address
Wattage (Day) (Night).....

Accepted by:

AMERICAN SOCIETY OF RECORDING ARTISTS
INCORPORATED

(Seal)

By
Executive Secretary.

EXHIBIT 7

BY-LAWS
OF
AMERICAN SOCIETY OF RECORDING ARTISTS, INC.
Referring to Licensee Members

ARTICLE XII

Licensee Members
Section 1.

The provisions of Article XII shall refer to "Licensee Members." There shall be other forms of membership of the Society which shall be described in further or other Articles, but the provisions and sections of Article XII shall apply only to Licensee Members.

Separate and apart from stockholders of the Corporation (herein in these By-laws sometimes termed the "Society"), and irrespective of the stockholders (the rights of stockholders being separate and apart from rights of members), there shall be a "Licensee Membership" in the "Society." Such membership shall be non-participating

and shall have no right to vote or to hold office. No Licensee Member by reason of such membership shall be or be deemed to be a stockholder of the Corporation or to have any interest in the property or assets thereof. Such memberships, unless otherwise specified in the application or acceptance, may be terminated at any yearly period after one year from the date of acceptance of such membership by the "Society."

Section 2.

The Licensee Membership of the Society shall consist of the owners, or owner's representative so designated by the owner, whether a corporation, partnership or individual, of a duly licensed radio broadcasting station, who shall have executed applications on the form provided by the Board of Directors of the Society, and whose applications shall have been accepted by the Society, and whose names shall have been entered in the Register of Licensee Members, which shall be kept by the Executive Secretary of the corporation.

Section 3.

Licensee Membership in the Society shall not constitute stock or investment security; no Licensee Membership or Member shall participate in the Society's profits or losses. Each such membership is non-negotiable and not transferable and shall be non-voting. Such membership shall not be assessable or liable in any manner or form whatever, for any debts or obligations of the Society, except for the payment of service fees and royalties as hereinafter set forth, and nothing shall be construed to so obligate a member beyond the provisions of these By-laws.

Section 4.

When the application for Licensee Membership as may be adopted by the Board of Directors of the Society, shall be executed by the "Licensee Member Applicant" and accepted by the Society, the applicant shall thereupon be thereafter known as a Licensee Member, and be then entitled to the rights specified in the said application, as well as to those rights set forth in these By-laws applicable to Licensee Members, Licensee Memberships and/or such applicants, and such application, together with the By-laws of the Society pertaining thereto, shall constitute the agreement or license between the Society and the applicant Licensee Member.

Section 5.

Licensee Membership shall entail no initiation fees and no assessments except that each Licensee Member shall be obligated to pay to the Society, payable quarter annually in advance, a service fee of Five Dollars (\$5.00) per month during the period of such membership, and in addition thereto, the royalties as provided in Section 12 hereof. Licensee Members shall at no time be responsible or liable for any debts or obligations of the Society whatsoever.

Section 6.

Each Licensee Member shall be bound by these By-laws, wherein the same refer to such Applicants, Licensee Members, or Licensee Memberships, and any and all reference thereto shall be to such applicant as a party to such agreement or license.

Section 7.

One of the purposes of the Society shall be to regulate and collect a royalty by reason of the broadcasting of talent of its artist or regular members through the medium of recordings,

Section 8.

All notices or communications between the Licensee Members and the Society shall be addressed to the Society at its home office, and to the Licensee Member to such address as he may have theretofore filed with the Executive Secretary of the Society at the home office of the Society. Each Licensee Member must immediately notify the Executive Secretary at the home office of the Society of any change of address, and should the Society fail to receive such notice, such Licensee Member shall be deemed to have waived any notice provided for under the By-laws and rules and regulations of the Society. Licensee Members shall forthwith notify the Executive Secretary of the Society at the home office of the Society, of any change in ownership and/or wave length and/or wattage, and each Licensee Member shall be bound and obligated to pay to the Society, royalties as provided for covering such wattage under which he shall operate his station in the use of records. The Society, through its Board of Directors, shall have the power to enter into contracts with individuals who shall be known as members and who may or may not be stockholders of the corporation. As a protection, however, against liability, it is expressly stipulated and understood that no property rights or vested rights of any kind in or to the corporation or its assets, accrue to the benefit of

members other than such provisions as may be set forth in the application of the member, and such as may be set forth in these By-laws, none whereof shall constitute any interest in the corporation or its assets in favor of the Licensee Member who shall have no liability whatever for assessments, dues or debts whatever of the Society (service fee and royalty excepted). Each member shall lend his every cooperation at all times to the interest of the Society to the end that the Society may carry out its purposes in the most economical, effective and speedy manner.

Section 9.

All Licensee Members in good standing shall be entitled to receive a membership certificate which shall certify to such membership or license, which certificate shall be signed by the Executive Secretary of the Society.

Section 10.

Talent as herein expressed shall be the work or voice or other reproduction from a personal effort which may be broadcast by or through the facilities of a Licensee Member without the personal appearance of the artist, or whether through the medium of recordings or otherwise. Recordings or recordation shall mean a reproduction of the recorded voice, talent, or work of a member of the Society.

Section 11.

A Licensee Member shall refrain from broadcasting such talents of Regular Members of the Society through the medium of recordings at such time or times as may be designated from time to time in writing by the Society, when the Society believes such broadcast may interfere with the services of any Regular Member, and due notice of such suspension shall be given the applicant not less than seventy-two (72) hours in advance of such suspension time or date, such suspension notices to be over the signature of the Executive Secretary.

Section 12.

All payments due or payable to the Society by the Licensee Member shall be payable at the Home Office of the Society in the manner and at the times in these By-laws or in the Application provided. The "Regular Members" of the Society shall include artists who shall have assigned to the Society the right to broadcast their talents as herein described. Each Licensee Member shall pay to the Society on the 5th of the month following such broadcast by remittance addressed to the Society at its Home Office a royalty for its use of talents of Regular Members for broadcasting purposes through the medium of recordings in the amount and as specified in the Application.

Section 13.

The licenses to be granted to the Licensee Member through the acceptance of the application is a license under the provisions of the Application and these By-laws to the use of the talent of the Society's Regular Members for broadcasting purposes through the medium of recordings, but shall not in any manner affect or pertain to his phonograph record or the playing thereof.

Section 14.

The Licensee Member shall have a right, if it so desires, to charge its advertiser, sponsor or customer for the broadcasting of the said talent of the Society's said artist or Regular Members through the medium of the said recordings, and the license granted to the applicant through said acceptance of said application by the Society shall include without further compensation the same license in the said sponsors, advertisers or customers using such talent as herein set forth.

EXHIBIT 8

APPLICATION FOR MEMBERSHIP

TO

AMERICAN SOCIETY OF RECORDING ARTISTS INCORPORATED

The undersigned, hereinafter called "APPLICANT" hereby makes application to the American Society of Recording Artists, Inc., a California corporation, hereinafter called the "SOCIETY," for an agreement hereinafter called "MEMBERSHIP," which shall be considered effective as the agreement between the "SOCIETY" and the "APPLICANT," pursuant to the terms and conditions embodied herein, upon acceptance thereof by the "SOCIETY," and when so accepted by the "SOCIETY" and the "APPLICANT," and the "APPLICANT" may thereupon be thereafter known as a "MEMBER."

SUCH MEMBERSHIP ENTAILS NO ASSESSMENTS, NO DUES, NO INITIATION FEES.

The "APPLICANT" shall be bound by the rules and regulations as well as the By-Laws of the "SOCIETY," heretofore or hereafter adopted by the "SOCIETY," wherein the same refer to "APPLICANTS," "MEMBERS," or "MEMBERSHIPS," and any and all reference thereto shall be to the "APPLICANT" as a party to this agreement.

It is understood that one of the purposes of the "SOCIETY," is TO TAKE SUCH ACTION AS IT DEEMS NECESSARY TO PUT A STOP TO THE INDISCRIMINATE BROADCASTING OF RECORDS OF THE "APPLICANT," to the end that the "APPLICANT" may enjoy the largest financial returns from his work, both from returns on the sale of records, as well as from the use of said or special recordings for broadcasting or commercial purposes.

The "SOCIETY" agrees to use its best efforts at all times to obtain for the "APPLICANT" the largest compensation it deems proper for the use of broadcasting or commercial purposes, of records or recordings heretofore, or hereafter to be, made by the "APPLICANT."

IT IS THE INTENTION OF THE "SOCIETY" AT ALL TIMES TO PROMOTE THE POPULARITY AND THE SALE OF THE "APPLICANTS'" RECORDINGS.

Recording or recordation, as used herein, shall mean a reproduction of the recorded voice, talents or work of the "APPLICANT," but nothing herein contained shall be construed to include the use of the "APPLICANTS'" recorded voice, talents or work where recorded as a part of the photography of a motion picture.

For value received, and so as to permit the "SOCIETY" to more effectually carry out its purposes herein, the "APPLICANT" hereby assigns and transfers unto the "SOCIETY" all rights of reproduction or use for broadcasting and/or commercial purposes or any purpose for which any such recording may be used, of the "APPLICANTS'" recorded voice, talents or work, together with the right to determine the royalty or charge to be made therefor excluding therefrom however any and all rights included in any contract now existing between "APPLICANT" and a reproduction company.

During the term hereof, nothing herein contained shall be deemed to include any rights of reproduction for ordinary recording purposes, as are now contained in the general form contracts used by Victor, Columbia, or Brunswick Companies, copies whereof are on file in the office of the "SOCIETY," and are specifically referred to herein, and by such reference made a part hereof.

It is understood that included herein is the right in the "SOCIETY" to sue in its own name, the name of the "APPLICANT" or otherwise, to enforce any of the rights herein granted and against any person whomsoever, AT THE EXPENSE HOWEVER OF THE "SOCIETY" AND NO EXPENSE IS TO BE ATTACHED TO THE "APPLICANT" in connection with any action upon the part of the "SOCIETY" to enforce any of said rights.

In consideration hereof, the "APPLICANT" shall receive from the "SOCIETY" a sum equal to 90% of any and all receipts obtained by the "SOCIETY," arising on account of the rights herein assigned during the period hereof, payable to the "APPLICANT" monthly following receipt thereof by the "SOCIETY."

Included in this assignment shall be the rights herein mentioned for all recordings heretofore made or to be made during the term hereof, and as to past recordings shall be all rights to the use of any mechanical production of the "APPLICANTS'" recorded voice, talent or work not included in the contract under which the said recording was made, and the "SOCIETY'S" rights therein shall be for broadcasting, commercial, or use otherwise.

In view of the increased returns contemplated by the parties hereto to be realized from the sale of records through the efforts of the "SOCIETY," it is understood that the "APPLICANT" shall pay to the "SOCIETY," when, as and if received by the "APPLICANT," after a period of thirty days from the date of acceptance by the "SOCIETY" hereof, a sum equal to 10% of any and all royalty or payments accruing in favor of the "APPLICANT" by reason of the "APPLICANTS'" work with recording companies or for mechanical reproduction of the "APPLICANTS'" voice, talent or work whether contracts therefor have been obtained by or through the "SOCIETY" or otherwise. It is understood that when, as and if in the opinion of the Board of Directors of the "SOCIETY" the remuneration herein set forth has become adequate to compensate the "SOCIETY" for its efforts in accomplishing its purpose, the "SOCIETY" may reduce the remuneration herein provided for to such amount as it may

deem to be reasonable, but the Board of Directors of the "SOCIETY" shall be the sole judge as to any such reductions and any such allowance shall only become effective upon written notice from the "SOCIETY" to the "APPLICANT." IN NO EVENT, HOWEVER, SHALL THE REMUNERATION OF THE "SOCIETY" BE IN EXCESS OF THE AMOUNT IN THIS APPLICATION SET FORTH.

NO LIABILITY TO MEMBERS:

It is understood that this application or membership is not stock or "investment security;" that it includes no participation in the "SOCIETY'S" profits or loss, and is non-negotiable and non-voting. The "APPLICANT" shall not be assessable or liable in any manner or form whatever for any debts or obligations of the "SOCIETY," and nothing herein contained or otherwise shall be construed to so obligate him. Neither this agreement, nor any interest or right therein, or arising therefrom shall be negotiable, assignable, or revokable by the "APPLICANT" and the term hereof shall be five (5) years from the date of its acceptance by the "SOCIETY."

The "APPLICANT" shall execute such instruments from time to time as may be required by the "SOCIETY" to carry out the terms of this contract.

.....
"APPLICANT" (Please Print Name After Signature)

.....
Permanent Address (Print)

Accepted by:

AMERICAN SOCIETY OF RECORDING ARTISTS
INCORPORATED

(Seal)

By
Executive Secretary

Dated..... 193...

No.....
Recommended by Approved by

EXHIBIT 9

AMERICAN SOCIETY OF RECORDING ARTISTS
INCORPORATED

Guaranty Building, Hollywood, California
Telephone Gladstone 1371
Arthur W. Levy, Executive Sec'y
L. J. Mayberg, General Counsel

BOARD OF GOVERNORS: L. E. Behymer, Honorary Chairman; Gene Austin, Chairman; Fred Astaire, Ben Bernie, Don Bestor, Henry Busse, Eddie Cantor, Noel Coward, Jesse Crawford, Frank Crumit, Eli Dantzig, Jack Denny, Morton Downey, Jimmy Durante, Ted Fio Rito, Jan Garber, Ernie Golden, Jimmy Grier, Al Jolson, Roger Wolfe Kahn, Ted Lewis, Little Jack Little, Vincent Lopez, Freddy Martin, Jeanette MacDonald, Helen Morgan, George Olsen, Raymond Paige, Eddie Peabody, Dick Powell, Buddy Rogers, Lanny Ross, Nathaniel Shilkret, Frances Williams, Victor Young. CONCERT-OPERA DIVISION: Georges Barrere, Lieut. Charles Benter (United States Navy Band), Lucrezia Bori, Richard Crooks, Mischa Elman, Osip Gabrilowitsch, Mary Garden, John Goss, Alfred Hertz, Jose Iturbi, Maria Jeritza, Dr. Hans Kindler, Josef Lhevinne, John McCormack, Jose Mojica, Grace Moore, Elizabeth Rethberg, Felix Salmond, Carlos Salzedo, Tito Schipa, Toscha Seidel, Fabian Sevitzy, Marion Talley, John Charles Thomas. COMMITTEES: Executive: Al Jolson, Chairman. OPERA: Lucrezia Bori, Chairman. CONCERT: Mary Garden, Chairman. ORCHESTRA: Nathaniel Shilkret, Chairman.

February 10, 1936.

GENTLEMEN:

In its letter of April 1, 1935, this Society invited you to apply for a "Licensee Membership" whereby broadcasters might be represented in its structure and thus obtain for themselves and their sponsors and advertisers a license to broadcast the talents of its "Artist Members" through the medium of recordings, as well as to lend their voices to the general purposes of the Society which represents its "Artist Members" in the broadcasting field wherein their talents are broadcast through the medium of records; to license broadcasters; establish a usage rate for each such use of the artists' talents; to collect for its "Artist Members" the compensation to which such members may be rightfully en-

titled; to remedy the inequitable and unjust practice of unauthorized and uncompensated use by broadcasters and advertisers of such artists' talents, and to avoid, where possible, litigation and misunderstandings arising therefrom and to make it possible for such proper use to be continued.

The Society realizes that there are several movements gaining considerable headway, interested in prohibiting entirely the use over the air of talent not recorded specifically for broadcasting purposes.

The Society intends to lend its cooperation to avoid legislative and other methods of prohibiting entirely the use over the air of talent not recorded specifically for broadcasting purposes, and it intends to afford its protection to all parties concerned under the terms prescribed by it and to offer a medium through which broadcasters, and through them their sponsors and advertisers, may compensate artists reasonably for the use of such talents through the medium of recordings and thus continue such a system without hindrance, legal, statutory or otherwise.

The Society believes that the interests of all radio stations in the broadcasting of records are not identical. That certain stations and groups of stations would be best served if the use of records in broadcasting were entirely eliminated through legislative or other means, confining this field only to transcriptions. Stations and groups of stations which specialize in the use of "live" talent and transcriptions must realize that a complete stoppage of the use of records on the air could probably mean the complete elimination from the broadcasting industry of hundreds of radio stations which because of geographic or other reasons are dependent upon talent through the use of records to furnish the majority of their entertainment to the listeners-in of the station. Further, stoppage could give transcription monopolies to certain groups.

In the same way, it is to the interest of certain recording-artists to remove from the air forever the use of their recorded talents for broadcasting purposes and to also eliminate from such usage the talents of all other recording artists, and we are informed groups and organizations have been formed with this objective.

The Society is aware that at the present time the greater number of recording artists are willing to permit the use of their talents on the air through the medium of recordings if the broadcasters of such talents pay the reasonable fee for each and every such usage as required by its By-Laws.

However, the Society believes that unless broadcasters interested in retaining talents on the air through the medium of records, cooperate with it, the use of all such recorded entertainment may be completely eliminated very shortly from the air or charges therefor become prohibitive. The Society heretofore demanded of you collection of royalties for your use of its "Artist Members" said talents as of May 1, 1935, to which your station has not satisfactorily replied though our investigation discloses that you have continued the unauthorized use of the talents of its "Artist Members" through the medium of recordings.

You are hereby notified that the "Artist Members" whose names appear on the reverse side of this page, have heretofore assigned to this Society the rights to the use of their talents for broadcasting purposes through the medium of recordings pursuant to written memo thereof on file with the Society and that such "Artist Members" require you to obtain permission from the Society for such use and to make accounting and payment accordingly. The Society therefore in its own behalf and in behalf of each of such persons hereby demands:

1. That you must not broadcast their talents through the medium of records without license first obtained therefor.
2. That you account for each usage of such talents including such usage by your advertiser or sponsor, and you are advised it will hold you liable to it for any and every failure or refusal to abide by such demand, for accounting and payment pursuant thereto.

The Society maintains that the responsibility for the unauthorized use of its "Artist Members'" talents for broadcasting through the medium of recordings rests with the advertiser and sponsor, as well as the broadcaster.

We want you to realize the full significance of events which are transpiring and which we believe will profoundly affect the broadcasting stations using recorded talent. There is enclosed a copy of resolutions passed by the board of directors of the Society, together with an excerpt from "Variety" of January 22, 1936, dealing with the judgment of the court in the case of Station WDAS, of Philadelphia.

It is regrettable to the Society that it has not received a favorable response from your station and that you have failed and refused up to this time to account for your use of such talents

of its "Artist Members," either prior or since the demand mentioned, nor have you extended any cooperation. If it is case law you are relying upon and you are not interested in the equity and property of our position, then the responsibility for your position now rests entirely with you.

Respectfully,

AMERICAN SOCIETY OF
RECORDING ARTISTS, INC.

(Signed) ARTHUR W. LEVY,
Executive Secretary.

| | |
|-----------------------|----------------------------|
| Alda, Frances | Divine, Grace |
| Altglass, Max | Doe, Doris |
| Anglo Persians | Downey, Morton |
| Appollon, Dave | Duncan, Myron |
| Arnold, Gene | Duncan, Sisters |
| Astaire, Fred | Dunn, Jack |
| Atchison, Shelby | Dunne, Irene |
| Austin, Gene | Durante, Jimmy |
| Bada, Angelo | Eckles, Charley |
| Baggiore, Attilio | Eddy, Nelson |
| Baker, Elsie | Egan, James |
| Ballew, Smith | Elkins, Eddie |
| Bampton, Rose | Elman, Mischa |
| Barbirolli, John | English Singers, The |
| Barnet, Charles | Faulkner, Georgene |
| Barrere, Georges | Faye, Alice |
| Bauer, Hermie | Ferdinando, Angelo |
| Bauer, Franklyn | Fio Rito, Ted |
| Belasco, Leon | Finston, Nat |
| Bernhardt, Louise | Flexer, Dorothea |
| Bernie, Ben | Foresythe, Reginald |
| Bestor, Don | Friedman, Ignaz |
| Black, Frank | Froman, Jane |
| Blue Grass Ramblers | Gabrilowitsch, Ossip |
| Boles, John | Gandolfi, Alfredo |
| Bori, Lucrezia | Garber, Jan |
| Bouquet, Max | Garden, Mary |
| Bourdon, Rosario | Golden, Ernie |
| Bowden, Len | Goldman, Edwin Franko |
| Bowly, Al | Goodman, Benny |
| Boynet, Emma | Goss, John |
| Branson, Capt. Taylor | Green, Johnny |
| Branzell, Karin | Greene, Harrison |
| Braslau, Soppie | Grier, Jimmie |
| Bright, Sol Kekipi | Grofe, Ferde |
| Britt, Horace | Guizar, Tito |
| Brownie, Franklyn | Harty, Sir Hamilton |
| Bryant, Willie | Haumes, Joe |
| Bullock, Chick | Hayton, Lennie |
| Burtner, Earl, Estate | Henderson, Fletcher |
| Busse, Henry | Hertz, Alfred |
| Cameron, Basil | Holman, Virginia and Betty |
| Campo, Del | Holmes, Floyd (Salty) |
| Cannon, Gus | Hoopii, Sol, Jr. |
| Cantor, Eddie | Hopkins, Claude |
| Cartwright Brothers | Hoyos, Rudolfo |
| Castilians, The | Hurt, Charles (Chick) |
| Cehanovsky, George | Iona, Andy |
| Cbaliapin, Feodor | Iturbi, Jose |
| Chapman, Frank | Jackson, Marlan |
| Coakley, Tom | Jagel, Frederick |
| Coburn, Jolly | Jepson, Helen |
| Coleman, Emil | Jeritz, Maria |
| Continental, The | Johnson, Edward |
| Coppola, Piero | Johnson, James P. |
| Crawford, Jesse | Jolson, Al |
| Crooks, Richard | Kaley, Charles |
| Crumit, Frank | Kahn, Roger Wolf |
| Coward, Noel | Kappel, Gertrude |
| Cozzi, Mario | Kardos, Gene |
| Cummins, Bernie | Karns, Virginia |
| Dalhart, Vernon | Kassel, Art |
| Dantzig, Eli | Katzman, Louis |
| Davis, Jimmie | Kaufman, Irving |
| Davis, Meyer | Keene, Hank |
| Davis, Walter | Kelly, Cuthbert |
| De Gogorza, Emillo | Kemp, Hal |
| De Leath, Vaughn | Kincald, Bradley |
| Denny, Jack | Kindler, Dr. Hans |
| Diaz Rafaelo | Kline, Olive |
| Dickinson, Bob | Kurenko, Maria |

Langford, Frances
 Lashanska, Hulda
 La Velle, Kay
 Lee, Carol
 Lehmann, Lotte
 Lewis, Mary
 Lewis, Ted
 Lewis, Welcome
 Lhevinne, Josef
 Lillie, Beatrice
 Ljungberg, Gota
 Little Jack Little
 Lopez, Vincent
 Los Floridians
 Lucas, Nick
 Luther, Frank
 MacDonald, Jeanette
 McCormack, John
 McKenzie, Wm. (red)
 Magnante, Charles
 Mann Brothers
 Mannone, Joe (Wingy)
 Mario, Queena
 Marsh, Lucy
 Martini, Nino
 Martin, Freddie
 Mason, Edity
 Matzenaur, Margaret
 Medrano, Luis
 Melchior, Lauritz
 Melton, James
 Memphis Jug Band
 Menendez Nilo
 Minneapolis Symphony Orch.
 Mojica, Jose
 Monteuse, Dr. Pierre
 Moore, Grace
 Morgan, Helen
 Morgana, Nine
 Murphy, Lambert
 Nelson, Ozzie
 Nieto, Raquel
 Oakie, Jack
 Olsen, George
 Olszewska, Maria
 O'Noian, Shaun
 Orchestre Symphonique de Parie
 Ormandy, Eugene
 Osborne, Verna
 Paige, Raymond
 Paris Symphony Orchestra
 Peabody, Eddie
 Parker, Frank
 Pattison, Lee
 Piatigorsky, Gregor
 Pinza, Ezio
 Powell, Dick
 Prairie Ramblers
 Rethberg, Elisabeth
 Richards, Lewis

Ricci, Ruggiero
 Richardson, Florence
 Robbins, Sam
 Roberti, Lyda
 Robertson, Dick
 Robeson, Paul
 Robison, Willard
 Rodgers, Jimmie, Estate
 Rodgers, Judy
 Rogers, Chas. (Buddy)
 Rogers, Ginger
 Rogers, Rob
 Rollins, Todd
 Rosenthal, Harry
 Ross, Lanny
 Sale, Charles (Chic)
 Salmond, Felix
 Salomons, Jacqueline
 Salter, Harry
 Salzedo, Carlos
 Samaroff, Olga
 Schelling, Ernest
 Schipa, Tito
 Schorr, Friedrich
 Schumann Heink, Ernestine
 Seidel, Toscha
 Sevitsky, Fabian
 Shade, Will
 Shilkret, Nathaniel
 Shuk, Lajos
 Shutta, Ethel
 Silver, Monroe
 Smeck, Roy
 Sons of the Pioneers
 Spalding, Albert
 Spielman, Milton
 Stamp's Quartet
 Stannard, William
 Stenross, Chas.
 Stone, Mildred
 Sullivan, Joe
 Swarthout, Gladys
 Talley, Marion
 Taylor, Jack
 Thibault, Conrad
 Thomas, John Charles
 Thomas, Mostyn
 Trini, Anthony
 Tomlin, Truman (Pinky)
 Upson, Dean R.
 U. S. Marine Band
 Van, Vera
 Van Gordon, Cyrena
 Webb, Chick
 Webster, Dick
 Weems, Ted
 West, Mae
 Williams, Frances
 Windheim, Marek
 Young, Victor

NOTE: Accounting and payment at this time is not demanded for any member whose name does not appear on this list.

RESOLUTION

At a meeting of the Board of Directors of the American Society of Recording Artists, Inc., duly and regularly held this 1st day of February, 1936, the following Resolution was duly and regularly passed and spread upon the minutes of the Society:

BE IT RESOLVED:

THAT WHEREAS, the Society did on or about April 1, 1935, forward to all broadcasting stations throughout the United States and its possessions, an invitation to join the structure of its organization in an advisory capacity by applying to it for "License Membership" under which each such station would be licensed under conditions named to use of the talents of "artist members" of the Society thru the medium of recordings on payment of certain royalties then designated, and

WHEREAS, at that time the Society directed the attention of the broadcasting stations to an existing condition whereby broadcasters were using such talents of artists for radio broadcasting without

authority from or compensation to the artists therefor, and that such practise was wholly inequitable and unfair to the artists, and

WHEREAS, certain stations failed and neglected or refused to reply to said invitation to correct the said wrong or inquired thru their attorneys for case law on the subject, failing and refusing to cooperate with the Society or otherwise in adjusting this inequitable and unjust situation, and

WHEREAS, the Board of Directors of the Society has now completed its investigation of the facts and circumstances surrounding this condition and has heretofore authorized its general counsel to proceed to take legal action to enforce the rights of its "artist members," and a court decision now exists in the premises; and

WHEREAS, in the interest of enforcing such rights and incident thereto, the "artist members" of the Society have assigned it to all such rights to their talents for use for broadcasting or commercial purposes thru the medium of recordings.

NOW, BE IT RESOLVED: That a further letter be addressed to each radio station in the United States and its possessions that has failed or refused to account for such use of the talents of its "artist members" for broadcasting purposes; that such letter contain a demand for an accounting and payment therefor in accordance with the schedule of the Society, namely:

"Payable on the 5th day of the month following such broadcasting, by remittance addressed to the Society at Los Angeles, California, broadcasting stations shall pay to the Society for the broadcasting of the talents of its "artist members" thru the medium of recordings and for a license to use the same as follows:

Class A stations, 1000 watts and up, shall pay 15 cents per usage.

Class B stations, 500 watts to 999 watts, shall pay 10 cents per usage.

Class C stations, 499 watts or less, shall pay 5 cents per usage.

An uninterrupted use of talent broadcast thru the medium of the use of either side of a 10-inch, double-faced 78 R.P.M. record where the playing time is not more than 3 minutes and 45 seconds, will constitute one usage, or of a 12-inch, double-faced 78 R.P.M. record where the playing time or recorded portion thereof does not exceed 5½ minutes, shall constitute two usages; or from either side of a 10-inch, double-faced 33⅓ R.P.M. record where the playing time does not exceed 6 minutes, shall constitute two usages; or from either side of a 12-inch double-faced 33⅓ R.P.M. record where the playing time does not exceed 9 minutes, shall constitute three usages. Single-faced records shall come under the various classifications in proportion to the actual recorded or playing time on the record, but in no event at the rate of less than one usage; partial or interrupted use of broadcasting of said talent thru the medium of a record or recorded program for broadcasting purposes, constitute one usage, provided such partial usage does not exceed at any time a period greater than three minutes of actual playing time, subsequent usage to be charged for at the rate noted."

AND BE IT FURTHER RESOLVED: That a printed excerpt from the decision against Station WDAS, Philadelphia, printed in "Variety" of Wednesday, January 22, 1936, be inclosed with such letter;

AND BE IT FURTHER RESOLVED: That the Society shall notify each such broadcasting station the name of each "artist member" for whom the Society requires such payment and accounting until further notice;

AND BE IT FURTHER RESOLVED: That the Society shall report to its general counsel unauthorized usages by broadcasting stations of such talent of any such "artist members" for which accounting and compensation has thus been demanded and accounting and/or payment refused, or not received, with instructions to proceed to enforce the rights of the Society and its "artist members" in the premises.

Attest:

(Signed) ARTHUR W. LEVY,
 Secretary.

Wednesday, January 22, 1936.

Variety 55

WARING DECISION

Following are pertinent excerpts from the decision handed down last week by Judge McDevitt in the Court of Common Pleas, Philadelphia, upholding Fred Waring's right to restrain WDAS,

Philly outlet, from using a Waring phonograph recording for broadcasting or other commercial purposes:

In the instant case the defendant has appropriated without purchase or legal claim the creation of material produced by the complainant's intellectual effort and application of his unique talents. His creation represents production by organization, by the expenditure of labor, skill and money. His creative genius has perfected something peculiarly his own, stamped with his personality and as inseparable from him without injury as one of his limbs. His unique talents have fashioned something as distinct and original as the product fashioned publication. Communication and dedication are as dissimilar as are performance and publication.

Ownership suggests possession and proprietorship, and sale represents the conveyance of a right of any kind. At the same time, however, one may sell his corporeal and still save his incorporeal right. Undoubtedly the contract or covenant follows the chattel, and only a false legal doctrine could separate the same, which would be equivalent to putting the stamp of approval upon unfair competition.

The complainant is, therefore, entitled to the redress that he seeks.

Let the injunction issue.

Conclusions of Law

1. The creator of a unique and personal interpretation of a musical and/or literary composition possesses a common law property right in the same, and has a right to control and limit its use.

2. The individuality, personality and unusual talents of such an artistic interpreter identify his production, creation or performance in such a manner as to make it different, and consequently, per se, a special value with pecuniary worth.

3. The interpretive talent of the complainant is creative and vests in him an incorporeal property right, just as firmly as though it were corporeal property.

4. Such incorporeal property is entitled to protection.

5. A creation or interpretation that may be captured or transcribed by mechanical means, and then capable of reproduction at the will of the possessor, makes such an interpretation or creation, property.

6. The integrity of one's art is entitled to protection, and the law gives such artist a right to command a return for any commercial utilization of his talent.

7. The talents, creations and interpretations of a performing artist, may only be used or exploited under the terms and conditions imposed by the creator. Any other use is an infringement of his property right, and an injury to his name and commercial worth.

8. The law will follow science and arts in throwing the necessary protection about property rights, both corporeal and incorporeal, tangible and intangible.

9. The making of a phonograph record or the sale of the same, under such conditions as were imposed in the suit at issue, does not constitute a publication.

10. The respondent's purchase of said records vested in him a possession and ownership, subject, however, to the special property right of the complainant.

11. Such a use of a phonograph record as has been made by the respondent in this matter, is a commercial use for profit.

12. The complainant and the RCA-Victor Company were within their legal rights in producing said records for sale and limited use.

13. The respondent's use of said records violated the express restriction stamped thereon, and was an unlawful interference with complainant's right. The respondent's use of said records is an interference with the complainant's contractual relations with the international company, with which he has a contract for his exclusive broadcasting services.

14. The limitation of use or restriction stamped upon the face of the records was a condition or servitude inseparable from the records.

15. The restriction stamped upon the records is not an interference with the purchaser of said records to use them for the purpose intended, it is not an unreasonable condition, its enforcement would not be in restraint of trade, and its enforcement does not create a monopoly. It is a protection of the property right vested in the complainant and enforceable in equity.

16. Such use of said records, as the use made by the respondent, creates unfair competition.

EXHIBIT 10

AMERICAN SOCIETY OF RECORDING ARTISTS

INCORPORATED

Southern California Division
Suite 403, Bank of America Building
9470 Santa Monica Boulevard
Beverly Hills, California
WOODBURY 62608
Al Jolson, President

NOTICE

It is reported to the Society by its Bureau of Investigation that the recorded talents of its artist-members have been broadcast for commercial purposes in your place of business without the authority of the Society.

The Society makes available only to licensee-members of the Society permission to so broadcast the talents of its artist-members.

If you intend to continue such broadcasting of such talents of the Society's artist-members, a list of whose names is herewith presented, the Society will give you a license therefor, upon proper application for it.

Notice is hereby given you that the Society will hold you liable for any and all unauthorized usages of the talents of its artist-members and hereby makes demands upon you for payment of damages for all unlicensed usages in the past.

Application for license is attached herewith.

AMERICAN SOCIETY OF RECORDING ARTISTS, INC.

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Honorary Chairman.

GENE AUSTIN,
Chairman.

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Morton Downey
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Ernie Golden
Jimmy Grier
Al Jolson
Roger Wolfe Kahn
Ted Lewis
Little Jack Little
Vincent Lopez
Freddy Martin
Jeanette MacDonald
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Raymond Paige
Eddie Peabody
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Mary Garden
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Dr. Hans Kindler
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John McCormack
Jose Mojica
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Committees

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AL JOLSON,
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CONCERT
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ORCHESTRA
NATHANIEL SHILKRET,
Chairman.

"THE LAW GIVES SUCH ARTIST A RIGHT TO COMMAND
A RETURN FOR ANY COMMERCIAL UTILIZATION
OF HIS TALENT"

(Opinion Judge McDevitt, *Waring v. WDAS*, Philadelphia, C. P.
January, 1936)

Excerpts from Decision Against Radio Station WDAS:

"1. A creation or interpretation that may be captured or transcribed BY MECHANICAL MEANS, and then capable of repro-

duction at the will of the possessor, MAKES SUCH AN INTERPRETATION OR CREATION, PROPERTY.

2. The INTEGRITY OF ONE'S ART IS ENTITLED TO PROTECTION, and the law gives such artist a right to command a return for any commercial utilization of his talent.

3. *The creator of a unique and personal interpretation* of a musical and/or literary composition possesses a common law property right in the same, and *has a right to control and limit its use.*

4. The talents, creations and interpretations of a performing artist, MAY ONLY BE USED OR EXPLOITED UNDER THE TERMS AND CONDITIONS IMPOSED BY THE CREATOR. AND OTHER USE IS AN INFRINGEMENT OF HIS PROPERTY RIGHT, and an injury to his name and commercial worth.

5. * * * The reproduction by virtual theft of his performance * * * is just as much an invasion of his privacy as would be the tapping of the wires of one broadcasting station featuring complainant for the purpose of sending out through another station that rendition * * * or performance * * *

Excerpt from Musical Performers' Protection Act of 1925, Eng., 15 and 16 Geo. V. CH. 46, 31st July, 1935:

(An Act to Prevent Unauthorized Reproduction of Dramatic and Musical Performances)

"1. If any person knowingly * * * (c) uses for the purpose of public performance any record made IN CONTRAVENTION OF THIS ACT, he shall be guilty of an offense under this ACT, and shall be liable, on summary conviction, to a fine * * * for each record * * *"

Excerpt from Shafter: Musical Copyright, Page 274:

"To return to the artist: his voice is his property. He should have the right to prevent any exploitation that will decrease the value of his talent."

Excerpt from Savage vs. Hoffman, 159 Federal Rep. 584:

"* * * The manner, method and art of every performer is individual and his own property."

Excerpt from Phonotopia vs. Bradley, 171 Federal Rep. 951:

An injunction on the grounds of unfair competition aside from the grounds of infringement or deception of the public, should be granted in equity to restrain the wrongful appropriation of another's property.

Excerpt from Supreme Court of the United States Decision Delivered by Mr. Justice Holmes, January 22, 1917:

In *Herbert vs. The Shanley Company*, 242, U. S. 591.

"* * * They are a part of a total for which the public pays, and the fact that the price of the whole is attributed to a particular item in which those present are expected to order, is not important. It is true that the music is not the sole object, but neither is the food, which probably could be got cheaper elsewhere. The object is a repast in surroundings that to people having limited powers of conversation or disliking the rival noise give a luxurious pleasure not to be had from eating a silent meal. IF music DID not PAY

IT WOULD BE GIVEN UP. If it pays, it pays out of the public's pocket. Whether it pays or not, THE PURPOSE OF EMPLOYING IT IS PROFIT, AND THAT IS ENOUGH.

Excerpt from Judgment of Civ., Cham., 2nd Instance Buenos Aires, Oct. 28, 1930:

"The purchase of a phonograph record does not * * * convey the right to broadcast its contents."

Excerpt from Gramophone Co. & Tetrizzini vs. State Finance (1912) Tribunal Court, Milan:

"The artistic personality of the performer is reflected in the performance which becomes a distinct product having a special value not only artistic but also, pecuniary—so that the record incorporating this performance NECESSARILY BELONGS ALSO TO THE PERFORMER WHO HAS CREATED IT."

Excerpt from Remick vs. General Electric Co., 4 Fed. (2nd) 160:

"If a broadcaster procures an unauthorized performance * * * and for his own profit makes the same available to the public, served by receiving sets attuned to the station, it is the judgment of this court that he is an infringer, unless express permission is given or performance paid for according to price set by person owning right to performance * * *"

Excerpt from Proposal 1st Int. Juridical Radio Congress:

"The radioelectrical transmission of the performance * * * or artistic work cannot be made without the consent of the interpreter."

COURT DECISIONS

Waring vs. UHR'S Roumanian Restaurant, Phila. C. P., 1936.

Waring vs. Studio Ballrooms, Inc., Phila. C. P., 1936.

Waring vs. Robinson Recording Laboratories, Phila. C. P., 1936.

Buck vs. Jewell-LaSalle Realty Co., 283 U. S. 191.

International News Service vs. Associated Press, 248 U. S. 215.

Board of Trade vs. Christie Co., 198 U. S. 236.

Howe vs. Wyckoff, 198 U. S. 118.

Associated Press vs. KVOS, Inc., 80 Fed. (2d) 575.

The Associated Press vs. Sioux Falls Broadcasting Ass'n, U. S. District Ct., South Dakota, Mar. 4, 1933.

Waterson Co. vs. Irving Trust Co., 48 Fed. (2d) 704.

Remick vs. General Electric, 16 Fed. (2d) 829.

Universal Film Co. vs. Copperman, 218 Fed. 577.

Werckmeister vs. American Lithographic Co., 134 Fed. 321.

Sperry & Hutchinson vs. Mechanics' Clothing Co., 128 Fed. 800.

Melvin vs. Reid, 112 Cal. App. 285.

Chaplin vs. Amador, 93 Cal. App. 358.

Binns vs. Vitagraph Co., 210 N. Y. 51.

Messenger vs. British Broadcasting Co., Ltd. (1927), 2 K. B. 543, and (1929) A. C. 151.

Abernathy vs. Hutchinson, 3 L. J. Chancery 209.

Sarpy vs. Holland, 2 Ch. 1908.

Savage vs. Hoffman, 159 Federal Rep. 584.

Phonotopia vs. Bradley, 171 Federal Rep. 951.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
 JAMES W. BALDWIN, Managing Director

NAB REPORTS

Vol. 4 - - No. 44
 SEPT. 3, 1936

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COURT ACTION ON BROADCASTING CASES

The Court of Appeals of the District of Columbia has granted a stay order to the Wilkinson Broadcasting Company, Mason City, Iowa, in an appeal filed in the Court against the Federal Communications Commission.

In this case the Wilkinson Company appealed against a decision of the Commission granting a construction permit for a new broadcasting station at Mason City to the Mason City Globe & Gazette Company. The Wilkinson Company in its appeal claimed that the Commission had ignored its rights in granting the Gazette Company the permit.

The Palmer Broadcasting Syndicate of Portland, Me., has applied to the Court to dismiss its appeal against the Communications Commission.

The Commission granted a construction permit to the Portland Broadcasting System, Inc., for the erection of a new station at Portland. The Palmer Syndicate and several others who had applications pending for a station at the same time appealed to the Court against the Commission's decision. Prior to asking that its appeal be dismissed the Court had granted a stay order to the Palmer Syndicate.

DENIAL RECOMMENDED FOR NEW STATION

The Port Huron Broadcasting Company applied to the Federal Communications Commission for permission to erect a new broadcasting station at Port Huron, Mich., to use 1370 kilocycles, 250 watts and unlimited time on the air.

Examiner John P. Bramhall, in Report No. I-282, recommended that the application be denied. He found that the applicants failed to show the need for daytime service in the area proposed to be served and they do "not possess the technical qualifications to construct and operate the proposed station."

NEW OREGON STATION RECOMMENDED

Wike & Studebaker filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new station at Baker, Ore., to operate on 1370 kilocycles, 100 watts and 250 watts LS, and unlimited time on the air.

Examiner John P. Bramhall, in Report No. I-284, recommended that the application be granted on certain conditions. The Examiner found that there is need for the proposed service in the area concerned but that interference would result if certain pending applications are not granted. He therefore recommended that the application be granted subject to the following conditions:

- (a) That the application of Station KUJ for change of frequency from 1370 to 1250 kilocycles be granted by the Commission.
- (b) That the site selected by the applicants meet the approval of the Commission.
- (c) That the transmitter equipment comply in all respects with the rules and regulations of the Commission.

CLEAR CHANNEL SURVEY

The clear channel survey which has been under way by engineers of the Federal Communications Commission for a long time has been completed. It is expected that it will be made public on September 3. Copies will be sent to all broadcasting stations by the Commission.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

- A. P. W. Paper Company, Inc., Albany, N. Y. (2-2398, Form A-2)
- Monitor Gold Mining Company, Lake City, Colo. (2-2399, Form A-1)
- Messenger Corporation, Auburn, Ind. (2-2400, Form A-2)
- The Bastian-Blessing Company, Chicago, Ill. (2-2401, Form A-2)
- Paper Sales Company of Detroit, Inc., Detroit, Mich. (2-2402, Form A-1)
- Iten-Barmettler Biscuit Company, Omaha, Nebr. (2-2403, Form A-1)
- Globe Silver Mines, Inc., Wallace, Idaho. (2-2404, Form A-1)
- Committee of Kansas City, Leavenworth & Western Transportation Company, Kansas City, Mo. (2-2405, Form D-1)
- Committee of Chicago, Rock Island & Pacific R. Co., Chicago, Ill. (2-2406, Form D-1)
- Standard Diesel Engine Company, Jersey City, N. J. (2-2407, Form A-1)
- 965 Fifth Ave., Corporation, New York City. (2-2408, Form A-1)
- Scottish Dye Works, Ltd., Vancouver, B. C. (2-2409, Form A-1)
- Hussman-Ligonier Company, St. Louis, Mo. (2-2410, Form A-2)
- Lanova Corporation, New York City. (2-2411, Form A-1)
- El Paso Natural Gas Company, El Paso, Texas. (2-2412, Form A-1)
- Edgar P. Lewis & Sons, Inc., Malden, Mass. (2-2413, Form A-2)
- Eaton & Howard Management Fund "B", Boston, Mass. (2-2414, Form A-1)
- Alabama Gas Company, Montgomery, Ala. (2-2415, Form A-1)
- Woodall Industries, Inc., Detroit, Mich. (2-2416, Form A-2)
- Politics, Inc., Washington, D. C. (2-2417, Form A-1)
- Emerald Park Mining & Development Co., Buffalo, Wyo. (2-2418, Form A-1)
- Binks Manufacturing Company, Chicago, Ill. (2-2419, Form A-2)
- Sterling Gold Mining Corporation, Houston, Texas. (2-2421, Form A-1)
- Rotating Valve Corporation, New York City. (2-2423, Form A-1)
- Industrial Securities Corporation, Middletown, Conn. (2-2424, Form E-1)
- Managed Estates, Inc., Philadelphia, Pa. (2-2425, Form A-1)
- Washington Gas Light Company, Washington, D. C. (2-2426, Form A-2)
- Mueller Brass Company, Port Huron, Mich. (2-2428, Form A-2)
- Kermath Manufacturing Company, Detroit, Mich. (2-2429, Form A-2)
- The Ohio Finance Company, Columbus, Ohio. (2-2430, Form A-2)

Marine Airlines, Inc., New York City. (2-1809, Form A-1-refiling)
Peerless Corporation, Cleveland, Ohio. (2-2380, Form A-2-refiling)

DENIAL RICHMOND STATION RECOMMENDED

The Times-Dispatch Publishing Company, Inc., applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Richmond, Va., to use 1500 kilocycles, 100 watts and unlimited time on the air.

Examiner John P. Bramhall, in Report No. I-285, recommended that the application be denied. He found that while there may be some need in the area for additional service, the interference which granting of this application would cause with existing stations is even more important. Under the circumstances, says the Examiner, granting of the application would not be in the public interest.

RECOMMENDS DENYING NEW WASHINGTON STATION

Gomer Thomas applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Bellingham, Wash., to use 1420 kilocycles, 100 watts and unlimited time on the air.

Examiner John P. Bramhall, in Report No. I-283, recommended that the application be denied. He found that the applicant does not possess the technical and financial ability to construct and operate the proposed station, and he further found that "the evidence fails to establish need for additional service in the area proposed to be served."

FEDERAL TRADE COMMISSION ACTION

Complaints

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

No. 2908. Alleging unfair competition in the sale of advertising cards or coupons redeemable in silverware, a complaint has been issued against **National Publicity Bureau, Inc., National Publicity Bureau and Rogers Silverware Distributors, and Hugh J. Wanke**, individually and as president of **National Publicity Bureau, Inc.**, trading as **Rogers Silverware Distributors**. The respondents have headquarters in **Baltimore**, with an office in the Rollins Building.

In soliciting local retail and wholesale dealers, the respondents are alleged to have sold their advertising cards or coupons for stimulation of the dealers' business. Representing themselves as agents of William A. Rogers or William A. Rogers, Ltd., the respondents are alleged to have advertised the silverware used in redemption of the coupons as of a high quality and as genuine William A. Rogers silverware. The respondents are alleged to have represented that their sales plan had been adopted by the silverware manufacturer as an advertising campaign for introducing and advertising its products, such advertising taking the place of regular newspaper and magazine advertising.

However, the complaint alleges that the respondents were not representatives of any concern manufacturing silverware, that their plan offered to merchants was not an advertising campaign, and that the silverware used for redemption was not of high quality and was not the well-known William A. Rogers silverware.

No. 2909. **National Kream Company, Inc., and National Foods, Inc.**, both of 360 Furman St., **Brooklyn, N. Y.**, are charged in a complaint with unfair competition in the sale of jams, jellies and preserves.

In labeling their products as "pure jams", "pure jellies" and "pure preserves", the respondent companies are alleged to have made misleading representations, as their products, according to the complaint, were not prepared according to the formula recognized by the trade for the manufacture of these foods.

The complaint points out that the trade and public understand jams, jellies and preserves to be made from a mixture of fruits and sugar in a proportion of at least 45 pounds of fruit to 55 pounds of sugar, but that the respondents' products were adulterated by substitution in part for fruit of a mixture of water, sugar and pectin, so that their products contained substantially less fruit than the pure or genuine jams, jellies and preserves.

This deficiency of fruit and the presence of substitutes were not disclosed on the labels, according to the complaint, and the respondents' practices are alleged to have placed in the hands of dealers an instrument of fraud by which they have been able to mislead the public, and to have resulted in diversion of trade to the respondents from their competitors.

No. 2910. Alleging unfair competition in the sale of "Kodicon", a medicinal preparation, a complaint has been issued against **Bernard M. Wolf**, 5 Bloomfield St., **Boston**, trading as **Kodicon Products Company**.

The respondent is alleged to have advertised "Kodicon" as an adequate treatment for head colds, and as an effective treatment for rheumatism, arthritis, neuritis, neuralgia and other ailments, and that "Kodicon" would stop pain. These representations are alleged to be false and misleading.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

Nos. 01433-01438. Entering into stipulations, six companies selling commodities in interstate commerce have agreed to end certain unfair advertising methods.

Four of the companies signing stipulations deal in products designed to reduce weight. These include **Arthur W. Bechtold and Emanuel Nussbaum, of Forest Hills, N. Y.**, trading as **Bavarian Herb Co.**, and selling herb tea; **The Weil Co., Inc., New Haven, Conn.**, selling rubber reducing belts; **Rollette Co., Chicago**, selling a weight-reducing device, and **Perfolastic, Inc., of New York City**, dealing in the "Perfolastic Girdle". These respondents agreed to stop misleading representations of their articles.

Milton R. Ney, of Washington, D. C., selling ladies' fur coats, fur-trimmed coats, and other apparel, agrees to stop describing furs from which coats and collars are made, in any other way than by use of the correct name of the fur as the last name of the description. He also stipulates that when a dye or blend is used to simulate a fur, the true name of the fur appearing as the last word of the description shall be immediately preceded by the word "dyed" or "blended", compounded with the name of the simulated fur. The respondent also agrees not to use a geographic term to describe a fur unless it actually comes from the region indicated.

Allen Henderson, operating as Henderson Beverage Co., Fort Smith, Ark., sells a medicinal product called "7-Up". In its stipulation, the respondent admitted that, according to the weight of scientific authority, "7-Up" is not a competent treatment for over-eating, over-drinking, over-worry, over-working, and other similar ailments, and agreed to stop representing that it was such.

No. 2384. An order to cease and desist has been issued against **American Tap Bush Co.**, 6404 East Jefferson Ave., **Detroit**, prohibiting unfair competition through disparagement of competitors' products in the interstate sale of beer dispensing appliances.

The respondent company is directed to cease representing that taps composed wholly or in part of nickel-plated zinc are harmful and dangerous to use in drawing beer from kegs, increasing the beer's acidity and producing a zinc deposit in such quantity as to render the beer injurious to the health of consumers.

Findings are that the respondent perfected the well-known "Peerless" system for tapping beer kegs, in which all portions of the bush, tap and rod that come in contact with the beer are made of nickel-plated brass. One of the parts contained in the "De Luxe" tap, a duplicate of the Peerless, distributed by De Luxe Manufacturing Co., of Detroit, is said to be made of nickel-plated zinc.

No. 2470. An order has been issued directing **Colonial Distilling and Distributing Corporation**, 390 Greenwich Street, **New York City**, to cease and desist from unfair use of the word "distilling" in the respondent company's corporate name and advertising and on stationery and labels.

The order applies to the respondent company's sale of whiskies, gins and other spirituous beverages, except gins produced by it through a process of rectification whereby alcohol purchased but not produced by the respondent company is redistilled over juniper berries and other aromatics.

Under the order, use of the word "distilling" is barred, unless and until the respondent company shall actually own, operate or control a place of business in which it distills the products in which it deals.

Material allegations of the Commission's complaint were admitted by the respondent company to be true and the proceeding was not contested.

No. 2562. Chase Candy Co., 5th Street and Sylvania, St. Joseph, Mo., has been ordered to cease and desist from selling and distributing to dealers, candy so packed and assembled that sales to the public are to be made, or are designed to be made, by means of a lottery, gaming device or gift enterprise.

The order also prohibits the respondent from supplying to dealers, assortments of candy together with a "push card" device designed to be used in distribution of the candy to the public at retail.

No. 2804. Richard Soberanes, 1485 North Vine St., Hollywood, Calif., trading as **Tarzana Mineral Water Co.,** has been ordered to cease advertising that Tarzana Mineral Water will prevent or cure ailments such as rheumatism, neuritis, arthritis, stomach ulcers and high blood pressure.

Findings are that use of the respondent's mineral water will not prevent or cure, nor is it beneficial in the treatment of all or any of the diseases mentioned by the respondent in his radio broadcasts and other advertising matter.

Other representations ordered discontinued are: That the drinking of the respondent's mineral water will supply the body with minerals where there is mineral deficiency in the diet; that this water contains mineral elements in sufficient quantities to render it different from, or of greater benefit than, any pure, potable water, and that the diet of the average American citizen is deficient in minerals.

No. 2874. Wilson Chemical Company, Inc., of Tyrone, Pa., as respondent has been ordered to discontinue certain unfair competitive practices in the sale of salves and miscellaneous merchandise on the "return or remit" plan.

In promoting the sale of its products, the respondent is directed to stop representing that a premium is obtainable from it for a less amount, in either services or money, than is actually the case, and that a premium will be sent upon remittance of a stated amount, without mention of an additional sum to cover postage or packing, in cases where an extra remittance is required.

FTC CLOSES CASE

No. 2891. The Federal Trade Commission has issued an order closing its case against **R. E. Rappeport,** 1700 West Monroe St., Chicago, charged in a complaint issued August 8, 1936, with unfair competition in the sale of leather luggage.

Closing of the case was ordered because the respondent, after service of the complaint, executed a stipulation to cease and desist from the alleged violations of law. The case was ordered closed without prejudice to the Commission's right, should the facts warrant, to reopen it and resume prosecution of the complaint under its regular procedure.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Tuesday, September 8

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Struble, Strong & Fagan (Carl C. Struble, Curtis T. Strong, Jane M. Fagan), The Dalles, Ore.—C. P., 1200 kc., 100 watts, unlimited time.

Wednesday, September 9

HEARING BEFORE AN EXAMINER

(Broadcast)

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Modification of license, 1130 kc., 500 watts, limited until LS at KSL, Salt Lake City, Utah. Present assignment: 1120 kc., 500 watts, daytime.

The Ogdensburg Advance Co., Inc., Ogdensburg, N. Y.—Authority to transmit programs to foreign countries.

Thursday, September 10

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-212:

NEW—A. W. Hayes, Erie, Pa.—C. P., 1270 kc., 500 watts, 1 KW LS, unlimited time.

NEW—Watertown Broadcasting Corp., Watertown, N. Y.—C. P., 1270 kc., 250 watts, daytime.

Examiner's Report No. I-214:

NEW—Winona Broadcasting Co., Emmons L. Abeles, Secy., Winona, Minn.—C. P., 1500 kc., 100 watts, unlimited time.

NEW—Mankato Broadcasting Co., Mankato, Minn.—C. P., 1210 kc., 100 watts, unlimited time.

NEW—Fort Dodge Broadcasting Co., Emmons L. Abeles, Secy., Fort Dodge, Iowa.—C. P., 1210 kc., 100 watts, unlimited time.

NEW—Clinton Broadcasting Co., Emmons L. Abeles, Secy., Clinton, Iowa.—C. P., 1310 kc., 100 watts, unlimited time.

NEW—Hastings Broadcasting Co., Emmons L. Abeles, Secy., Hastings, Nebr.—C. P., 1420 kc., 100 watts, unlimited time.

NEW—Grand Island Broadcasting Co., Emmons L. Abeles, Secy., Grand Island, Nebr.—C. P., 1370 kc., 100 watts, unlimited time.

NEW—Appleton Broadcasting Co., Emmons L. Abeles, Secy., Appleton, Wis.—C. P., 1500 kc., 100 watts, unlimited time.

NEW—Wausau Broadcasting Co., Emmons L. Abeles, Secy., Wausau, Wis.—C. P., 1310 kc., 100 watts, unlimited time.

NEW—Northern Broadcasting Co., Inc., Wausau, Wis.—C. P., 1370 kc., 100 watts, unlimited time.

Examiner's Report No. I-215:

WPAR—Ohio Valley Broadcasting Corp., Parkersburg, W. Va.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time. Present assignment: 1420 kc., 100 watts, unlimited time.

Examiner's Report No. I-246:

NEW—Star-Chronicle Publishing Co., St. Louis, Mo.—C. P., 1250 kc., 1 KW, unlimited time.

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—C. P., 1250 kc., 1 KW, unlimited time. Present assignment: 1200 kc., 100 watts, 250 watts LS, unlimited time.

Examiner's Report No. I-247:

WOL—American Broadcasting Co., Washington, D. C.—C. P., 1230 kc., 1 KW, unlimited time. Present assignment: 1310 kc., 100 watts, unlimited time.

Examiner's Report No. I-271:

NEW—Black River Valley Broadcasts, Inc., Watertown, N. Y.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time.

Friday, September 11

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Duluth Broadcasting Co., Duluth, Minn.—C. P., 1200 kc., 100 watts, unlimited time.

NEW—Walker Jamar, Duluth, Minn.—C. P., 1200 kc., 100 watts, unlimited time.

APPLICATIONS RECEIVED

First Zone

WABY—Adirondack Broadcasting Co., Inc., Albany, N. Y.—Construction permit to install a new transmitter; erect a vertical antenna; increase power from 100 watts to 100 watts night, 250 watts daytime; move transmitter from Strand Theatre Bldg., 110 N. Pearl St., Albany, N. Y., to Baintree and Newton Sts., 500 N. of Albany City Line, Colonie, N. Y., and studio from Strand Theatre Bldg., 110 N. Pearl St., Albany, N. Y., to 87 State St., Albany, N. Y. Amended to make changes in proposed equipment and omit request for increase in day power.

W2XMI—Bamberger Broadcasting Service, Inc., Portable-Mobile.—License to cover construction permit for high frequency broadcast station for 31100, 34600, 37600, 40600 kc., 2 watts.

W2XMJ—Bamberger Broadcasting Service, Inc., Portable-Mobile.—License to cover construction permit for high frequency

broadcast station for 31100, 34600, 37600, 40600 kc., 2 watts.

W2XMK—Bamberger Broadcasting Service, Inc., Portable-Mobile.—License to cover construction permit for high frequency broadcast station for 31100, 34600, 37600, 40600 kc., 2 watts.

Second Zone

WKRC—WKRC, Inc., Cincinnati, Ohio.—Modification of construction permit authorizing new equipment, increase in power to 1 KW night, using directional antenna, 5 KW daytime, subject to agreement with WOSU requesting further changes in equipment.

WHAS—The Courier-Journal Co. and The Louisville Times Co., 820 Louisville, Ky.—Voluntary assignment of license from The Courier-Journal Co. and The Louisville Times Company to The Louisville Times Company.

NEW—Science Surveys, Inc., Cleveland, Ohio.—Construction permit for new broadcast station to be operated on 880 kc., 1 KW night and 5 KW day power, unlimited hours of operation, and use directional antenna at night.

WLMU—Lincoln Memorial University, Middlesboro, Ky.—Modification of construction permit (B2-P-1130) to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day power.

WMBC—Michigan Broadcasting Co., Detroit, Mich.—Modification of construction permit (B2-P-910) for changes in equipment, requesting changes in authorized equipment and extend commencement and completion dates.

Third Zone

WQAM—Miami Broadcasting Co., Miami, Fla.—Authority to 560 make changes in automatic frequency control of auxiliary transmitter.

KARK—Arkansas Radio & Equipment Company, Little Rock, 890 Ark.—Modification of construction permit (B3-P-197) for equipment changes, increase in power, move of transmitter to site to be determined, Little Rock, Ark., to further request authority to install a new transmitter and vertical antenna, and for approval of transmitter site at Jackson Boulevard, North Little Rock, Ark.

WNAD—University of Oklahoma, Norman, Okla.—Authority to 1010 make changes in automatic frequency control.

NEW—Neil O. Davis and F. M. Gleason, d/b as North Georgia 1200 Broadcasting Co., Rossville, Ga.—Construction permit to erect a new broadcast station to be operated on 1200 kc., 100 watts power, unlimited time. Amended to omit name of Neil O. Davis from applicant's name.

NEW—Knoxville Journal Broadcasting Co., R. R. Spilman, Ira 1200 A. Watson, Roy N. Lotspeich and R. H. Clagett, Knoxville, Tenn.—Construction permit for a new station to be operated on 1200 kc., 100 watts night, 250 watts daytime, unlimited time.

WSOC—WSOC, Inc., Charlotte, N. C.—Authority to make changes 1210 in automatic frequency control.

WSGN—The Birmingham News Co., Birmingham, Ala.—Construction permit to install new transmitter.

WATL—J. W. Woodruff and S. A. Cisler, d/b as Atlanta Broadcasting Company, Atlanta, Ga.—Voluntary assignment of 1370 license from J. W. Woodruff and S. A. Cisler, d/b as Atlanta Broadcasting Co. to J. W. Woodruff, d/b as Atlanta Broadcasting Co.

KALB—Alexandria Broadcasting Company, Inc., Alexandria, La. 1420 —Modification of license to change time from daytime to unlimited time, using 100 watts power, contingent upon B3-P-975, WJBO, if and when WJBO leaves 1420 kc. frequency. Amended to request change in frequency from 1420 kc. to 1210 kc. and omit request that this application be contingent upon WJBO.

WNBR—Memphis Broadcasting Co., Memphis, Tenn.—Construction permit to install a new transmitter and antenna; move 1430 transmitter from 1690 S. Lauderdale St., Memphis, Tenn., to $\frac{3}{4}$ mile northwest Five Points, intersection U. S. Highway 70 and Macon Road, Shelby County, Tennessee.

WRDW—Augusta Broadcasting Co., Augusta, Ga.—Construction 1500 permit to move transmitter from 309 Eighth Street, Augusta, Ga., to Satcher Estate on edge of city, North Augusta, S. C., and install vertical antenna.

WHBB—W. J. Reynolds, Jr., J. C. Hughes and J. S. Allen, d/b 1500 as Selma Broadcasting Company, Selma, Ala.—Modification of license to change time from daytime to unlimited time, using 100 watts power.

Fourth Zone

WTAD—Illinois Broadcasting Company, Quincy, Ill.—Construction permit to install new transmitter and vertical antenna, 900 and increase power from 500 watts to 1 KW, and move transmitter from 510 Main Street, Quincy, Ill., to North 24th Street, Quincy, Ill.

WCLO—Gazette Printing Co., Janesville, Wis.—License to cover 1200 construction permit B4-P-1038 for move of transmitter and new antenna.

NEW—Walter H. McGenty, Rice Lake, Wis.—Construction permit to erect a new station to be operated on 1200 kc., 100 1210 watts night, 250 watts day power, and unlimited time. Amended: Change frequency from 1200 kc. to 1210 kc., time from unlimited to daytime.

WEBC—Head of the Lakes Broadcasting Co., Superior, Wis.— 1290 Modification of license to move studio from 1225 Tower Avenue, Superior, Wis., to Spaulding Hotel, Duluth, Minn.

KFH—The Radio Station KFH Company, Wichita, Kans.—Authority to determine operating power by direct measurement. 1300

WSBT—The South Bend Tribune, South Bend, Ind.—Construction permit to install a new transmitter. 1360

Fifth Zone

KFVD—Standard Broadcasting Co., Los Angeles, Calif.—Construction permit to make changes in equipment, install 1000 directional antenna, increase power from 250 watts to 1 KW, and change hours of operation from limited time to unlimited time. Amended to change requested hours of operation from unlimited time to limited time.

KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—Construction permit to install a new antenna; change frequency 1070 from 1070 kc. to 1080 kc.; and move studio and transmitter from 1380 Bush Street, San Francisco, Calif., to 1476 Pine Street, San Francisco, Calif. Amended to omit request for change in frequency.

KGCX—E. E. Krebsbach, Wolf Point, Mont.—Modification of 1310 construction permit (B5-P-444) for new equipment, move of transmitter, change in frequency, increase in power, and change in hours of operation, requesting changes in authorized equipment and move of transmitter 1 mile from present authorized site, Wolf Point, Mont. (Request of attorney.)

KGCX—E. E. Krebsbach, Wolf Point, Mont.—Modification of 1310 construction permit (B5-P-444) for changes in equipment, increase in power, change frequency and hours of operation, and move transmitter, requesting changes in authorized equipment.

KIUP—C. Guy Shepard, Durango, Colo.—Voluntary assignment 1370 of license from C. Guy Shepard to San Juan Broadcasting Company.

KVL—KVL, Inc., Seattle, Wash.—Construction permit to make 1370 changes in equipment, change frequency from 1370 kc. to 1070 kc., power from 100 watts to 250 watts, hours of operation from share-KRKO to daytime. Amended to change frequency from 1070 kc. to 1270 kc., hours of operation from daytime to unlimited time using 250 watts power, install vertical antenna, and move transmitter from Smith Tower, 2nd and Yesler Way, Seattle, Wash., to site to be determined, Seattle, Wash. Contingent upon KOL being granted change in frequency from 1270 kc.

KPQ—Westcoast Broadcasting Company, Wenatchee, Wash.— 1500 Construction permit to make changes in equipment.

NEW—A. W. Mills, Gallup, N. Mex.—Construction permit for a 1500 new station to be operated on 1500 kc., 100 watts, unlimited time. Amended to make changes in antenna.

NEW—S. H. Patterson, Denver, Colo.—Construction permit for 1570 special broadcasting station for 1570 kc., 1 KW power, unlimited time.

W6XLN—Ben S. McGlashan, Portable-Mobile.—License to cover 150000 construction permit for 31100, 34600, 37600, 40600, 90000, 150000, 300000, 600000 kc., 100 watts power, unlimited time.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
 JAMES W. BALDWIN, Managing Director

NAB REPORTS

Vol. 4 - - No. 45
 SEPT. 10, 1936

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CARPENTER HEADS COMMERCIAL SECTION

President Myers has appointed H. K. Carpenter, Vice President and General Manager, Radio Station WHK, Cleveland, Ohio, as Chairman of the Commercial Section.

Simultaneous with his appointment of Mr. Carpenter to head the Commercial Section, Mr. Myers appointed Beryl Lottridge, General Sales Manager, Radio Stations KOIN-KFAB, Omaha, Nebraska, as chairman of the Sales Managers' Division and John J. Gillin, Jr., Commercial-Program Director, Radio Station WOW, Omaha, Nebraska, as chairman of the Industry Promotion Division.

CHURCH RENAMED CHAIRMAN COMMITTEE OF FIVE

Arthur B. Church, President, KMBC, Kansas City, Missouri, has been reappointed by President Myers as Chairman of the Committee of Five. This Committee will represent the NAB on the Joint Committee on Radio Research.

WARNER BROTHERS QUESTIONNAIRE

"Do you wish to subscribe to our free motion picture preview transcription service sent to you in advance of film release?" There is a great deal more in the questionnaire mailed to radio stations last week by Martin Gosch, Warner Brothers Radio Director, but the meat of the proposition is contained in the above question.

This is not unlike other propositions submitted to members from time to time by other film companies. The film people are conscious of the fact that radio offers the most efficient means for exploiting their pictures. By means of "Hollywood News," "Commentaries by leading film stylists," etc., the film personalities may be kept constantly before the listeners on 29,000,000 receiving sets. By means of song plugging (by special permission) and dramatizations, radio popularizes new songs and invites listeners to see their favorite performers.

If the Warner proposition does not seek, as others do, to obtain free time—free exploitation of their pictures—why does not Mr. Gosch place an order for time and pay for that time at the rates specified in the stations' rate cards. He has all the facilities for building excellent commercial programs. He must know that talent costs are *in addition* to time costs. He ought to know that radio stations cannot discriminate between advertisers.

There is even more at issue here. One fact that cannot be ignored is that while radio stations are popularizing film music, they are building a music repertory that requires an expenditure of 5 per cent of their receipts for "time on the air" even though music is not used in certain programs. Another is that after popularizing orchestra leaders and other talent (often identified with motion pictures) radio is threatened with litigation if they do not cease broadcasting the recordings of such persons or pay heavy royalties for their use—and regardless of the fact that the musical selections involved are contained in the ASCAP repertory.

"Free offerings," regardless of their source, should receive search-

ing inquiry before acceptance. It may be found that some of them contain the kind of food it takes to build a Frankenstein. A good example of this may be found in the recent offering by "Words and Music" Music Publishers, of a record made by Jan Garber and his Orchestra of two song hits. In the letter transmitting the record Mr. Piantadosi said, "We would greatly appreciate it if you would use this record at every opportunity on your future programs. Thanking you and with best wishes." This offering was made late in July. In August Jan Garber permitted the use of his name in a suit brought by the American Society of Recording Artists against a member station (KFWB). In this suit Jan Garber alleges in substance and among others that the use of his record (Victor Record No. 24567—Brunswick Record No. 6740) was unauthorized; that its use for broadcasting diminished his income, created unfair competition, etc., and demanded an accounting and damages for the "unlicensed" and "unauthorized" use of his record. Will Jan Garber make the same claims concerning his selections offered to stations by "Words and Music" in July?

But back to motion pictures. There is a basis for business relations between radio broadcasting and motion pictures. It is founded on the NAB Code of Ethics. Adherence to the principles in it will eliminate discriminatory practices. That is in the public interest.

PALMER APPEAL DISMISSED

The Court of Appeals of the District of Columbia has dismissed the appeal of the Palmer Broadcasting Syndicate of Portland, Me., against the Federal Communications Commission. It was dismissed at the request of the applicant.

In this case the Commission granted a construction permit to the Portland Broadcasting System, Inc., for the erection of a new station at Portland. The Palmer Syndicate and several others who had applications pending for a station at the same time appealed to the Court against the Commission's action.

NEW OHIO STATION RECOMMENDED

C. A. Rowley filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new broadcasting station at Ashtabula, Ohio, to use 940 kilocycles, 250 watts, and daytime operation only.

Examiner John P. Bramhall, in Report No. I-287, recommended that the application be granted. He found that need for the daytime service "in the area proposed to be served has been clearly established." The Examiner states that the applicant is in all ways qualified to erect and operate such a station as proposed and he finds that it would serve the public interest.

NO TERMINAL CHARGE REDUCTIONS

Officials of the Federal Communications Commission deny that the American Telephone & Telegraph Company has filed tariffs with the Commission reducing the terminal costs in cases where four terminals or more are used. It was explained at the Commission that certain stories appearing in the daily press to this effect were due to a misunderstanding of the tariffs filed.

RECOMMENDS AGAINST CALIFORNIA STATION

The Valley Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Pomona, Calif., to use 1160 kilocycles, 250 watts, and daytime hours of operation.

Examiner R. H. Hyde, in Report No. I-286, recommends that the application be denied. The Examiner found that granting of the application would cause interference to one foreign station and two Los Angeles stations "and be subject to interference from these stations." The Examiner further stated that "it does not

appear from examination of the evidence that there is such need for the service of the proposed station as would justify the compromise with engineering standards that would be necessary to provide the operating assignment applied for."

GORDON BERGQUIST

It is suggested that any member who is contemplating the employment of Gordon Bergquist communicate with NAB headquarters.

FEDERAL TRADE COMMISSION ACTION Complaints

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

No. 2656. An amended and supplemental complaint has been issued charging **Knight Electric Company, Inc.**, 16 Hudson Street, **New York City**, and associated companies, with unauthorized use of well-known trade names and the appropriation of the reputation and good will of certain established companies, in the sale of radio receiving sets, tubes and accessories.

The original complaint in this case, issued in December, 1935, charged **Knight Electric Company, Inc.**, with appropriating the names "Majestic International," "Victor International," "Victor Radio Stores," and "Edison Radio Stores," without the authority of the owners of such names, namely, Grigsby-Grunow Co., RCA-Victor Co., and Thomas A. Edison, Inc.

The amended and supplemental complaint names as respondents several additional companies and individuals and alleges the use on name plates attached to radio products sold by them of other names and letters or symbols in addition to those mentioned in the original complaint. Among these are trade names containing the names Marconi, Edison, Bell, Victor, Majestic and Brunswick, the name Brunswick being the property of Brunswick Radio Corporation, and symbols and letters alleged to simulate the letters "RCA" and "GE" as owned by Radio Corporation of America and General Electric Co., respectively.

The complaint alleges that the sale to dealers in radio sets, tubes and like products of escutcheons or name plates, stamped or branded with well-known names, marks, and symbols owned by other companies, without the latter's consent, and the sale of such sets, tubes, and accessories, branded or marked with these names, without authority of the owners, places in the hands of dealers and others the means whereby injury may be done to competitors and the purchasing public in violation of Section 5 of the Federal Trade Commission Act.

Besides **Knight Electric Company, Inc.**, the amended complaint names the following companies engaged as essentially a single business in manufacturing and assembling radio sets, tubes, and like products: **Temple Electric Corporation**, **Acme Radio Corporation**, **Pirate Radio Corporation**, **Gillet Radio Corporation**, **Radio Products Corporation**, and **Franklin Sales and Distributing Company, Inc.**, all of 16 Hudson Street, **New York City**.

No. 2911. A complaint has been issued against **G. F. and M. F. Pergande**, of **Milwaukee**, trading as **Pergande Institute**, **Pergande Civil Service Institute**, **Pergande Publishing Company**, **Civil Service Institute**, and **Pergande Civil Service Publishing Company**.

Advertisements and other representations made by the respondents are alleged to have a tendency to deceive purchasers and prospective purchasers of their correspondence courses and books into believing that the respondents and the correspondence school operated by them are connected with or otherwise represent the United States Government or the United States Civil Service Commission, and that their courses and material are made use of by the Government in connection with civil service examinations for positions in the classified civil service.

No. 2912. Charging unfair competition in the interstate sale of tinted or colored photographic enlargements, a complaint has been issued against **Frank McKinnon**, 710 Eddy St., **Providence, R. I.**, trading as **Eastern Art Company and United Art Association**.

Selling enlargements of family pictures and other photographs, and the frames therefor, the respondent is said to have employed agents to visit prospective customers in various parts of the country operating under one or the other trade names, neither of the two trade name companies selling in the same territory at the same time.

Among representations made to customers, according to the

complaint, were the following: That pictures sold customers were portrait paintings, oil paintings or water color paintings, when this was not true; that pictures sold by the respondent were worth as much as \$40, or had been bought by prominent people for \$1,000, when, in fact, the respondent's product was a cheap product costing around \$1.25 each; that the respondent operated an art school and gave work to unemployed artists, when this was not true; that customers would get free pictures in lottery drawings, and that the respondent conducted a contest in connection with national advertisers, in which the winning picture of a child would be selected and the parents made the recipient of a prize and of royalties.

Nos. 2913-2916. Alleging unfair competition in the sale of candy through use of methods which promote lotteries or gift enterprises, complaints have been issued against **Marcelle Candies, Inc.**, 223 Peachtree St., **N. W., Atlanta, Ga.**; **C. E. Gheens**, 817 South Floyd St., **Louisville, Ky.**, trading as **Bradass & Gheens**; **Dilling & Co.**, **Dakota and Morris Streets and Chocolate Ave., Indianapolis, Ind.**, and **Maple City Candy Co.**, 405 Tyler St., **La Porte, Ind.**

No. 2917. Unfair competition in the sale of poultry remedies in interstate commerce is alleged in a complaint against **Merck and Co., Inc., Rahway, N. J.**

Selling "Iodine Suspensoid Merck" and "Iodine Vermicide Merck," the respondent company is alleged to have advertised in a manner leading prospective purchasers to believe that "Iodine Vermicide Merck" will remove all kinds of worms from pullets; that this product will prevent worm infestation of poultry, and that "Iodine Suspensoid Merck" will, without other precautionary measures being taken by the user, control coccidiosis, when, according to the complaint, the medicines will not accomplish these results.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 01439. **Breslau, 1109 F St., N. W., Washington, D. C.**, selling women's fur trimmed coats, agrees to cease advertising furs used in trimming its coats in any other way than by employing the correct name of the fur as the last name of the description. The respondent company agrees that when a dye or blend is used in simulating another fur the true name of the fur appearing as the last word of the description will be immediately preceded by the word "dyed" or "blended" compounded with the name of the simulated fur.

No. 01440. **A. R. Patterson, Rochester, N. Y.**, operating under the name, **Patterson School**, stipulates that he will cease representing that a person pursuing his course of instruction will be sure to pass government examinations, or receive an appointment, or that the passing of an examination and procuring of a position are guaranteed or insured. The respondent also agrees to stop asserting that he accomplishes anything other than the imparting by correspondence of certain information that may help purchasers of his course to pass civil service examinations. He also agrees to discontinue alleging that undoubtedly many emergency positions would be put in the classified civil service and opened up to civil service examinations.

No. 01441. **Mrs. G. Charvat, 210 West 8th St., Kansas City, Mo.**, trading as **Byron Tyler** and selling a food product called **Tyler's Macerated Wheat**, will no longer advertise that that product will keep the joints, ligaments, arteries and muscles elastic, or that it is an adequate treatment or competent remedy for indigestion, nervousness and stomach troubles. Other like representations will be discontinued.

No. 01442. **Olive Tablet Company, 29 E. 5th St., Columbus, Ohio**, selling "**Dr. Edward's Olive Tablets**," stipulates that it will not advertise its preparation as a competent treatment or effective remedy for constipation, unless this assertion is limited as referring to temporary relief. The product will also not be represented as a substitute for calomel. Other similar representations will be discontinued.

No. 01443. **Larre Laboratories, Inc., 334 Broadway, Denver, Colo.**, selling a medicinal preparation called "**Zeptabs**," will discontinue employing the representation that "**Zeptabs**" are absolutely safe and harmless, unless notice is given that they must be used strictly according to instructions. The respondent company agrees to stop representing that this product is a competent remedy for certain women's diseases and that it is antiseptic, unless, in the manner in which its use is recommended, it meets the scientific tests of an antiseptic.

No. 01444. **Ben Turoff, Lee's Summit, Mo.**, selling a medicinal preparation called "**Tar-Zeme**," agrees to bar the repre-

sensation that "Tar-Zeme" is a cure for psoriasis, or that when used in such cases it will produce permanent results. Turoff also agrees to stop asserting that "Tar-Zeme" is an effective treatment for eczema, unless the assertion is limited as referring to relief from burning or itching.

No. 01445. Lewis Hotel Training School, Inc., 23rd St. and Washington Circle, Washington, D. C., agrees to cease and desist from representing directly or by inference that the Lewis Hotel Training School has jobs to be filled, or needs additional students to meet requirements of its placement service. Other representations to be discontinued are that salaries range from \$1,800 to \$5,000 a year in the hotel field; that Clifford Lewis has been "appointed managing consultant" to more than 300 hotels; that the course sold by this school will increase the earnings of a student by a definite amount; that a student receives "individual guidance" "under the personal supervision of Clifford Lewis," and other similar assertions.

No. 1741. Glame, Inc., 226 Grand St., Hoboken, N. J., distributor of manicure preparations, agrees to stop representing that its "Glame Polish Remover" feeds or nourishes the nails or cuticle of users, also to discontinue use of the words "feeds" or "nourishes" in any way implying that its product, or the glycerin content thereof, has the power or capacity to feed or nourish the nails or skin.

No. 1755. R. H. Macy & Co., Broadway & 34th St., New York City, in the sale of a cosmetic, "Macy's Skin Food," agrees to stop use of the words "Skin Food" as a trade designation for its product, and to discontinue use of this term or of any other words of similar meaning on labels or in advertising, implying that the product is a skin food or that it will feed or nourish the skin when applied externally, or that it possesses value in excess of what is actually the fact.

No. 1758. Vimay-Chany, Inc., 5835 W. Washington St., Culver City, Calif., in selling its "Amphoteric" cosmetics, agrees to stop advertising that use of the respondent's products will correct an over-acid or over-alkaline condition of the skin. The respondent company agrees to cease asserting that its products will "normalize" the skin; that the use of soaps or of other facial creams will cause or aggravate an over-acid or over-alkaline condition; or that the respondent's products will change the fundamental nature of excretions of the skin.

No. 1766. Fred E. Delaney and Cora Lee Delaney, trading as **Fred E. Delaney Co., 111 East 5th St., Charlotte, N. C.,** in the sale of a line of cosmetics under the trade name "Mata-Hari," will cease using the word "medicated" to describe preparations not impregnated with a drug or other medicinal ingredient, and will discontinue employing the phrases, "Skin Tissue Food," "Anti-Wrinkle Cream," or "Skin Tonic and Freshener," to designate substances which do not feed the tissues, prevent wrinkles, or act as a skin tonic.

The respondents agree to cease representing their demonstrators as "beauticians" or "skin specialists," unless such persons have appropriate degrees or scientific training entitling them to these designations. The respondents agree to stop advertising that they make, or teach others to make, scientific diagnoses of skin conditions, and will abandon use on labels and in other advertisements of the words "New York" and "Washington," unless and until they own, occupy, and conduct branch offices in those cities.

No. 1768. Tril-O-Gy Beauty Service, Inc., 4051 Broadway, Kansas City, Mo., stipulates that it will not advertise its products as being prepared in accordance with the prescription of a dermatologist, "beautician," or other scientifically qualified person, or that it is equipped to, and does, prescribe individual corrective service based on a scientific analysis by an expert "beautician." The respondent company agrees to har the assertion that its preparations possess properties as which nourish or rejuvenate the skin, to smooth away lines, restore elasticity, or stimulate the circulation; or that its products will penetrate the skin or the pores and make the skin free from blemishes. Also, the respondent company will cease alleging that it has a factory or laboratory wherein the products it sells are made or compounded, when this is not true.

No. 2471. Campbell's Distilleries, Inc., 110 Erie St., Camden, N. J., has been ordered to cease and desist representing itself, through use of the word "Distilleries," as a distiller of whiskies, gins or other spirituous beverages. The respondent company, according to findings, purchases, rectifies, blends and bottles liquors but is not a distiller.

The respondent company's practices are held to be in violation of the Federal Trade Commission Act.

Findings are that the respondent company's stock, equipment

and other assets were sold by a receiver and trustee in bankruptcy, but that "nothing appears to show that respondent's corporate existence has not been maintained or that in the future it might not, unless prohibited therefrom, again engage in business as a rectifier and resume the acts and practices * * * described."

No. 2490. A cease and desist order has been issued against T. S. Craig, 812 Wayne St., Dallas, Tex., trading as United Silk Co. The order prohibits unfair methods of competition in the sale of hosiery.

Engaged in the sale of hosiery by the house-to-house canvass method, the respondent is ordered to discontinue filling orders with hosiery different from the size, color or quality ordered, and from accepting all or any part of the purchase price when hosiery of the size, color or quality ordered is not delivered to the purchaser at the time promised.

Craig is directed to cease representing to purchasers that a free pair of hose will be shipped with an order, unless this is actually done without added cost to the purchaser, and from asserting that a certain number of pairs will wear for a specified time and that, if they do not, the worn hosiery will be replaced with new until the expiration of the time specified. This part of the order is effective unless and until, under normal wear, the hosiery will last for the time specified; or, if the hosiery does not wear for the time indicated, unless and until the respondent fulfills his replacement promise.

No. 2508. Calaf Company, Inc., 620 West Olympic Blvd., Los Angeles, dealer in medicinal preparations has been ordered to cease and desist from advertising that "Calaf Asthmatic Powder," "Calaf Mentholated Powder," and certain other preparations sold by it will cause asthma or hay fever and the symptoms thereof to disappear.

The respondent company also directed to discontinue asserting that persons afflicted with asthma or hay fever will regain their health if they use these preparations or that the preparations constitute a competent and effective remedy for treating and curing asthma or hay fever. Advertising that the respondent's preparations may safely be used by all persons afflicted with asthma or hay fever is also prohibited in the order.

No. 2524. Prohibiting certain unfair competitive methods in the sale of correspondence school courses has been issued an order to cease and desist against Charles L. Johnson, 1502 Hinman Ave., Evanston, Ill., trading as National Institute of Accountancy, Inc.

The respondent is ordered to discontinue representing that his enterprise has offices in the Institute Building, Chicago, and that it is a large, substantial correspondence school, comparable with the leading correspondence schools in the United States, with a staff of trained and experienced teachers, and that the respondent is its "president," "treasurer," or "director."

Findings are that the respondent does not have offices in the Institute Building, Chicago, and that the National Institute of Accountancy, Inc., is not a large school with a staff of trained and experienced teachers, but is a "one man" concern without any teaching staff, with the exception of the respondent, Johnson, and at times one or two persons who assist in grading papers.

No. 2625. An order has been issued requiring Richard B. Yancey and Mrs. E. Y. Council, of Salisbury, N. C., trading as International China Co. and as Baker Pottery Co., to cease and desist from certain unfair competitive methods in the interstate sale of chinaware, earthenware and other pottery.

Specifically, the respondents are directed to stop misrepresenting the number of complete sets of dishes or other chinaware or earthenware that may be made up from various pieces contained in their assortment designated "odds and ends."

According to findings in the case, the respondents' "odds and ends" assortment, containing more than 1,000 pieces, was represented as providing in every instance at least three complete sets of 36 pieces each, of uniform design, pattern or decoration, when, in fact, it was impossible to assemble even one set from such "odds and ends."

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, September 14

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Telegraph Herald, Duhouque, Iowa—C. P., 1340 kc., 500 watts, daytime.

NEW—Stanley Reid & Charles Withnell Boagel, Jr., d/b as The

Rapids Broadcasting Co., Cedar Rapids, Iowa—C. P., 1310 kc., 100 watts, unlimited time.
WKBB—Sanders Brothers Radio Station, Dubuque, Iowa—C. P. to move; 1500 kc., 100 watts, 250 watts LS, unlimited time.

Tuesday, September 15

HEARING BEFORE AN EXAMINER
(Broadcast)

NEW—Smith, Keller & Cole, San Diego, Calif.—C. P., 1200 kc., 100 watts, daytime.

Wednesday, September 16

HEARING BEFORE AN EXAMINER
(Broadcast)

NEW—C. F. Gaarenstroom, Fairmont, Minn.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time.
KSO—Iowa Broadcasting Co., Des Moines, Iowa—C. P., 1430 kc., 500 watts, 2½ KW LS, unlimited time. Present assignment: 1430 kc., 500 watts, 1 KW LS, unlimited time.
NEW—The Times Publishing Co., St. Cloud, Minn.—C. P., 1420 kc., 100 watts, unlimited time.

Thursday, September 17

ORAL ARGUMENT BEFORE THE BROADCAST
DIVISION

Examiner's Report No. I-217:

NEW—C. C. Hill, Geo. D. Walker, Susan H. Walker, Winston-Salem, N. C.—C. P., 1250 kc., 200 watts, daytime.

Examiner's Report No. I-220:

NEW—A. Steneart Graham, E. V. Baxter, Norman Baxter, d/b as Pittsburg, Broadcasting Co., Pittsburg, Kans.—C. P., 790 kc., 1 KW, daytime.

Examiner's Report No. I-222:

WMBG—Havens & Martin, Inc., Richmond, Va.—C. P., 1350 kc., 500 watts, unlimited time.
NEW—Century Broadcasting Co., Inc., Richmond, Va.—C. P., 1370 kc., 100 watts, daytime.

Examiner's Report No. I-255:

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Texas—C. P., to move to Ft. Worth; 570 kc., 250 watts, 1 KW LS, unlimited time.

The Broadcast Division has taken the following action subject to ratification at its next regular meeting:

APPLICATIONS GRANTED

WFAB—Fifth Avenue Broadcasting Corp., New York City, N. Y.—Granted special temporary authority to operate station without a plate voltmeter for a period not to exceed 15 days.
WTCN—Minn. Broadcasting Corp., Minneapolis, Minn.—Granted special temporary authority to use transmitter of station WLB to broadcast its programs for the period August 21 to August 24; and to use station WTCN's transmitter with temporary antenna from August 24 for a period of 30 days.
WNAX—WNAX Broadcasting Co., Yankton, S. Dak.—Granted special temporary authority to operate without a plate ammeter for the period August 26 to September 5, 1936.
KALB—Alexandria Broadcasting Co., Alexandria, La.—Granted special temporary authority to operate from 6:15 to 11 p. m., CST, nights of September 4 to 14 inclusive, to broadcast results of Evangeline League Championship Playoff.
KGGF—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Granted extension of special temporary authority to operate station without an approved frequency monitor for the period August 29 to September 7, 1936.
WNBC—State Broadcasting Corp., New Britain, Conn.—Granted special temporary authority to operate unlimited time on the nights of August 29, September 16 and 22, in order to broadcast a rally, tendered to Representative Lemke, a speech by Reverend Coughlin and a Testimonial Dinner to Paul Harris, founder of International Rotary.
WMAZ—Southeastern Broadcasting Co. Inc., Macon, Ga.—Granted extension of special temporary authority to operate without

antenna ammeter for a period beginning August 20 and ending not later than September 18.
KSCJ—Perkins Bros. Co. (The Sioux City Journal), Sioux City, Iowa—Granted special temporary authority to operate station without antenna ammeter for the period August 24 to September 3, pending repair of apparatus.
WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary authority to operate on 560 kc., with power of 1KW night during month of September, 1936, pending filing of and action on license application.
WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted extension of special temporary authority to operate with power of 50 watts from local sunset to 11 p. m., EST, on Tuesdays, Thursdays, Saturdays and Sundays during month of September, pending action on application for modification of license.
WMBG—Havens & Martin, Inc., Richmond, Va.—Granted extension of special temporary authority to operate from 5:30 to 7 p. m., EST, on Sundays during the month of September (provided WBBL remains silent), in order to broadcast special programs.
WDBO—Orlando Broadcasting Co. Inc., Orlando, Fla.—Granted extension of special temporary authority to operate with additional power of 750 watts at night for the period August 29 to September 27, 1936.
WTMV—Miss. Valley Broadcasting Co. Inc., E. St. Louis, Ill.—Granted special temporary authority to operate station without antenna ammeter for the period August 28 to September 6, 1936, pending repair of apparatus.
WKBB—Sanders Bros. Radio Station, E. Dubuque, Ill.—Granted special temporary authority to operate station without antenna ammeter for a period beginning August 28 and ending no later than September 6, 1936.
KSEI—Radio Service Corp., Pocatello, Idaho—Granted extension of special temporary authority to operate station without an antenna ammeter for the period beginning August 27 and ending no later than 10 days thereafter.
WSYB—Philip Weiss Music Co., Rutland, Vt.—Granted special temporary authority to operate from 9 to 10 p. m., EDST, on September 8, 1936, in order to broadcast election returns. (Action taken 8-29.) Also granted special temporary authority to operate from 9 a. m. to 10 a. m., EDST, for the period beginning September 7 and ending September 12, inclusive, for the purpose of broadcasting special features of the Rutland County Fair.
KOAC—Oregon State Agricultural College, Corvallis, Ore.—Granted extension of special temporary authority to operate from 8 a. m. to 2:30 p. m. and from 6:30 to 8 p. m., PST, during September (instead of unlimited time as licensed) in order to observe summer vacation.
WCPO—Continental Radio Co., Cincinnati, Ohio.—Granted special temporary authority to operate a 100-watt portable test transmitter from 12 midnight to 6 a. m., EST, for the period September 1 to September 7, 1936, in order to determine new transmitter site.
KGGF—Powell & Platz, Coffeyville, Kans.—Granted extension of special temporary authority to operate from 7:15 to 9:15 p. m., CST, September 1, 3, 8, 10, 15, 17, 22, and 24, and from 8:15 to 9:15 p. m., CST, on September 2, 9, 16, 23, 1936 (provided WNAD remains silent), in order that WNAD may observe summer vacation.
WNAD—University of Oklahoma, Norman, Okla.—Granted extension of special temporary authority to remain silent on above dates in order to observe summer vacation.
WSUI—State University of Iowa, Iowa City, Iowa.—Granted extension of special temporary authority to operate a minimum of 6 hours daily, instead of unlimited time, for the period September 1 to 20, 1936, in order to observe summer vacation.
KFGQ—Boone Biblical College, Boone, Iowa.—Granted special temporary authority to operate from 2:30 to 4 p. m., CST, September 1, for a special broadcast.
KGKB—East Texas Broadcasting Co., Tyler, Tex.—Granted extension of special temporary authority to operate from 7 a. m. to 2 p. m. and from 4 to 10 p. m., CST, during month of September, 1936, instead of hours now licensed, pending compliance with Rule 131.
KELW—Evening Herald Publishing Co., Burbank, Calif.—Granted extension of special temporary authority to use transmitter of KEHE, with power of 500 watts, for the period September 1, 1936, to March 1, 1937, pending completion of construction of station KEHE.

- WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Granted special temporary authority to operate a portable test transmitter not more than 50 watts on **900 kc.** between the hours of 12 midnight and 6 a. m., CST, for a period not to exceed 30 days.
- KGCX—E. E. Krebsbach, Wolf Point, Mont.—Granted special temporary authority to operate from 9:30 a. m. to 12 noon and from 9 to 11 p. m., MST, on September 12, in order to broadcast speech by Senator Wheeler and other prominent Montana Democrats.
- KCRJ—Charles C. Robinson, Jerome, Ariz.—Granted special temporary authority to operate from 8 p. m., September 8, to 2 a. m., September 9, 1936, MST, in order to broadcast election returns.
- KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to remain silent September 7th in order to observe national holiday.
- WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to operate from 8:15 p. m. to 12 midnight, EST, on September 7, 8 and 9, 1936, in order to broadcast pre-election and election night activities.
- WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Granted extension of special temporary authority to maintain main studio at Moline, Ill., instead of Rock Island, for the period September 4 to October 3, 1936.
- WILL—University of Illinois, Urbana, Ill.—Granted special temporary authority to operate simultaneously with KFNF from 8 to 11 a. m. daily, CST, except Sunday, during the month of September, 1936.
- KFNF—Henry Field Co., Shenandoah, Iowa.—Granted special temporary authority to operate simultaneously with WILL from 8 to 11 a. m. daily, CST, except Sunday, during month of September, 1936.
- WSYR-WSYU—Central New York Broadcasting Corp., Syracuse, N. Y.—Granted extension of special temporary authority to operate a 100-watt portable test transmitter between hours of 12 midnight and 6 a. m., EST, for period August 28 to September 11, 1936.
- KCMO—Lester E. Cox, Thomas L. Evans and C. C. Payne, Radio Station KCMO, Kansas City, Mo.—Granted extension of program test period for 30 days from August 28, 1936.
- W2XK—National Broadcasting Co., Inc., New York City.—Granted extension of tests for 30 days from August 27, 1936.
- KNEF—Radio Service Corp. of Utah, Salt Lake City, Utah.—Granted authority to operate station KNEF as licensed, August 30 to September 5, inclusive, to broadcast automobile speed runs on salt beds near Salduro, Utah.
- KLZ—KLZ Broadcasting Co., Denver, Colo.—Granted extension of program test period for 30 days from August 29, 1936.
- WKRC—WKRC, Inc., Cincinnati, Ohio.—Granted extension of special experimental authority to operate with 1 KW from September 1, 1936, to March 1, 1937.
- KSCJ—The Sioux City Journal, Perkins Bros. Co., Sioux City, Iowa.—Granted license to cover C. P. as modified; frequency **1330 kc.**, 1 KW night, 2½ KW day, unlimited time.
- KFEL—Eugene P. O'Fallon, Denver, Colo.—Granted license to cover C. P., **920 kc.**, 500 watts, share equally with KVOD.
- WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted extension of special experimental authority to operate with 1 KW daytime.
- WEED—Wm. Avera Wynne, Rocky Mount, N. C.—Granted license to cover C. P., **1420 kc.**, 100 watts night, 250 watts day, unlimited time, share night with WCHV.
- WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Granted extension of special authority to operate with 1 KW to March 1, 1937.
- WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted C. P. to install new equipment.
- WHP—WHP, Inc., Harrisburg, Pa.—Granted C. P. to move station locally.
- KTSA—KTSA Broadcasting Co., San Antonio, Tex.—Granted C. P. to install new equipment.
- WAWZ—Pillar of Fire, Zarephath, N. J.—Granted C. P. to install new equipment in accordance with Rules 132 and 139.
- KID—KID Broadcasting Co., Idaho Falls, Idaho.—Granted modification of C. P. for new transmitter site and new antenna system.
- KLZ—KLZ Broadcasting Co., Denver, Colo.—Granted license to cover C. P., **560 kc.**, 1 KW night, 5 KW day; also granted authority to determine operating power by direct measurement of antenna power.
- KGW—Oregonian Publishing Co., Portland, Ore.—Granted license to cover C. P., **620 kc.**, 1 KW night, 5 KW day, unlimited; also granted authority to determine operating power by direct measurement of antenna power.
- WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted renewal of license for **630 kc.**, 500 watts, simultaneous daytime operation with KFRU and share time at night with KFRU for period September 1, 1936, to March 1, 1937.
- WMCA—Knickerbocker Broadcasting Co., Inc., New York City.—Granted renewal of license for the regular period; **570 kc.**, 500 watts, unlimited time.
- WMCA—Same for auxiliary.
- KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted renewal of license for the regular period.
- KFDM—Sabine Broadcasting Co., Inc., Beaumont, Tex.—Granted renewal of license for the regular period.
- WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted renewal of license for the regular period.
- KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Granted temporary extension of present license for a period of 1 month from September 1, subject to such action as may be taken on pending application for renewal.
- KSD—Pulitzer Publishing Co., St. Louis, Mo.—Granted temporary extension of present license for a period of 3 months from September 1, 1936, subject to such action as may be taken on application for renewal and related pending applications.
- WOCL—A. E. Newton, Jamestown, N. Y.—Granted renewal of license to December 1, 1936.
- WOEH—National Broadcasting Co., Inc., Aboard Airplane NC-223-Y.—Granted special temporary authority to operate regularly licensed temporary broadcast pickup station on plane piloted by Howard Hughes on frequencies **4797.5, 6425, 8655, 12862.5, 17310 kc.**, in addition to licensed frequencies, to describe flight from New York City to Paris, for period August 30 to September 28, 1936.
- WCAX—Burlington Daily News, Inc., Burlington, Vt.—Granted special temporary authority to operate from 11 a. m. to 12 noon, 1:30 to 5 p. m. and 7 to 8 p. m., EDST, on August 31 and September 2; from 11 a. m. to 12 noon and 1:30 to 8 p. m., EDST, on September 1, 3 and 5, and from 11 a. m. to 12 noon and 1:30 to 5 p. m., EDST, September 4, in order to broadcast Champlain Valley Fair.
- WBPH—Transcontinental & Western Air, Inc., Aboard NC-13711.—Granted extension of special temporary authority to operate regularly licensed airplane transmitter aboard NC-13711 as a broadcast pickup station on August 29, 30, September 5, 6, 7, 12, 13, 19 and 20.
- WKP-WQW-WQP-WQH—RCA Communications, Inc., Rocky Point, N. Y.—Granted special temporary authority for point to point telegraph stations in addition to authority contained in present licenses covering operation of these stations, to communicate with broadcast pickup station WOEH for contact control communication service to facilitate reception of program material by Riverhead, N. Y., receiving station for delivery to a National broadcast chain, for the period August 30 to September 28, 1936.
- W8XUN—Radio Air Service Corp., Cleveland, Ohio.—Granted extension of special temporary authority to operate radio transmitting apparatus as general experimental broadcast pickup station for period September 2 to October 1, 1936, to broadcast public activities.
- W9XPL-W9XPM—KFNF, Inc., Shenandoah, Iowa.—Granted special temporary authority to operate portable-mobile transmitters (2) on September 2, 1936; frequencies **31100, 34600, 37600, 40600 kc.**, 5 watts.
- W9XPK—WDZ Broadcasting Co., Tuscola, Ill.—Granted special temporary authority to operate portable-mobile broadcast pickup transmitter on September 1, 2, 3 and 4, 1936.

RENEWAL OF LICENSES

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

KEHE, Los Angeles; KTSA, San Antonio, Tex and WPRO, Providence, R. I.

Licenses of the following stations were extended on a temporary basis only for the period September 1 to October 1, 1936, pending receipt and/or action on renewal applications:

KFRC and auxiliary, San Francisco; KMJ, Fresno, Cal.; KUSD, Vermillion, S. Dak.; WMMN, Fairmont, W. Va.; WPEN and auxiliary, Philadelphia, and WRAX and auxiliary, Philadelphia;

WCAU (auxiliary) Philadelphia; WNYC (auxiliary) New York City; WRDO, Augusta, Maine; WWAE, Hammond, Ind.

WWL—Loyola University, New Orleans, La.; KWKH—International Broadcasting Corp., Shreveport, La.—Special temporary experimental authorizations further extended for the period September 1 to October 1, 1936, subject to the same conditions as contained in existing authorities to said stations, pending consideration of pending petition of WLWL and petitions in opposition thereto.

The following stations were granted renewal of licenses on a temporary basis only, subject to such action as the Commission may take on their pending applications for renewal:

KFUO, Clayton, Mo.; KSEI, Pocatello, Idaho; WIND, Gary, Ind.; WPHR, Petersburg, Va.

W9XAF—The Journal Company, Milwaukee, Wis.—Present license extended on a temporary basis only for the period September 1 to October 1, 1936, pending action on application for renewal.

W2XBH—Radio Pictures, Inc., Long Island City, N. Y.—Present license extended on a temporary basis only for the period September 1 to October 1, 1936, pending action on application for renewal.

MISCELLANEOUS

NEW—Central Broadcasting Co., Eau Claire, Wis.—The Broadcast Division, upon consideration of a petition filed by the Central Broadcasting Co., reconsidered its action of July 2, 1936, in denying application for C. P. for new station to operate on 1050 kc., 250 watts, daytime. (Site to be determined subject to Commission's approval), recalled its decision of August 7, 1936, in this case, and granted said application effective Sept. 15, 1936.

The Broadcast Division granted the request of the Black River Valley Broadcasters, Inc., that oral argument be granted in connection with Ex. Rep. No. I-271, and that such argument be heard at the same time as, and in consolidation with, the argument scheduled to be heard on September 10, in connection with application of the Watertown Broadcasting Corp., involving Ex. Rep. No. I-212.

The Broadcast Division denied the petition of J. R. Maddox and W. B. Hair, d/b as the Chattanooga Broadcasting Co., Chattanooga, Tenn., requesting that the Commission reopen the hearing on its application for C. P. to establish a broadcast station at Chattanooga (Exp. Rep. I-252). The Broadcast Division granted the request for oral argument in this case, and extended the time for filing exceptions to the Ex. Report until September 1, 1936.

APPLICATIONS RECEIVED

First Zone

WMAL—National Broadcasting Co., Inc., Washington, D. C.—630 Modification of license to change operating power of auxiliary transmitter from 250 watts night, 500 watts day to 250 watts night and day.

WGY—General Electric Co., Schenectady, N. Y.—Authority to 790 install automatic frequency control for main transmitter.

WGY—General Electric Co., Schenectady, N. Y.—Authority to 790 install automatic frequency control for auxiliary transmitter.

NEW—Troy Broadcasting Co., Troy, N. Y.—Construction permit 1240 for a new station to be operated on 1240 kc., 500 watts, daytime.

WCAM—City of Camden, Camden, N. J.—Authority to make 1280 changes in automatic frequency control.

WDRC—WDRC, Incorporated, Hartford, Conn.—Authority to 1330 determine operating power by direct measurement of antenna.

WILM—Delaware Broadcasting Co., Chester, Pa.—Construction 1420 permit to install vertical antenna, move transmitter from Baynard Blvd. & March Rd., Carrcroft, Delaware, to site to be determined, Chester, Pennsylvania, and studio from 920 King Street, Wilmington, Delaware, to site to be determined, Chester, Pennsylvania.

WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.—1450 Modification of construction permit (B1-P-225) for changes in equipment, install directional antenna and increase power, requesting extension of completion date from 10-1-36 to 10-31-36.

W2XBH—Radio Pictures, Inc., Long Island City, N. Y.—Modification of license to delete frequencies 2000-2100, 42000-

56000, 60000-86000 kc., and add 1614, 2398, 23100, 41000, 86000-400000 kc., and additional frequencies 1600, 2012-2016 or 2276-2280, 41600 kc. for possible interference for free facsimile transmission. Amended: To delete frequencies 1600, 2012-2016 or 2276-2280, 41600 kc., and add frequency of 2012 kc.

W1XO—Travelers Broadcasting Service Corp., Portable and Mobile—Construction permit to change equipment and increase power from 7.5 watts to 50 watts.

W1XT—The Travelers Broadcasting Service Corp., Portable-Mobile—Construction permit for replacement of transmitter and increase power from 7.5 watts to 100 watts.

XXX—National Broadcasting Co., Inc., New York, N. Y.—Extension of authority to transmit programs to stations CFCE and CRCT and the Canadian Radio Broadcast Commission.

XXX—National Broadcasting Co., Inc., New York, N. Y.—Extension of authority to transmit recorded programs to foreign radio stations (CJOR, CFAC, CJOC & CJCA).

Second Zone

NEW—Berks Broadcasting Co., Pottsville, Pa.—Construction permit for a new station to be operated on 640 kc., 250 watts, daytime. Amended to change frequency from 640 kc. to 580 kc.

WAVE—WAVE, Inc., Louisville, Ky.—License to cover construction permit (B2-P-1225) for a new transmitter.

WEXL—Royal Oak Broadcasting Co., Royal Oak, Mich.—Construction permit to install a new transmitter and make changes in antenna.

WBTM—Piedmont Broadcasting Corp., Danville, Va.—Construction permit to make changes in equipment.

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Construction permit to install a new transmitter and increase power from 500 watts, 1 KW day, to 5 KW.

WGAL—WGAL, Inc., Lancaster, Pa.—Construction permit to 1500 install a vertical antenna, move transmitter from 4042 N. Christian Street, Lancaster, Pa., to 4-10 W. King Street, and studio from 8-10 W. King Street to 4-10 W. King Street, Lancaster, Pa.

Third Zone

WWNC—Citizen Broadcasting Co., Inc., Asheville, N. C.—Voluntary assignment of license from Citizen Broadcasting Co., Inc., to Asheville Citizens-Times Co., Inc.

NEW—The Birmingham News Co., Birmingham, Ala.—Construction permit for a new station to be operated on 590 kc., 500 watts night, 1 KW day, unlimited time. Amended to install directional antenna for night use and approval of transmitter site at Section 28, Township 17 South, Range 3 West, 800 feet N.W. intersection of Bankhead Highway and Arkadelphia Road, East Thomas, Birmingham, Ala.

KPRC—Houston Printing Co., Houston, Tex.—Modification of 920 license to change name from Houston Printing Co. to Houston Printing Corporation.

WAPI—WAPI Broadcasting Corp., Birmingham, Ala.—Authority 1140 to install automatic frequency control.

NEW—Dr. William States Jacobs Broadcasting Co., Houston, 1220 Tex.—Construction permit for a new station to be operated on 1220 kc., 1 KW, unlimited time.

NEW—William Avera Wynne, Wilson, N. C.—Construction permit for a new station to be operated on 1310 kc., 100 watts, daytime. Amended to make changes in antenna.

NEW—Red Lands Broadcasting Association, Ben T. Wilson, President, Lufkin, Tex.—Construction permit for a new station to be operated on 1310 kc., 100 watts, daytime.

KBST—Big Spring Herald Broadcasting Co., Big Spring, Tex.—1370 Modification of construction permit (B3-P-440) for new station, further requesting authority to make changes in equipment, install vertical antenna, approval of transmitter site at Big Spring, Tex. (no street address), and move studio from 208 E. 3rd St., Big Spring, Tex., to The Crawford Hotel, 114 West Third St., Big Spring, Tex.

KGFF—KGFF Broadcasting Co., Inc., Shawnee, Okla.—License 1420 to cover construction permit (B3-P-735) as modified for new equipment, increase in power, and move of transmitter.

NEW—Paul B. McEvoy, Pub., Hobart Democrat-Chief, Hobart, 1420 Okla.—Construction permit for a new station to be operated on 1420 kc., 100 watts, unlimited time. Amended to change hours of operation from unlimited time to daytime.

Fourth Zone

- KLPM—John B. Cooley, Minot, N. Dak.—Construction permit 1240 to make changes in equipment, install a vertical antenna, change frequency from 1240 kc. to 1360 kc., increase power from 250 watts to 1 KW day and night, change hours of operation from specified hours to unlimited, and move transmitter from 26 E. Central Avenue, Minot, N. Dak., to near Minot, N. Dak.
- WRJN—Racine Broadcasting Corp., Racine, Wis.—License to 1370 cover construction permit (B4-P-370) as modified for new equipment, increase in power, and move of transmitter.
- WGL—Westinghouse Electric & Manufacturing Co., Fort Wayne, 1370 Ind.—Voluntary assignment of license from Westinghouse Electric & Manufacturing Co. to Westinghouse Radio Stations, Inc.

Fifth Zone

- KSFO—The Associated Broadcasters, Inc., San Francisco, Calif.—560 Voluntary assignment of license from The Associated Broadcasters, Inc., to Western Broadcast Co.
- KMPC—Beverly Hills Broadcasting Corp., Beverly Hills, Calif.—710 Authority to transfer control of corporation from Pacific Southwest Discount Corp. (a Delaware Corp.), to George A. Richards, 1000 shares common stock.
- KXA—American Radio Telephone Co., Seattle, Wash.—Authority 760 to make changes in automatic frequency control.
- KVOD—Colorado Radio Corp., Denver, Colo.—Construction permit 920 to install a new transmitter, erect a vertical antenna, increase power from 500 watts to 1 KW night, 5 KW day and move transmitter from outside of Denver, Colorado to site to be determined, outside of Denver, Colorado.
- KYOS—Merced Star Publishing Co., Inc., Merced, Calif.—Modification of construction permit (B5-P-673) as modified for a new station, to further request authority to install new transmitter.
- KDON—Monterey Peninsula Broadcasting Co., Del Monte, Calif. 1210 —Construction permit to change frequency from 1210 kc.

to 1280 kc., install a new transmitter and increase power from 100 watts to 250 watts night, 1 KW day.

- KGVO—Mosby's Incorporated, Missoula, Mont.—Construction 1260 permit to make changes in equipment.
- KMED—Mrs. W. J. Virgin, Medford, Ore.—Construction permit 1310 to make changes in transmitter, install new antenna, move transmitter from Sparta Bldg., Main & Riverside Avenues, Medford, Oregon, to Ross Lane, Medford, Oregon. Amended: To change hours of operation from specified hours to unlimited time and change transmitter site 2.4 miles from requested site, Ross Lane, Medford, Oregon.
- NEW—Wm. C. Grove & S. H. Patterson, a partnership, Cheyenne, 1420 Wyo.—Construction permit for a new station to be operated on 1420 kc., 100 watts night, 250 watts day, unlimited time.
- KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—License to 1430 cover construction permit (B5-P-2837) as modified for new equipment, increase in power, and move of transmitter locally.
- KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Authority 1430 to determine operating power by direct measurement of antenna.
- KVOE—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, 1500 Calif.—Modification of construction permit (B5-P-912) to make changes in authorized equipment.
- KDB—Santa Barbara Broadcasters, Ltd., Santa Barbara, Calif.—1500 Construction permit to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day.

Puerto Rican Zone

- WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, Puerto 1370 Rico.—Modification of construction permit (B-P-668) for approval of transmitter site at about 350 feet from Insular Road No. 2, Mayaguez, Puerto Rico, and studio about 1 mile from center of city, Mayaguez, P. R.
- NEW—Juan Piza, San Juan, Puerto Rico.—Construction permit 1500 for a new station to be operated on 1500 kc., 100 watts night, 250 watts daytime, unlimited time.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.

JAMES W. BALDWIN, Managing Director

NAB REPORTS

Vol. 4 - No. 46
SEPT. 17, 1936

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RECOMMENDS VOLUNTARY ASSIGNMENT

The First Congregational Church of Berkeley, Calif., licensee of broadcasting station KRE, has applied to the Federal Communications Commission for consent to voluntary assignment of the license of the station to the Central California Broadcasters, Inc., of Berkeley, Calif.

Examiner R. H. Hyde in Report No. I-288 recommends that the application be granted. The Examiner found that the applicant for the assignment of the station license is "legally, technically, financially and otherwise qualified to continue the operation of the station," also that "the application may be granted within the purview of Section 310 of the Communications Act of 1934." It was found also by the Examiner that "the public interest, convenience and necessity would be served by the granting of the application."

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

- Peoples Bridge Corporation, New York City (2-2431, Form A-2)
- Ryan Aeronautical Company, San Diego, Calif. (2-2432, Form A-1)
- Compressed Industrial Gases, Inc., Chicago, Ill. (2-2433, Form A-2)
- Stokely Brothers & Company, Inc., Indianapolis, Ind. (2-2434, Form A-2)
- National Bond & Investment Company, Chicago, Ill. (2-2435, Form A-2)
- Super Mold Corporation of California, Lodi, Calif. (2-2436, Form A-1)
- Locke Steel Chain Company, Bridgeport, Conn. (2-2437, Form A-2)
- Magnolia Gold Mining Company, Denver, Colo. (2-2438, Form A-1)

BROADCAST STATION CHANGES

The Federal Communications Commission this week issued a list containing alterations and corrections (italicized) of broadcast stations to the edition dated January 1 for the month of August as follows:

| Call Letters | Main Studio Location | Name of Licensee | Power | Frequency (kc) | Time Designation |
|--------------|---|--|--------------------------------------|----------------|-------------------------------------|
| KCMO | Kansas City, Mo. | Lester E. Cox, Thos. L. Evans and C. C. Payne | 100w | 1370 | S. H. S. A. U. |
| KID | Idaho Falls, Idaho <i>M. C. P. T-nr. Idaho Falls</i> | KID Broadcasting Co. | 250w 500w-LS C. P. 500w-1kw-LS | 1320 | U |
| KLZ | Denver, Colo. <i>T-nr. Denver</i> | KLZ Broadcasting Co. | 1kw 5kw-LS | 560 | U |
| KMA | Shenandoah, Iowa | May Seed and Nursery Co. | 1kw 2½kw-LS | 930 | S-KGBZ **U S. A. U C. P. U |
| KOMA | Oklahoma City, Okla. | <i>Hearst Radio Inc.</i> | 5kw | 1480 | U |
| KSCJ | Sioux City, Iowa | Perkins Brothers Co. (The Sioux City Journal) | 1kw 2½kw-LS | 1330 | U |

- Hamilton Depositors Corporation, Denver, Colo. (2-2439, Form C-1)
- Standard Life Insurance Co., of Ind., Indianapolis, Ind. (2-2440, Form A-1)
- Texas Hydro-Electric Corporation, Seguin, Texas (2-2441, Form A-1)
- Wolverine Tube Company, Detroit, Mich. (2-2443, Form A-2)
- Pittsburgh Steel Company, Pittsburgh, Pa. (2-2444, Form A-2)
- The Trane Company, La Crosse, Wis. (2-2446, Form A-1)
- Commercial Banking Corporation, Philadelphia, Pa. (2-2447, Form A-2)
- The Gleen L. Martin Company, Middle River, Md. (2-2448, Form A-1)
- Commonwealth Telephone Company, Madison, Wis. (2-2450, Form A-2)

TELEPHONE RATE INVESTIGATION

The Telephone Division of the Federal Communications Commission has approved a motion of Commissioner Brown calling for a telephone rate investigation and for the appointment of Carl I. Wheat as special counsel for this work. In this connection the Commission has ratified the following motion of Commissioner Brown:

"I move that the Commission, under the authority of Section 205 (a) of the Communications Act of 1934 and of Public Resolutions Number 8, Senate Joint Resolution Number 46, immediately initiate a rate investigation into the charges, classification, regulation and practice of the American Telephone and Telegraph Company in interstate commerce.

"I further move that the Chairman of the Telephone Division of the Federal Communications Commission be directed and instructed to immediately contact Mr. Carl I. Wheat of Los Angeles, Calif., regarding his availability as special counsel to have full charge of such investigation and that the Chairman report back the results of such negotiations at the earliest possible date."

The Telephone Division also took the following action in connection with Mr. Wheat:

Carl I. Wheat, of Los Angeles, Calif., is hereby appointed Associate Counsel, Telephone Investigation, especially in charge of long lines toll rates and other matters incident or relating thereto, at a salary of \$9,000 (Nine Thousand Dollars) per annum, effective September 15, 1936, under the provisions of Public Resolution No. 8 of the 74th Congress and the Communications Act of 1934, and subject to the provisions of the laws, resolutions, or acts of Congress, and the Federal Communications Commission.

| Call Letters | Main Studio Location | Name of Licensee | Power | Frequency (kc) | Time Designation |
|--------------|---|---|-------------------|----------------|---------------------------|
| KSTP | St. Paul, Minn. T-Radio Center C. P. T-nr. St. Paul | National Battery Broadcasting Co. | 10kw 25kw-LS | 1460 | U |
| KTAT | Fort Worth, Texas T-Birdville | Raymond E. Buck | 1kw | 1240 | U |
| WAAF | Chicago, Illinois | Drovers Journal Publishing Co. | 1kw | 920 | D |
| WACO | Waco, Texas | KTSA Broadcasting Co. | 100w | 1420 | U |
| WBLK | Clarksburg, W. Va. Formerly WEXP | The Exponent Co. | 100w | 1370 | D (C. P. only) |
| WEAN | Providence, R. I. M. C. P. T-E. Providence | Shepard Broadcasting Service, Inc. | 500w C. P. 1kw | 780 | U |
| WEA U | Eau Claire, Wisc. | Central Broadcasting Co. Effective 9-15-36 | 250w | 1050 | D (C. P. only) |
| WEED | nr. Rocky Mount, N. C. | Wm. Avera Wynne | 100w 250w-LS | 1420 | U-D S-WCHV night |
| WHBL | Sheboygan, Wisc. T-nr. Sheboygan | Press Publishing Co. | 250w | 1300 | U |
| WHIO | Dayton, Ohio T-nr. Dayton | Miami Valley Broadcasting Corp. | 1kw 5kw-LS | 1260 | U |
| WHP | Harrisburg, Pa. T-Lemoyne C. P. T-Swatara Twp. | WHP, Incorporated | 500w 1kw-LS | 1430 | U |
| WJNO | West Palm Beach, Fla. | Hazlewood, Inc. C. P. covered by license Strike out effective 1-7-36 | 100w | 1200 | U |
| WKBV | Richmond, Ind. T. N. of Richmond | Knox Radio Corp. | 100w | 1500 | S. H. |
| WLBC | Muncie, | Donald A. Burton | 100w 250w-LS | 1310 | Simul. D. S-WTRC night |
| WMBD | Peoria, Ill. T-bet. Peoria and Pekin | Peoria Broadcasting Co. | 500w 1kw-LS | 1440 | U |
| WMCA | New York, N. Y. T-Flushing | Knickerbocker Broadcasting Co., Inc. Strike out **1kw | 500w | 570 | U |
| WNAC | Boston, Mass. T-Quincy | Shepard Broadcasting Service, Inc. | 1kw 5kw-LS | 1230 | U |
| WOL | Washington, D. C. | American Broadcasting Co. Strike out C. P. T-Md.-1kw-1230 | 100w | 1310 | U |
| WOLS | Strike out all particulars | | | | |
| WTHT | Hartford, Conn. | The Hartford Times, Inc. C. P. covered by license Strike out effective 2-4-36 | 100w | 1200 | D |

FEDERAL TRADE COMMISSION ACTION

Complaints

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

No. 2918. A complaint has been issued against **John D. Myers**, trading as **John Sterling Remedy Co.**, 1600 Bryant Bldg., **Kansas City, Mo.**, charging him with unfair competition in connection with the sale of a treatment for a social disease.

In a free booklet entitled "Sterling's Royal Remedy" distributed by the respondent he allegedly advertises that his product is a remedy and cure for the disease and an effective treatment for it in all stages; that it cures and removes the symptoms of the disease and gives permanent relief.

These representations as to the efficacy of the respondent's product are untrue, according to the complaint, which charges, among other things, that use of the remedy is dangerous and detrimental to patients and the public, increases the chance of the disease invading the nervous system and causes gastric disturbances.

No. 2919. Alleging unfair competition in the sale of a product designated "Genuine Texas Mineral Crystals," a complaint has been issued against the **Dollar Crystal Company**, having headquarters in the Redick Tower Building, **Omaha, Nebr.**

By means of radio broadcasts and otherwise, the respondent company is alleged to have represented that the drinking of water in which its product has been dissolved will relieve headache, nervousness, irritability, and fatigue; will remove the cause of disease; and will remove poisonous waste matter. The respondent is said to have advertised that its product has relieved thousands of cases of ailments caused by a sluggish system and

that thousands of persons have found lasting relief from rheumatism, arthritis, neuritis, indigestion, constipation, and other diseases.

The complaint alleges that practically the sole constituent of the respondent company's crystals is hydrated sodium sulphate, or Glauber's Salts, which is a saline laxative and purgative and that its only therapeutic effect is in the relief of temporary constipation. According to the complaint, many of the symptoms and ailments for which the respondent company represents its product to be a relief or cure, arise from causes which hydrated sodium sulphate will not cure or relieve, but will positively aggravate, and the product is not effective in producing lasting relief or cure for any of the ailments or symptoms mentioned.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 1742. Meskin Brothers Fur Corporation, 144 West Twenty-seventh St., New York City, agrees to cease and desist, in the sale of dyed rabbit skins, from using the words "seal" and "beaver," or pictorial representations of seals or beavers, as marks, stamps or descriptions for dyed rabbit skins. Exception to this provision is to be made when the words "seal" and "beaver," or either of them, are used to designate rabbit skins which have been dyed so as to simulate seal or beaver, in which case these words shall be immediately accompanied by other apt and adequate words printed in conspicuous type so as to indicate clearly that the products are dyed rabbit skins and not seal or beaver skins.

No. 1743. The Swiss Colony Vineyards Corporation, 527 West Broadway, New York City, engaged in business as a distributor in the sale of wines, agrees to cease using the words

"Swiss Colony" in its corporate name or in any manner tending to mislead purchasers into the belief that its business and that of a competitor, Italian Swiss Colony, 781 Beach St., San Francisco, are one and the same, or that it is connected in any way with Italian Swiss Colony. The respondent corporation also will discontinue use of the word "Vineyards" to imply that it owns or controls the vineyard in which are grown the grapes from which its wines are produced, and will stop using the word "Winery," to imply that it owns or controls the winery establishment in which its wines are made, when such is not the fact.

According to the stipulation, Italian Swiss Colony is the name of a corporation which for many years has been engaged in the grape and wine business, and its wines, sold and distributed under its corporate name, are said to enjoy a favorable reputation.

No. 1744. William M. Irvine and George F. Taylor, 7338 Woodward Ave., Detroit, trading until recently as Rogers Silverware National Distributors, are engaged in selling coupons for use by retailers in connection with the marketing of their merchandise, and in the redemption of such coupons by exchanging them for silverware articles. They will cease using the word "Rogers" as a part of their trade name and discontinue advertising that they are manufacturers or distributors of Wm. A. Rogers silverware, and that their agents are connected with the Wm. A. Rogers silverware people.

Among other representations that Irvine and Taylor agree to discontinue are that their agents have nothing to sell; that their sales plan costs local merchants nothing; that their sale contract guarantees money back or cash refund, and that the silverware given to retailers' customers for the redemption of coupons is free. Use of the name "Dun & Bradstreet" or "Dunn & Bradstreet" as a reference, without authority from that company, also will be stopped.

Irvine and Taylor are said to be operating now as Manufacturers National Silverware Distributors.

No. 1745. Tidewater Electric Corporation, 127 East Olney Road, Norfolk, Va., distributor of "Kelvinator" electric refrigerators, agrees to stop employing in its advertisements the assertion "Again the Government contract goes to Kelvinator," or other similar representations, alone or in connection with pictures of Government buildings, battleships, or property, so as to imply that the Government uses only Kelvinator equipment, or that Government awards are made to the Kelvinator Corporation, of Detroit, to the exclusion of all other refrigerator companies, or that the Government buildings, ships and properties illustrated are equipped entirely with Kelvinator refrigerators, when this is not the fact.

No. 1746. S. C. Clayton, Inc., 803 Summer St., Boston, engaged in the manufacture and sale of preserves and syrups, will discontinue labeling its marmalade products, which are of domestic make, with the word "Paisley's," in connection with a tartan and coat of arms of foreign appearance, or which imitates the British coat of arms. Paisley is a city in Scotland renowned for its marmalade products, the stipulation points out, and the tartan background of plaid, said to appear on labels or containers of the S. C. Clayton Company's marmalade, usually is associated with Scotland.

No. 1748. Pontiac Refining Company, Inc., 646 South Saginaw St., Pontiac, Mich., engaged in the refining of gold, platinum and silver, and in the distillation of mercury and compounding of amalgams for use of dentists, agrees to stop asserting in advertisements that it is the manufacturer of its "Chief Castloy" brand of dental amalgam, when this is not a fact; and to cease using the brand name "white gold" to describe a product, the gold content of which is not substantial.

The respondent company stipulates that it will no longer advertise that dentists can make an economical casting gold by the use of gold scrap to alloy "White Castloy." The stipulation points out that few dentists are able to do such work properly or have means of knowing the gold content of their scrap.

No. 1749. Kelvinator Corporation, 14250 Plymouth Road, Detroit, and Leonard Refrigerator Company, Grand Rapids, Mich., the capital stock of which is owned and controlled by Kelvinator, agree to cease using advertising matter the import and implication of which is that Kelvinator and Leonard electrical refrigerating equipment is the only such equipment purchased and used by the United States Government, and that tests or investigations have been conducted by the Government of all standard makes of electric refrigeration before making its awards, except when these assertions are limited to investigation made by the Government from performance figures furnished by refrigerator manufacturers submitting bids on proposals.

The two corporations also agree to bar the use of awards made to them by the Government, as a basis for their advertising or for

the advertising furnished by them to or for the use of other companies.

No. 1750. National Manufacture & Stores Corporation, 578 Bankhead Ave., Atlanta, distributor of Leonard electric refrigerators, agrees to cease the use in its advertising of the same class of representations which will be discontinued by the Leonard Refrigerator Company under the latter's stipulation entered into with the Commission.

Nos. 1753-1754. Ben Greenholtz, trading as Greenmoor Coats Co., 237 West Thirty-seventh St., New York City, and Hecht Brothers & Co., Inc., Baltimore and Pine Sts., Baltimore, in the sale of women's coats and dresses, agree to stop using on brands or labels affixed or intended to be affixed to their products, the words "British Tweed," independently or in connection with the words "King Edward III" or any pictorial representation of the British Royal Arms or of the Union Jack. These respondents also will cease employing these pictorial devices alone or in connection with other words, so as to imply that the products so designated are made of cloth manufactured in Great Britain, when such is not the fact.

No. 1756. Robert McBratney & Co., Inc., 121 Franklin St., New York City, importer of linens, stipulates that it will cease using the words "Non-Krush" as a brand or label for its products, or in any way which may imply that the articles referred to are uncrushable, when this is not a fact.

No. 1757. Sanders Manufacturing Company, 122 4th Ave., Nashville, Tenn., stipulates that in the sale of sewing kits it will cease representing in advertising matter that the kits are "Made in America" or "Made in U. S. A.," when in fact such products are not wholly manufactured or produced in the United States. The company also agrees to stop selling sewing kits in cases marked as made in the United States, unless the name of the country of origin of the imported part of the kit is plainly marked on the outside of the case.

According to the stipulation, the spools and thread in the cases were manufactured in a foreign country.

No. 1759. George W. Stuart, Monroe, Wis., trading as George W. Stuart Company, in the sale of cheese, agrees to cease and desist from use of the words "Little Switzerland" in advertising or labeling those of his products made in the United States, and from use of the word "Switzerland" independently or in connection with "Little" or other words in a manner to imply that his cheese products are made in Switzerland and imported into this country, when such is not the fact.

No. 1760. William Kahn, 807 High St., Des Moines, Iowa, trading as Goodrich Raincoat Co., stipulates that he will discontinue use of the name "Goodrich" in connection with the trade name under which he operates his business, and will abandon use of the name "Goodrich" in any way which may imply that the products he sells are the products of the B. F. Goodrich Co., of Akron, Ohio. The respondent also agrees to bar use of the words "manufacturer" and "factories," when in fact he operates no factory, and use of the term "custom-made" on labels attached to garments not custom-made. He will also cease representing that he is doing special advertising work, or is selling raincoats made to individual measurement so as to advertise a particular brand of cloth, or at the actual cost of labor in making such garments, when this is not a fact.

No. 1761. Milton Wolfe, 141 West Thirty-sixth St., New York City, formerly trading under the name "Harrold's," in the sale of scarves, agrees to discontinue branding, labeling or marking such products as "hand-loom woven," when in fact they are not woven or manufactured on a hand-loom.

No. 1762. Goodrich Grinding Wheel Company, 1500 West Madison St., Chicago, manufacturing grinding wheels, oilstones, abrasive specialties and razor hones, will discontinue using on labels or cartons, a fictitious value or price in excess of that at which its products are sold or are contemplated to be sold in the usual course of trade. The company also agrees to bar use on cartons or otherwise of the phrase "\$1 Value Now Only 25 Cents," implying that the price referred to has been recently reduced, when this is not true. The respondent company stipulates that it will stop using on cartons or otherwise the phrases "Pat. Appl'd For" and "Pat. Pending," to refer to products on which it has no application pending for patent.

No. 1764. International Latex Corporation, 607 Atlantic Ave., Rochester, N. Y., manufacturer of bathing caps, pad shields, crib sheets, and similar articles, under its stipulation, will discontinue advertising by means of the words "Not Rubber" or "Looks like rubber but isn't," or by means of other words of equivalent meaning, implying that its products are made of material other than rubber, when, according to the stipulation, these products

are composed of a material consisting basically of rubber hydro-carbon obtained from the caoutchouc tree, and therefore are not properly designated as "not rubber."

The respondent corporation also agrees to stop employing representations to the effect that its products prevent perspiration, make sweating impossible, or other similar assertions, and to desist in the use of advertising matter employing the word "sterilized" or other synonymous terms which may tend to deceive buyers into believing that the articles sold are free of bacteria, when this is not true.

No. 1765. New Process Co., Warren, Pa., selling dry goods, including hosiery, by mail-order, will cease using in advertising or in any other way, the representation "Originally \$1.59 a pair—now eight pairs for only \$5.55," so as to imply that the hose so offered for sale and sold has a present day market value of \$1.59, or that the price has recently been reduced from \$1.59 a pair to eight pairs for \$5.55 or 69½ cents a pair. The respondent corporation also agrees to cease advertising that \$1.59 hose is being offered at approximately 69½ cents a pair or that the offer is a limited one or is based on a limited quantity, when such are not the facts.

No. 1769. Isador Abramovitz and Benjamin Kaplan, 108 West Twenty-seventh St., New York City, trading as A. & S. Ribbon Co., agrees to cease employing the word "manufacturers," either alone or in connection with other words, on printed matter distributed in interstate commerce, when they do not make or manufacture the ribbon sold by them.

No. 1771. Continental Distilling Corporation, 260 South Broad St., Philadelphia, in selling whiskey designated "Old Hickory," agrees to cease using in advertising matter any and all testimonials unless they are the genuine, honest, and unbiased opinions of the authors, arrived at from the personal use of "Old Hickory" whiskey.

No. 1772. The Corozone Air Conditioning Corporation, 4122 Hanna Bldg., Cleveland, manufacturing electrical devices for purification of indoor air, stipulates that it will stop advertising or offering for sale any of its products as "air conditioners," or from representing in advertisements or otherwise that these devices will perform air conditioning, unless such apparatus actually belongs to the class of devices known to the trade and public as air conditioners.

The stipulation points out that the words "air conditioning" signify control by a mechanical device of the temperature, humidity, and circulation of air in rooms, buildings, and railroad passenger trains, and that the non-performance of any one or more of these functions disqualifies a device for designation as an air conditioner, as understood by the trade and purchasing public.

No. 1773. Sampson Solarz, 14 South Hanover St., Baltimore, trading as Solarz Thread & Yarn Co., agrees to abandon use of the words "silk" and "satin" on labels to designate products not composed of silk.

No. 2456. An order has been issued against the **Blackwell Journal Publishing Co., of Blackwell, Okla.,** publisher of **The Blackwell Daily Journal,** requiring it to cease and desist from unfair competitive methods in violation of Section 5 of the Federal Trade Commission Act.

Practices of the respondent publishing company were found to have had a capacity and tendency to injure its competitor, the **Blackwell Tribune Publishing Co.,** publisher of **The Blackwell Morning Tribune.**

The order prohibits certain specific practices entered into for the purpose of injuring competitors engaged in interstate commerce either through their circulation of newspapers outside of Oklahoma or through their obtaining contracts from national advertisers. These practices are: (1) Circulation of false, disparaging statements concerning the financial condition and responsibility of its competitor or competitors; (2) offering to newspaper subscribers of its competitor or competitors subscriptions to its own newspaper without cost; and (3) quoting or charging advertising rates which are below the cost to the publisher of the advertisements as set up and published.

No. 2528. National Salesmen's Training Association, 21 W. Elm St., Chicago, has been ordered to cease and desist from certain representations in the sale of correspondence courses and printed matter relating to salesmanship and sales management.

The respondent is directed to stop representing expressly or by implication that the earnings of persons studying or persons who have completed the courses are greater than their usual and ordinary earnings under normal conditions; and that the demand from employers of salesmen for such persons exceeds the demand that actually exists.

The order also prohibits the use in advertising of testimonials containing statements as to increased earnings attributed to the

respondent's courses of study when the amounts mentioned were not actually earned under normal conditions.

Other practices prohibited by the order are the representation that the respondent will obtain positions for purchasers of the courses at greatly increased salaries; that it will refund the purchase money paid for courses to students who are not satisfied with the training received, unless, in the latter instance, the respondent does actually make such refunds without imposing additional conditions.

No. 2711. Foster-Milburn Co., 1280 Main St., Buffalo, N. Y., has been ordered to discontinue false and misleading advertising in connection with the sale of Doan's Pills, or any other medicinal preparations or compounds possessing similar properties.

The order directs the respondent corporation to cease representing that Doan's Pills give quick relief and will "Wash out 15 miles of kidney tubes"; that certain bladder conditions indicate that the kidneys need cleansing, and may be a danger signal and mean loss of vitality; and that if the kidneys do not perform certain functions, the body will absorb poisons, causing serious trouble.

Nothing in the order is to be construed as preventing the respondent corporation from making proper therapeutical claims or recommendations which are based upon reputable medical opinion or recognized medical or pharmaceutical literature.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, September 21

HEARING BEFORE AN EXAMINER (Broadcast)

WSBT—The South Bend Tribune, South Bend, Ind.—C. P., 1010 kc., 1 KW, unlimited time. Present assignment: 1360 kc., 500 watts, share WGES.

WEMP—Milwaukee Broadcasting Co., Milwaukee, Wis.—C. P., 1010 kc., 250 watts, 500 watts LS, unlimited time. Present assignment: 1310 kc., 100 watts, daytime.

NEW—Glenn Van Auken, Indianapolis, Ind.—C. P., 1050 kc., 1 KW, daytime.

Tuesday, September 22

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—Theodore E. Johnson, Houston, Texas—C. P., 1210 kc., 100 watts, unlimited time.

NEW—Bayou Broadcasting Co., Houston, Texas—C. P., 1210 kc., 100 watts, daytime.

NEW—H. J. Laubengayer, Salina, Kans.—C. P., 1500 kc., 100 watts, unlimited time.

Wednesday, September 23

HEARING BEFORE AN EXAMINER (Broadcast)

WBBR—Peoples Pulpit Association, Brooklyn, N. Y.—C. P., 1300 kc., 1 KW, 5 KW LS, share WEVD, WFAB, WHAZ. Present assignment: 1300 kc., 1 KW, share WEVD, WFAB, WHAZ.

WROW—Augusta Broadcasting Co., Augusta, Ga.—C. P., 1240 kc., 250 watts, 500 watts LS, unlimited time. Present assignment: 1500 kc., 100 watts, unlimited time.

NEW—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—C. P., 1210 kc., 100 watts, daytime.

Thursday, September 24

HEARING BEFORE THE BROADCAST DIVISION

WCFL—Chicago Federation of Labor, Chicago, Ill.—C. P., 970 kc., 50 KW, unlimited time, experimentally. Present assignment: 970 kc., 5 KW, unlimited, experimentally.

KJR—Fisher's Blend Station, Inc., Seattle, Wash.—C. P., 970 kc., 10 KW, unlimited time. Present assignment: 970 kc., 5 KW, unlimited time.

The Broadcast Division has taken the following action subject to ratification at its next regular meeting:

APPLICATIONS GRANTED

WEBC—Head of the Lakes Broadcasting Co., Superior, Wis.—Granted special temporary authority to operate without antenna ammeter for a period not to exceed 30 days.

- WAGM—Aroostook Broadcasting Corp., Presque Isle, Maine.—Granted special temporary authority to operate from 10 p. m., EST, to 11 p. m., EST, September 1, 3, 8, 10, 1936; from 8 p. m. to 9 p. m., EST, September 2, 5, 6, 9, 11, 1936; from 7 to 8 p. m., EST, September 4, 1936; from 9 to 10 p. m., EST, September 12, 1936, and from 8 p. m. to 12 midnight, EST, September 13, in order to broadcast political speeches.
- WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Granted special temporary authority to operate station without antenna ammeter for a period not to exceed 15 days.
- WJIM—Capitol City Broadcasting Co., Lansing, Mich.—Granted extension of special temporary authority to operate station without antenna ammeter for a period not to exceed 10 days.
- KOIN—KOIN, Inc., Portland, Ore.—Granted special temporary authority to rebroadcast program from Tillamook Light, station KCBO, consisting of description of light located on rock in Pacific near entrance to Columbia River, between 4 and 5 p. m., PST, September 9, 1936.
- KGCX—E. E. Krebsbach, Wolf Point, Mont.—Granted special temporary authority to operate station without an approved frequency monitor for the period September 9 to October 9, 1936.
- WAML—New Laurel Radio Station, Laurel, Miss.—Granted special temporary authority to operate from 7 to 9 p. m., CST, Wednesday, September 9; Thursday, September 10; Friday, September 11; Sunday, September 13; and from 10:30 to 12 noon, CST, Sunday, September 13, in order to rebroadcast from 1st Methodist Church.
- WIEX—National Broadcasting Co., Inc., Aboard Western Air Express Corp. Airplane NC-13306.—Granted special temporary authority to operate the regularly licensed aircraft transmitter KHAQY, owned by United Airlines Transport Corp. aboard Western Air Express Boeing plane as a broadcast pickup station on frequencies 2760 or 2790 kc. for test and program transmission in connection with program Boulder Dam World Power Congress, for period September 7 to 12, inclusive, frequencies 1606, 2020, 2102, 2760 or 2790 kc., 50 watts.
- WEST—Associated Broadcasters, Inc., Easton, Pa.—Granted special temporary authority to operate simultaneously with station WKBO from 9:30 to 9:45 p. m., EDST, on September 7, 14, 21 and 28, 1936, and from 9 to 9:30 p. m., EDST, on September 19, in order to broadcast Democratic State network schedule; and from 10:15 to 10:30 p. m., EDST, on September 21, 22, 28, 29 and October 5 and 6, 1936, in order to broadcast Democratic National Committee Schedule.
- KUMA—Albert H. Schermann, Yuma, Ariz.—Granted special temporary authority to operate from 10 p. m., MST, on the night of September 8, 1936, until termination of election returns.
- WGBE—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Granted authority to operate WGBE as licensed September 7, 8 and 9, 1936, to broadcast special events at New York State Fair.
- KABJ—Central States Broadcasting Co., Lincoln, Nebr.—Granted authority to extend service tests through September 11 and operate KABJ Thursday, September 3, to broadcast President Roosevelt Parade, Des Moines, Iowa.
- WJEP—Stromberg Carlson Tel. Mfg. Co., Rochester, N. Y.—Granted authority to operate WJEP as licensed September 2 to 10, inclusive, broadcast international Star Boat Races off Port of Rochester from Coast Guard Cutter Jackson.
- KIIH—KFAB Broadcasting Co., Lincoln, Nebr.—Granted authority to operate KIIH as licensed September 6 to 11, inclusive, broadcast Nebraska State Fair.
- WJEP—The Stromberg Carlson Tel. Mfg. Co., Rochester, N. Y.—Granted authority to operate WJEP as licensed September 7 to 16, inclusive, to broadcast special events at Rochester Exposition.
- KIFI—George W. Young, Minneapolis, Minn.—Granted authority to operate KIFI as licensed September 9 to 11, inclusive, broadcast special events of State Fair.
- WADC—Allen T. Simmons, Tallmadge, Ohio.—Granted license to cover C. P., 1320 kc., 1 KW night, 5 KW day, unlimited time.
- KPPC—Pasadena Presbyterian Church, Pasadena, Calif.—Granted C. P. to make changes in equipment.
- KGU—Marion A. Mulrony and Advertiser Pub. Co., Ltd., Honolulu, T. H.—Granted C. P. to install new equipment.
- WABY—Adirondack Broadcasting Co., Inc., Albany, N. Y.—Granted C. P. approving vertical antenna, transmitter and studio sites and installation of new equipment.
- KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted modification of license to determine operating power by direct measurement of antenna input.
- WBLY—Herbert Lee Blye, Lima, Ohio.—Granted modification of C. P. approving transmitter and studio sites and installation of new equipment.
- WAAB—Bay State Broadcasting Corp., Boston, Mass.—Granted modification of C. P. to install new transmitter.
- KFJB—Marshall Electric Co., Inc., Marshalltown, Iowa.—Granted modification of C. P. approving transmitter site and installing vertical radiator.
- KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted license to cover C. P., 1350 kc., 1 KW night, 5 KW day, unlimited time.
- KABE-KIGA—National Battery Broadcasting Co., St. Paul, Minn.—Granted authority to operate stations as licensed on September 14 to 26, inclusive, to broadcast Minnesota Safety Drive Council.
- W4XCA-W4XBS—Memphis Commercial Appeal, Memphis, Tenn.—Granted authority to extend test stations W4XCA and W4XBS 90 days beginning June 18, 1936.
- KIIQ—KMTR Radio Corp.—Granted authority to operate station as licensed on September 14 to 19, inclusive.
- KABJ—Central States Broadcasting Co., Lincoln, Nebr.—Granted authority to extend service tests for 30 days from September 12, 1936.
- WDAE—Tampa Times Co., Tampa, Fla.—Granted authority to extend program test period for 30 days from September 13.
- WAVE—WAVE, Inc., Louisville, Ky.—Granted extension of test period for 30 days from September 1.
- WPRP—Julio M. Conesa, Ponce, P. R.—Granted extension of special temporary authority to operate station without an approved frequency monitor for a period of 30 days from September 7, 1936.
- WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Granted special temporary authority to operate without antenna ammeter for a period not to exceed 15 days from September 15, 1936.
- KOTN—Universal Broadcasting Corp., Pine Bluff, Ark.—Granted special temporary authority to operate without an approved frequency monitor for a period not to exceed 30 days from September 14.
- KTSM—Tri-State Broadcasting Co., El Paso, Tex.—Granted extension of special temporary authority to carry program of station WDAH for period September 12 to October 11, 1936.
- KMA—May Seed & Nursery Co., Shenandoah, Iowa.—Granted extension of special temporary authority to operate unlimited time for a period beginning September 11 and ending not later than October 1, 1936, pending action and completion of construction as specified in application.
- WLBI—State of Wisconsin, Department of Agriculture and Markets, Stevens Point, Wis.—Granted extension of special temporary authority to operate station without an approved frequency monitor for the period September 13 to October 12, 1936.
- National Broadcasting Co., Inc., New York City.—Granted extension of authority to transmit programs of National Broadcasting Co. to all stations under control of Canadian authorities that cannot be consistently received in continental United States. Programs originating at the studios of stations associated with NBC may be transmitted by NBC but must pass through its regular chain facilities. For period of 6 months.
- Atlantic Broadcasting Corp., New York City.—Granted authority to transmit sustaining and commercial programs to stations of Canadian Radio Broadcasting Commission provided such programs are transmitted through the main control channels of stations WBBM and/or WABC.
- WBBM Broadcasting Corp., Chicago, Ill.—Granted WBBM Broadcasting Corp. authority to transmit sustaining and commercial programs of Columbia Broadcasting System to stations of the Canadian Radio Commission, provided such programs are transmitted through main control channels of stations WBBM and/or WABC.

APPLICATIONS RECEIVED

First Zone

- WTBO—Associated Broadcasting Corporation, Cumberland, Md.—800 Modification of license to change hours of operation from

daytime until sunset at Dallas, Tex., to unlimited time, using 250 watts power.

WOCL—A. E. Newton, Jamestown, N. Y.—Construction permit 1210 for equipment changes to comply with Rule 132. Amended to make further changes in equipment.

WOCL—A. E. Newton, Jamestown, N. Y.—Voluntary assignment of license from A. E. Newton to James Broadcasting Co., Inc.

WCAP—Radio Industries Broadcast Co., Asbury, N. J.—License 1280 to cover construction permit (B1-P-1110) for antenna changes.

WSAR—Doughty & Welch Electric Co., Inc., Fall River, Mass.—1450 Modification of construction permit (B1-P-225) as modified for increase in power and equipment changes, to further request authority to install new transmitter.

WMBQ—Joseph Husid, Receiver, Metropolitan Broadcasting Corp., Brooklyn, N. Y.—Involuntary assignment of license from Metropolitan Broadcasting Corp. to Joseph Husid, Receiver, Metropolitan Broadcasting Corp.

World Broadcasting System, Inc., New York, N. Y.—Extension of authority to transmit programs from the World Broadcasting System, Inc., to the Northern Electric Co., Ltd., and all radio broadcasting stations licensed in the Dominion of Canada, and Newfoundland radio stations.

NEW—Olean Broadcasting Co., Inc., Portable-Mobile.—Construction permit for a high frequency relay broadcasting station for 31100, 34600, 37600, 40600 kc., 25 watts power.

Second Zone

WHKC—Associated Radiocasting Corporation, Columbus, Ohio.—640 Construction permit to install new transmitter; increase power from 500 watts to 1 KW night, 5 KW day; and change in time from limited to unlimited time; antenna changes; and move of transmitter from Sharon Road (10 miles north), Columbus, Ohio, to site to be determined, Columbus, Ohio.

WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—License to cover 890 construction permit (B2-P-506) as modified for changes in equipment, increase in power, and move of transmitter.

WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Construction 890 permit to install new transmitter and increase power from 500 watts night, 1 KW day, to 1 KW night and 5 KW day.

WSPD—Toledo Broadcasting Co., Toledo, Ohio.—Voluntary assignment 1340 of license from Toledo Broadcasting Co. to The Fort Industry Co.

WBNS—WBNS, Inc., Columbus, Ohio.—Construction permit to 1430 install a new transmitter and increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW daytime.

NEW—Berks Broadcasting Co., Portable-Mobile (Reading, Pa.).—Construction permit for a high frequency relay broadcasting station on 31100, 34600, 37600, 40600 kc., 1 watt power.

NEW—Reading Broadcasting Co., Portable-Mobile (Reading, Pa.).—Construction permit for a high frequency relay broadcasting station on 31100, 34600, 37600, 40600 kc., 1 watt power.

NEW—WJR, The Goodwill Station, Portable-Mobile.—Construction permit for a high frequency relay broadcasting station to be operated on 86000-400000 kc., 2 watts. Amended to request 90000, 100000, 200000, 400000 kc.

NEW—WJR, The Goodwill Station, Portable-Mobile.—Construction permit for a high frequency relay broadcasting station to be operated on 86000-400000 kc., 40 watts. Amended to request 90000, 100000, 200000, 400000 kc.

Third Zone

WQAM—Miami Broadcasting Co., Miami, Fla.—Authority to 560 make changes in automatic frequency control of main transmitter, R.C.A. 1-D.

NEW—Texhoma Broadcasting Co., Wichita Falls, Tex.—Construction permit for a new station to be operated on 630 kc., 1 KW, unlimited time, studio and transmitter to be determined, Wichita Falls, Tex. Amended to install directional antenna night, non-directional antenna day, and give transmitter site as Wichita River and Byers Road, Wichita Falls, Tex.

NEW—Observer Co. & News Publishing Co., Charlotte, N. C.—880 Construction permit to erect a new broadcast station to be operated on 880 kc., 500 watts night and 1 KW day power, unlimited time.

KFRO—Voice of Longview, Longview, Tex.—Construction permit

1370 to make changes in equipment and increase power from 100 watts to 250 watts. Amended: Change type of equipment.

KELD—Radio Enterprises, Inc., El Dorado, Ark.—Construction 1370 permit to install a new transmitter and make changes in antenna.

KMAC—W. W. McAllister, San Antonio, Tex.—Construction permit 1370 to install a new transmitter and vertical antenna, increase power from 100 watts to 100 watts night and 250 watts day, move transmitter from 430 North St. Mary's St., San Antonio, Tex., to 319 Avenue A, San Antonio, Tex.

Fourth Zone

KFUO—Evangelical Lutheran Synod of Missouri, Ohio, and other 550 states, Rev. R. Kretzschmar, Chairman, Board of Control of Concordia Seminary, Clayton, Mo.—Construction permit to install a new transmitter; install directional antenna for night use; increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day; and change hours of operation from S-KSD to ½ time. (Requests part of facilities of KSD.)

WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa.—License to 600 cover construction permit (B4-P-1021) as modified to make changes in equipment and increase power.

KFRU—KFRU, Inc., Columbia, Mo.—Construction permit to in- 630 stall a new transmitter.

WTAD—Illinois Broadcasting Corporation, Quincy, Ill.—Construction permit to install new transmitter and vertical antenna, increase power from 500 watts to 1 KW, move transmitter from 510 Main St. to North 24th St., Quincy, Ill. Amended to omit request for increase in power.

KGFV—Central Nebraska Broadcasting Corp., Kearney, Nebr.—1310 Authority to make changes in automatic frequency control.

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Construction permit 1440 to install new transmitter and increase power from 500 watts night and 1 KW day to 1 KW night and 5 KW day.

WTMV—Mississippi Valley Broadcasting Co., Inc., East St. Louis, 1500 Ill.—Construction permit to install new transmitter, increase power from 100 watts to 100 watts night and 250 watts day. Amended to change type of equipment to W.E. 351E-1.

KOVC—George B. Bairey, Valley City, N. Dak.—Modification of 1500 construction permit (B4-P-224) to install new transmitter and antenna, and for approval of transmitter site at 312½ Fifth Avenue, Valley City, N. Dak. Amended to make changes in antenna and change transmitter and studio address from 312½ Fifth Avenue to 312 Fifth Avenue, Valley City, N. Dak.

Fifth Zone

KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—570 Modification of construction permit (B5-P-602) for new equipment and increase in power, antenna changes, move of transmitter, to further request change in type of equipment to W.E. 355 D-1.

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Modification of construction permit (B5-P-925) as modified for equipment changes, increase in power, move of transmitter, to further request move of transmitter .6 mile (same address) and extend commencement and completion dates 30 and 180 days, respectively.

KJR-KOMO—Fisher's Blend Station, Inc., Seattle, Wash.—Construction permit to make changes and move the present 970 licensed auxiliary transmitter of KOMO to 26th Avenue, S.W., and Florida St., West Waterway, Seattle, Wash., to be used as an auxiliary transmitter for stations KOMO and KJR, using the same antenna.

NEW—Peninsula Newspapers, Inc., Palo Alto, Calif.—Construction 1160 permit for a new broadcast station to be operated on 1160 kc., 500 watts power, daytime operation. Amended: Change type of equipment to RCA ET 4250, and the requested power from 500 to 250 watts.

KOL—Seattle Broadcasting Co., Seattle, Wash.—Construction permit 1270 to make equipment changes.

KGCS—E. E. Krebsbach, Wolf Point, Mont.—Modification of construction permit (B5-P-444) to make changes in authorized equipment. Amended to change type of transmitter to be installed.

KIDO—Frank L. Hill and C. G. Phillips, d/b as Boise Broadcast Station, Boise, Idaho.—License to cover construction permit 1350 (B5-P-1165) for new transmitter and antenna and move of transmitter.

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.

JAMES W. BALDWIN, Managing Director

NAB REPORTS

Vol. 4 -- No. 47
SEPT. 23, 1936

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JULY 6, 1936

Monday Morning

The opening session of the Fourteenth Annual Convention of the National Association of Broadcasters, held in the Boulevard Room, Stevens Hotel, Chicago, convened at 10:30 o'clock, President Leo J. Fitzpatrick (WJR, Detroit) presiding.

CHAIRMAN FITZPATRICK: I'd like to have the officers of the Association kindly come to the platform here.

While we are waiting for the officers of the NAB to gather here, I want to take this opportunity of formally welcoming you to this annual convention of the NAB.

It is a double pleasure for me as your President particularly at this time because among your group I have found one who has been missing from our ranks for several years who has devoted many, many years of marvelous service to the cause of radio. And I'd like to have him stand just a moment so we can welcome him back—and that is Paul Morency.

... The convention arose and applauded. Paul Morency arose and acknowledged the applause. . . .

CHAIRMAN FITZPATRICK: And now that the meeting is officially opened, I want to read a telegram to Mr. Glenn Snyder:

“I regret extremely that the necessity for my remaining over at my summer home until tomorrow makes it impossible for me to have the pleasure of being present personally at the opening of your convention as I had definitely planned. I am, therefore, sending the Honorable Barnet Hodes, Corporation Counsel for the City of Chicago, to represent me officially and extend my cordial greetings to your fine organization as well as my hearty welcome to your visiting members. Best wishes for a most interesting, enjoyable and successful convention. Edward J. Kelly, Mayor.” (Applause)

I now have the pleasure of introducing Barnet Hodes, Corporation Counsel for the City of Chicago. Mr. Hodes. (Applause)

BARNET HODES (Corporation Counsel, City of Chicago): Mr. Chairman and Members of the NAB:

His honor, the Mayor, had planned to be here in person and he found it was impossible for him to be here, so he asked that I give to you his own message, which is very short, and I am going to take the privilege of reading it to you.

“Chicago deeply appreciates the honor of your convention, and it is my earnest hope that you will be shown every possible hospitality while you are guests in our city.

“After all, it is fitting that you meet here since many of the improvements which have been made in broadcasting were developed here.

“Your group can rightfully take pride in your industry, for you have contributed in no small measure to increased happiness, education and progress of the world in general.

“I believe firmly that radio broadcasting has been a tremendous factor in developing a finer and broader intelligence among the people of America.

“Both children and adults who have had to forego the advantages of attending schools regularly have found in the radio a splendid opportunity to gain an education and enhance their value to themselves and their communities.

“The radio has given all of us a keener appreciation of good music, literature and the theater.

“It has been a boon to the farmers—not only in the providing of information for better farming but also in keeping them up to the minute on market conditions.

“And what a godsend radio has been to the sick and the crippled, the shut-ins of all kinds, whose drab lives have been brightened beyond measure.

“Our citizens, because of the countless broadcasting facilities, are now able to keep in direct touch with the doings of our national government and its various political subdivisions. Important issues can quickly be brought to the attention of the public, and it is quite often vital that reactions be obtained from our citizens immediately in order to support a good measure or destroy a harmful one.

“Yes, indeed, ladies and gentlemen, radio broadcasting does play a definite and positive part in the life of America, and the influence of your activities will continue to grow more and more.

“I think that your group is entitled to generous commendation for your fine efforts to keep broadcasting clean in every sense of the word. You have kept your industry on a very high plane, and you should be proud of this accomplishment.

“It is my hope that all of your time while you are here will not be confined to business.

“We'd like to have you take the opportunity of getting around Chicago and becoming better acquainted with us.

“We want you to leave our city with a real sense of admira-

tion and good will, and a feeling that you have been well treated here and want to come back again.

"You'll find us a friendly city—always willing to do everything possible for our guests.

"I trust that out of your sessions here will come genuinely constructive ideas for the general advancement of broadcasting, and I wish you every measure of success not only in your convention but for all time to come." (Applause)

CHAIRMAN FITZPATRICK: Thank you and will you convey to your Mayor our grateful thanks for the sentiments you so ably expressed.

As you will see by your program, the next address is by your President.

I have been going back in my mind over the past thirteen years, recalling the year when a small group got together and formed the National Association of Broadcasters. There are several present here today who recall what our plans were at that time, what aspirations we had, and what objectives were created for the betterment of the industry as a whole.

I think it is quite obvious that the men who formed the NAB were very farsighted because in the succeeding years radio has certainly been confronted with more problems than fall to the lot of the average youthful industry. It is equally true that that same body of men continued to have the welfare of the broadcasting business constantly at heart.

I have reviewed the time from 1923 to the present in my mind for a very definite reason. I think it brings up a comparison and a situation which we ought to face. Last year, after serving as a director, vice president and in other capacities, you unanimously elected me as your President. I suppose I can be permitted the frankness of saying that, perhaps because of early newspaper training, I always felt that a position of this kind was a thankless one.

My sentiments in this respect are well known to you. When I became your President, I did not feel I was the man for the job. I have not done the job in such a way that this organization is held together one hundred per cent. which *should* be the achievement of the man in that office. But I also say that I don't believe there is a man in this room who could achieve that, a man in this room who could worthily fulfill *my* conception of the official head of the National Association of Broadcasters.

That is something we are very prone to forget here and it is one of the big reasons why our ranks have split. We have in radio both the big and the little stations. That does not mean, as most of us seem to think, that we have just two sets of problems, one for the little fellow and one for the big fellow. It means we have *three* sets of problems, a triangle of which two sides together are equal to the third—we have the problems of the small station, the problems of the big station and, enveloping them all, the problems of radio as a whole. And *that*, I contend, is how this organization should view its obligations.

I have contended from the very first that we need some one to eliminate all the petty bickering or strife, to weed out the quarreling, and to cement broadcasters together in their common purpose and duty and obligation to the listening public.

However, as your President, I am very thankful to have this official privilege of saying to you just what is in my heart with regard to broadcasting.

The National Association of Broadcasters, during the past year, has been fraught and beridden with factional discord greater than at any time in the past. I don't doubt that much of this is due entirely to misconception—to misconception of what is meant by progress and what is or is not beneficial to the industry.

No one would ask that this, or any other organization, get along without some discord or quarreling. I am one of a very large family of children—an Irish family in addition—and I know that a certain amount of quarreling and bickering is inevitable in any family, even one of the most devoted! But, the broadcasters have failed to do what a devoted family does and that is, spring together to form a united front when threatened by danger from the outside.

The men who founded this organization could not possibly have anticipated a year like this present one. I think it would have broken their hearts had they done so because the NAB was founded not only with farsightedness but with hopes and ideals. We haven't even done what ninety-nine out of a hundred families will do—and that is wash our dirty linen in our own back yard! During the past twelve months much of our dirty linen has been washed right under the public gaze. In Detroit, I am living right at the heart of one of the biggest industries in the world, constantly associating with men every day who have it uppermost in their minds—that is, the automobile business—and if there

is one-tenth of one per cent. the trouble and dissension in the automobile industry, I, for one, certainly haven't heard of it. They do keep their problems decently to themselves. It seems to me there are more changeable, erratic people, more sheer gossips, in the radio industry than in any other body of sound-minded or capable business men in the country. That is a strong statement but I'll add one even stronger—that I have never seen so many petty maneuverings, so many insidious intrigues or so many political practices as I have in this group. And we are not going to help that situation any so long as we have no more privacy in our meetings than a county fair!

The NAB was founded for progress, I sincerely believe, but until we grow up and throw out a lot of juvenile proceedings, we might as well abandon any idea of progress. The most successful combatants are always those who know the enemy's moves in advance. The most vital thing in a successful campaign is secrecy of movements. We have never had that. Every step that we have proposed to take, every move that we have proposed to make, has been exploited or exposed long before ever we were ready to advance.

This is about the second time I have ever spoken to you as a body. As I said before, I am frankly—and without any apology or hedging—taking advantage of the fact that I am, ostensibly, the acting head of this organization. And, whatever remarks I may make are built just around one idea—and that is a plea that here in this organization we clean house mentally, absolve ourselves from selfishness and then pull for a common cause! And, if there is any man who doesn't believe that radio has problems confronting it which need a united front, then he is blind, deaf and dumb to what is going on!

Just as I said a moment ago, whatever goes on in the broadcasting business is well publicized in advance. So we have been advised (and it is indicated by published reports) that at this annual convention of the NAB for 1936 we are going to have a split in the ranks. This organization, with hundreds of thousands of dollars invested capital, with the work of a lifetime, with the responsibility of running a business, a public service of which very few other people know anything at all—(because we have been the pioneers and have had to make all the mistakes and profit from them)—*this* organization, with its hands full of trouble, is going to pull apart!

There is an old saying, "United We Stand; Divided We Fall." There is another old saying, "Divide To Rule." I have just one thing to say in my last appearance as President of the NAB, that whatever are the forces which threaten the disruption of this group, let us analyze them fully and see whether they want the continued progress of the radio industry or whether they seek only to follow that old rule of military and political strategy—Divide To Rule! I urge you to forget petty personalities, to present a united front in every effort. We inherited a responsibility from the first year that NAB was formed. And it should be our duty to recognize that, to realize that radio is not merely an industry or business but it is also the greatest molder of public sentiment there is today, one of the greatest gifts that God in His kindness has made possible for His human beings to use and enjoy on this earth. It ought to be our purpose to re-envision the bright future that lies ahead of radio and march toward it shoulder to shoulder.

If we don't, radio will go ahead without us! It will go ahead with other men at the helm, those perhaps who are not nearly so capable of fulfilling its destiny as we ourselves because, as I say again, we have nursed the industry along through its growing years—it should be our understanding of it which profits both radio and ourselves the most at this time when it is more or less grown up. You can't stop progress. Radio will go forward. We'll either continue to be at the helm—or we'll turn into mere bits of grit which those mighty spinning wheels will toss off in their steady advance toward greater things.

The radio industry has the greatest responsibility there is in this country today. Let us view that responsibility as men!

This is my first plea to you as President of this Association. I assure you it is my last!

And, I thank you for your patience in listening to my first plea. (Applause.)

One of the few privileges you have in being the official head of this organization is to pay tribute to one whom you have admired for years. Ever since the inception, practically, of the Federal Radio Commission I have admired and enjoyed the friendship and association of our next speaker who understands far more than I can express to you the problems that confront us all.

It gives me pleasure to introduce to you at this time one who needs no introduction but your friend and counselor—Judge Sykes.

(The convention arose and applauded.)

JUDGE EUGENE OCTAVE SYKES (Chairman, Broadcast Division of the Federal Communications Commission, Washington):

Mr. President, Members of the Association, Ladies and Gentlemen:

Eight years ago, in the summer of 1928, it was my privilege and pleasure to address your Association at its meeting in this same comfortable and hospitable hotel. At that time, the Federal Radio Commission was in its swaddling clothes, about a year and a half old, and your Association was likewise an infant of about the same age. As I recollect it, your membership at that time also included members of the Radio Manufacturers Association. Much water has passed over the dam since that meeting.

A rather strange coincidence is the fact that at that time I discussed with you the legal meaning and effect of the Davis Amendment which had been enacted into law in March of that year. At this time I shall discuss with you the legal meaning and effect of the repeal of the Davis Amendment.

You will recall that Section 9 of the Radio Act of 1927, by which the Commission was created, in part read as follows:

"In considering applications for licenses and renewals of licenses, when and in so far as there is a demand for the same, the licensing authority shall make such a distribution of licenses, bands of frequency of wave lengths, periods of time for operation, and of power among the different States and communities as to give fair, efficient, and equitable radio service to each of the same."

You will recall that under this Act the Radio Commission was to exercise for one year the original powers therein granted and, after that year, these powers were to be exercised by the Secretary of Commerce with the right of appeal to anyone dissatisfied with his decision to the Radio Commission; or, in other words, after one year the Commission was to become an appellate body in radio matters from decisions of the Secretary of Commerce. Likewise, you will recall that the Deficiency Bill, which carried the appropriation for the newly created Radio Commission, failed to pass at that session of Congress and the only available funds were those appropriated for the Radio Division of the Department of Commerce, which funds were shared with the Radio Commission.

This bringing order out of chaos was a much bigger job than Congress contemplated. The Commission, due to a lack of funds, was unable to employ any staff except some clerical help. It was impossible to pass on a great many applications and it was impossible to bring order out of chaos during the first year.

At that time, the cream of the radio facilities were being used in the large cities. Congress thought that the Commission was dilatory in making its distribution of these facilities among the states, and this led to the passage of the Davis Amendment. This Amendment, in brief, provided that these radio facilities should be divided equally, as nearly as possible, among the five zones and then the facilities of the zone should be further equitably divided among the states, as nearly as possible, in accordance with population. The object and purpose of Congress, namely, to bring about a fair division of radio facilities throughout the entire country, was most praiseworthy but the formula laid down for this division was too much of a mathematical formula and failed to take into consideration a number of salient facts, such as, disparity in size of the five zones, that there was no way of stopping the carrier wave interference of stations and that, in effect, the Amendment would really operate in favor of the smaller zones and the smaller states with a dense population.

As a result of this Amendment, in the fall of 1928, the Commission, as a yardstick, adopted certain quota figures which allocated a value to stations of certain classes and power. It gave to each of the five zones eight high-powered, clear-channel assignments. It likewise gave, as nearly as possible, to each of the zones its share of regional and local stations. This brought about a number of changes within the country. This allocation, from the standpoint of radio listeners, which we must primarily consider, was an improvement on the first allocation of the Commission.

It soon became evident, under this allocation, that the states with a large area and sparse population were lacking in radio service, though over quota under the Davis Amendment. The Commission likewise found that the day power of a number of stations could be increased without interference but in order to do this, it became necessary to separate night and day quota. This was done and radio reception was greatly improved by increases in day power of stations.

Bearing in mind the fact that a great many of the rural population have no radio reception, except that of a secondary nature, and that these of our people should be given more reception if possible, the Commission, from time to time, recommended to the Congress that the Davis Amendment be repealed and the original provision in the Radio Act, above quoted, be reenacted into law. This recommendation was also made to the Committees of the Senate and the House when the Communications Bill was under consideration.

A secondary recommendation, made at that time, was that if the Davis Amendment were not repealed, then the Commission be authorized to put in local stations, regardless of quota, which would not create interference with existing stations.

The Congress, at that time, accepted this second recommendation as to local stations and a number of construction permits, for this class of station, have been granted by the Commission. Right here I would call your attention to the fact that a local station is to serve a particular community and that, if possible, it should be owned and controlled by the people of that community and not outsiders. The Commission has had a number of applications from people of different communities and different states to establish local stations. A lot of these applications smack of the nature of promotional and speculative schemes. These applications are most carefully scrutinized and studied by the Commission and these facilities, whenever possible, have been allocated to persons of the local communities.

You will also remember that the Davis Amendment provided that a station be charged to the state wherein is located its studio. In hearings before the various committees of the Senate and the House, certain states, more particularly one, claimed that the stations of a great city were using this little state as a dumping ground for their transmitters, that while the transmitters were located within the little state, the studios were in the large city and the stations, in truth and in fact, were stations of that city. Hence, we find incorporated in the Davis Amendment the further provision that a station belonged to the state wherein its studio was located, and since some stations have a number of studios, the Commission properly decided that the studio mentioned in the law was the principal studio of the station.

The recent session of Congress repealed, as recommended by the Communications Commission, the Davis Amendment and reenacted in its stead the original provision of the Radio Act, from which I have already quoted, with a slight change in phraseology. This Amendment also abolishes the five zones into which the country was divided. Consequently, the Broadcast Division has repealed those rules relating to quota made necessary by the Davis Amendment.

In all applications for new stations or increases in power, changes in hours of operation, and so forth, of existing stations, the main questions now for consideration are:

1. Will interference be caused with existing stations by such grant?
2. Would it be to the benefit of the listening public to grant the application?
3. Will the granting of the application tend to bring about a fair, efficient and equitable radio service among the states and the communities?

Also, the Commission will be able to decide, upon the facts presented, to what state and community the station is to be charged.

I feel sure that, under the present amendment, the Commission will be enabled to give these rural listeners better radio service than they now enjoy.

No new general allocation has been made by the Commission since that of 1928, under the Davis Amendment. Since then many technical improvements have been made in equipment, including antenna design. All of us have learned a great deal in that time.

The Commission has in its files the result of the extensive field survey of the coverage and characteristics of broadcasting stations. With these improvements, and this knowledge, it should be possible to make improvements in the allocation. This question has been receiving the careful study of the Commission.

On the second instant, the Broadcast Division decided to hold such an informal hearing beginning October 5. Those who desire to participate will be furnished information as to the results of the above studies so that you may carefully consider this data in preparing to make your suggestions and recommendations at the hearing. I am sure that you will appreciate the great importance of this conference to the listening public, the entire broadcasting industry and to the Commission.

Here I will digress from my written remarks to say that there were a number of plans considered by us as to what we should do in the calling of this informal conference. Should we first tentatively set up one, two or three plans to be criticized by you or should we instead of giving you any proposed plans to criticize, first call all of you in? As I stated a moment ago, we have learned a lot in the eight years since we made the allocation under the Davis Amendment—not only the members of the Commission but all of you. Our touchstone always is to improve reception to the listening public. That being true, we finally decided that the best way to do it was to have you gentlemen all come in, after studying what we have in our files relating to the coverage of all stations in the United States, to have you gentlemen come in to us and suggest what possible improvements, if there be any, that can be made under the old 1928 allocation. One advantage of that is, some people might have thought if the Commission had set up one, two or three plans, that the burden of proof, so to speak, was on you gentlemen to convince us that none of those plans was a good one, whereas with no plan in view but with a conference on as we have called it, we believe that after that conference, instead of before, in other words, we will be able the better to make any changes if such should be made in the old allocation of 1928.

Returning now to my notes, there are other changes and improvements in our present Communications Law relating to broadcasting which are quite well known and about which I shall not trespass upon your time.

Speaking technically—and I am not an engineer, you know—the constant effort of the Communications Commission has been to improve broadcast service to the listening public. A great step in this direction is through betterment of station broadcasting equipment. The Commission has no jurisdiction over receiving sets and cannot prescribe standards for their production. I am informed by engineers—and as I said, I am not an engineer so if this statement is incorrect, blame the engineers and not me—but, I am informed by engineers that the transmission quality of broadcasting stations now surpasses the reception capability of a majority of broadcast receiving sets. I hope and believe that the set manufacturers will improve the fidelity of receiving sets.

There have been adopted, within the last year, a number of regulations dealing with technical aspects of broadcast transmission. These are aside from the changed rules and regulations governing services outside of the conventional broadcast band. In these new regulations our desire has been to help the broadcasters help themselves. Very little complaint has been received about these new rules and we, therefore, infer that they must be good.

Some of the greatest improvements I think are those relating to antenna design. It has been learned that the radiating system of the broadcasting station is as important as its transmitter and that though a station may have the finest modern transmitting apparatus, its job will be a poor one unless it has the proper antenna system.

Our new rule No. 131 requires broadcasters to meet certain specifications respecting antennas. This is in order to enable the broadcaster and the listening public to get the utmost available service out of his plant. Based on our survey, we believe that approximately fifty per cent. of the stations, by this improvement, will vastly expand their radio coverage without any increase in power.

Rule No. 132 requires broadcasting stations to clean up in their transmitter rooms. This is for the safety of employees and visitors and should be most carefully followed.

By rule No. 139, we now require the installation of modulation monitors to improve the coverage and fidelity of transmission. These new rules provide a gradual improvement in broadcasting equipment and are working most satisfactorily.

I regret to say that we have not yet been able to reach an agreement with Mexico relating to broadcast channels. The result is that we still have interference with some of our stations. This matter is continuing to receive the consideration of the State Department and the Communications Commission and we trust that some time, some day, a satisfactory agreement may be reached.

Just a fortnight ago there was held in Washington a conference involving projected uses of channels in the very high frequency band. The conference envisages the development of such services as television, facsimile, very high frequency broadcasting, and other experimental services which you broadcasters eventually will be called upon to nurture. Outstanding men in all phases of radio and communications, including the various governmental services, appeared before the Commission and presented their views. From this testimony the Commission hopes to formulate allocation plans governing future development of these new bands.

From statements made at this conference we are sure that important strides have been made in television, although perhaps it is not yet ready for general use. Facsimile seems to be well perfected and it is possible that the Commission, in the near future, may make provision for its transmission. This question, however, has not yet been settled.

I would also call your attention to the importance of the committee composed of educators and broadcasters to bring about a method of cooperation relating to the broadcasting of educational and other like programs. This committee, as you know, is headed by Dr. John W. Studebaker, Commissioner of Education. It is composed of practically an equal number of leading educators and broadcasters. It is our sincere hope that a plan bringing about this cooperation may be worked out. I would, therefore, impress upon the members of that committee the importance of attending its meetings and helping to solve this question.

A good deal has been said in the past relating to the program content of some broadcasts over stations. I congratulate you upon the valuable service rendered by your diligent and efficient Managing Director, Mr. James W. Baldwin, in contacting in your behalf the Commission, The Federal Trade Commission, The Post Office Department and The Department of Agriculture upon this question. I would call your further attention to the fact that, while an alleged cure-all remedy may not be harmful if taken, it might be harmful because it prevented a patient who was sick from consulting a doctor in time to cure or alleviate his trouble.

I want to assure you of our deep appreciation for the cordial cooperation you have always shown our Commission and we feel sure that this will continue.

In my service, since the creation of the Radio Commission in 1927, I have seen radio broadcasting and the radio business grow with stupendous strides. Now broadcasting reaches practically into the homes of all of our people, and correspondingly with this growth in the industry, your responsibility and ours has grown. You should ever remember that your programs reach the homes and firesides of our entire citizenship and you should especially remember that they reach the ears of the children of tender age in that plastic stage when their character, for good or bad, is being molded. Therefore, your every thought, your every aspiration and your every act should be to see that each and every program broadcast by your station should tend to improve and develop and make better American citizens of every man, woman and child within its service range.

In conclusion, Mr. President, I want to congratulate you, and your very efficient Managing Director, and your Association upon its growth and development and upon your splendid administration as the head of this Association. As an evidence of the value to your membership, I would refer to the excellent preparation and the illuminating testimony presented by your Association in the so-called educational hearing before the Broadcast Division. A like valuable service to the country and to your Association will be presented in the hearing upon the question of proposed changes in the allocation of 1928. Also, you have grave and serious problems over which the Commission has no jurisdiction but of which you are cognizant and which we trust you may be able to solve satisfactorily.

All of these matters, in my opinion, make your Association a most important one, not only to your membership but to the entire radio industry and to the citizenship of the country. This cooperation and collaboration among all of us is necessary in order that we may improve radio service and strive to give to all of the people the best public broadcasting service in the world. Therefore, I hope and trust, Mr. President, that ere long every broadcaster in the United States may become a member of your Association.

. . . The convention arose and applauded. . . .

CHAIRMAN FITZPATRICK: I can assure you, Judge Sykes, that the outburst of applause expresses far better than mere words our feeling toward you for your splendid epitome of the work of the Federal Communications Commission. I do hope you will carry back to Washington with you the heartfelt appreciation of this organization for your attendance here today, and may you live a thousand years to be with us!

The next portion of our program is an address by our Treasurer, Mr. Isaac D. Levy of WCAU Broadcasting Company, Philadelphia. It gives me pleasure to present to you our Treasurer for the past few years, Mr. Levy. (Applause)

ISAAC D. LEVY (Treasurer, NAB; WCAU, Philadelphia): Mr. President, Judge Sykes, Members, and Ladies and Gentlemen:

So that there would be no misunderstanding as to what I say today and to be sure that this wasn't going to be construed as an

impassioned speech but merely a declaration of facts, I have reduced this talk to writing.

This is the day I have waited for since last August and it was only with the greatest restraint that I contained myself.

At the last meeting I asked you to elect me as Treasurer so that I could carry on your copyright fight. There were opposed to me, at that time, nine out of ten on the Nominating Committee and a certain element of the Board of Directors.

I placed the issue squarely before you. If you elected me, it was because you wanted me to carry on the copyright fight. This membership disregarded the views of the faction of the Board who opposed me, and, by my election, you mandated me to carry on that fight. I accepted that command. We would have had no trouble with copyright, and you members would all have paid less than you are now paying, had I been permitted to carry out your views.

But, the majority of your Board of Directors had no intention of following your desires in the matter and proceeded immediately to do things in their own way. They were your Directors, which means that they were men elected by you to carry out your expressed wishes. These gentlemen ignored your desires, ignored me, and, by doing so, said to you, "We don't care what you want; we will do what we please." With the aid of Mr. Baldwin, they brought about what Mr. Baldwin, himself, termed in his 22,000 word document, "the most humiliating failure this organization has ever suffered."

Because this organization is so set up that members of the Board serve from one to five years, a condition presents itself where these Directors may continue to ignore your wishes and you are helpless. It makes no difference what you want them to do; they will do as they please. Your Constitution is just a little cute and tricky.

My complaint is not with this membership; it is with the ten gentlemen on the Board and Mr. Baldwin, and, when I tell you the story, my complaint will be your complaint; you are entitled to know how your Directors and Mr. Baldwin behaved themselves.

You placed in my hands a responsibility that I was anxious to assume and carry. I, therefore, owe you an explanation as to what occurred, and for that purpose *alone* I come to you today, and, when I have told you what transpired in the last year, I will remain in this room long enough to answer any attempts at justification by the guilty parties. Some of you may think this Association would be better off without me; I have no desire to change your opinion. But I know I will be better off without this Association, and so at the conclusion of the copyright discussion, I resign, on behalf of Station WCAU, as a member of NAB.

And, since it is the last time I will be before you, please listen attentively to what I have to tell you, and then judge the facts as the business men that you are, and realize what position you have been placed in as a member of this Association.

When I returned to Philadelphia last summer, after a short trip to California, I immediately communicated with Mr. Baldwin and requested that he call a meeting of the Board of Directors—this was by letter dated August 26.

The purpose of this Directors' meeting was to have you accept immediately the offer of ASCAP to extend your contracts for five years. As I told you in my last talk, I wanted this offer accepted immediately—before Warner Brothers withdrew from the organization. Some sixty-five of you accepted my word for it and signed that extension agreement. There would have been plenty of time for the rest of you to accept it had the Board meeting been called when I first requested it.

This meeting was not called until October 17, 1935, about two months after I requested it, and it took place at the St. Regis Hotel in New York. Before the meeting was opened, ten or a majority of the Directors met secretly and prepared a plan of their own.

Your President, Mr. Fitzpatrick, was ignored, as well as I. He has been shamefully treated during his entire term, despite the fact that he was elected unanimously by this organization. They considered him an outsider, and many were the insults heaped upon him. Since I can remember, Mr. Fitzpatrick has been one of the most powerful influences in this Association. He is recognized as a leader in the broadcasting industry. He was a hard-working President, and a clear thinker, but the ten on your Board treated him as a traitor, and I would not have blamed him if he had not even come to this meeting.

After listening to the plan of the secretive element of the Board, I suggested to the whole Board that they pass a resolution to have Mr. Baldwin send a letter to the membership, advising them to accept the offer of ASCAP of June 17, 1935. The resolution was passed. Mr. Baldwin was directed to notify the members, but he didn't do it.

Had Mr. Baldwin notified you to accept the ASCAP offer, you would then have guaranteed to you by ASCAP the Warner Catalog for which a large number of you are now paying a considerable sum of money.

We had been guaranteed substantially the same catalog that ASCAP had, which included Warner Brothers. We would have had a united front. Warner Brothers would have had no one to turn to, and how long would it have been then before Warner Brothers would have been back with ASCAP?

I had been informed that Warner Brothers were about to withdraw. There was no reason why Mr. Baldwin should not have sent that communication in October. He had been ordered to do so—it was a mandate! Since the Board had acted, it was his duty to send that letter, but he refused to notify you.

Time was very important because I wanted those letters of acceptance sent by you before Warner Brothers withdrew. I telephoned Mr. Baldwin several times, begging him to notify you of the resolution passed by the Board. I asked him to call a general meeting of the membership; this he also refused to do. Several months elapsed and nothing happened.

On December 3, 1935, one day less than seven weeks after this important information was to be sent you, I telephoned Mr. Fitzpatrick and urged him to have Mr. Baldwin send a telegram urging the broadcasters to accept this offer. I also called Mr. Baldwin. I told Mr. Baldwin he would have to assume responsibility if he did not send the telegram as directed by the Board on October 17, 1935.

Mr. Fitzpatrick agreed with me that a telegram be sent immediately. Mr. Baldwin told me he would call Mr. Fitzpatrick, which he did. Then Mr. Baldwin told me he was going to poll the Board. Why, I don't know, when he already had the order to send the notice. ASCAP regarded this quarrel with Warner as a private fight of their own, one within their own ranks, and told us that we had no concern with it. Here were two members of the Executive Committee, Mr. Fitzpatrick and myself, composing a majority, demanding that the Managing Director notify you of a resolution, and Mr. Baldwin deliberately ignored us.

Then, the next day, Mr. Baldwin sent the telegram. But the very next day after that Warner Brothers withdrew, which was on December 4. After sending the telegram, the very next day Mr. Baldwin sent another telegram repudiating his first one. I told him if he did not send the first telegram that I would send one to all the broadcasters. I could not understand why or how he could assume the responsibility of disobeying the order of the Board and jeopardizing your position.

Then came a series of telegrams, letters, manuscripts, books, pamphlets and every sort of written memoranda, giving you advice that no intelligent person in the world could understand—not even the senders—hysterical rambling, hopeless confusion, to which I refused to contribute.

The publicity released by Mr. Baldwin during the past year tore into shreds this Association. He was a Managing Director, employed by us, who assumed the role of a dictator. He forgot there was such a thing as an Executive Committee with whom he was to consult; he forgot there was a President; he forgot there was a Treasurer; he did as he pleased, influenced by a number of men who haven't yet the slightest conception of what it is all about.

About this time Mr. Baldwin sent a plan to members of the Board to solve your problem. It proposed that stations use records and music in the public domain (this was a new idea), and that they curtail their hours of operation. He wanted to tell you to cut down your time and use music in the public domain.

This was his idea of a solution to this problem. Now, there may be some of you who think this is all right. If so, you can still do it. I won't complain if anyone cuts down his hours of operation, or uses music in the public domain, but those of you who do can't expect us to be so silly. That suggestion might be expected from Fred Allen or Jack Benny in their comedy talks. I would insult your intelligence if I were to go on any further in discussing this suggestion.

This copyright situation is one that is not understood at all by Mr. Baldwin or any of the ten members of the Board who supported him. I daresay that even this membership is of the belief that for every violation of the copyright, the court assesses the damages at \$250.00. This is not true, and never was. But I cannot be surprised if you think so when no one on the Board knew differently. So that you may understand it, the Supreme Court of the United States held in the La Salle Case, which is reported in 283 U. S., page 202, in the year 1930, that the \$250.00 minimum award applies to infringements not exceeding twenty-five in number. This means that the court, in the absence of

actual proof of greater damage, could not award less than \$250.00, nor more, for any number of infringements up to twenty-five. It might be interesting for you to have your lawyers read that case.

One man who had just recently stepped into the picture said, "I don't know why everybody could not give a power of attorney to one man and let him settle it in a half hour." Why, we had been working for years to settle the problem—and here was a novel suggestion. I turned to him and asked him if he would do it, and said that we would be very happy if he would. It did not take over two or three minutes to show him he knew nothing of the matter. I went to several other meetings of the Board, and on December 16, at the St. Regis, I found that a committee had been dealing with Starr of Warner Brothers. It was at this meeting that one of your members of the Board had a thick document from which he read, and earnestly excited himself to a peroration with the fervor of an Aimee McPherson; rising on the spreading wings of an eagle to the apex of an all cure for ills, and, while he was soaring above the clouds, he let us in on his great solution that Mr. Baldwin was to be in complete charge of copyright. The deafening thunder of applause and yells of "Halleluia!" recalled to me the program of Elder Michaux. You must understand that no copyright committee was appointed by the Board. Everybody was going to be on the committee, but that everybody eliminated me, because the secret ten were running the hippodrome show. I tell you this to show you how this mass voting unit caused you to spend money foolishly.

You may consider it boastful if you wish, my saying that I was the only one who understood this situation. Call it conceit, if you wish, but the results prove that you are paying now for Warner Brothers as well as ASCAP, whereas you would be paying to ASCAP only, had you followed my advice. You may say that Warner Brothers would have withdrawn anyhow and that the question of whether or not ASCAP had guaranteed their catalog would be a litigated one. The answer to this is that not only I but all the able counsel I have consulted, are of the opinion that ASCAP guaranteed to deliver Warner to its licensees. You may ask why I didn't play the Warner music. It was because I didn't want to encourage the different members of ASCAP to withdraw. I didn't want to be confronted with a dozen of the members of ASCAP, each of them seeking a special license fee. I know some other broadcasters refused to play Warner music. But we who have signed the extension agreement with ASCAP are entitled to play the Warner catalog without additional cost to us.

At the meeting on December 16 I reminded the Board that you had elected me to carry on this fight but that made no difference to them. They were going to do as they pleased—your wishes meant nothing to them.

When I saw I could be of no use in the deliberations and that the secret ten were running things to suit themselves, I withdrew from the meeting and told them there was nothing further I could do. It was just as in 1932—the Board again ignored your wishes. I could speak of a number of acts of discourtesies, when Mr. Baldwin promised to send me copies of resolutions before he sent them out and never sent them to me; also, I would receive some of the correspondence weeks after you got them. But, that is unimportant now.

Mr. Baldwin appointed his own committees, appointing some who were not even members of our organization. For the miserable mess you are in, you thank these ten members of the Board.

Last July it was considered frightful to have your contract extended for five years but this same crowd did not hesitate to advise you to pay ASCAP the same amount and pay an additional substantial sum to Warner Brothers.

Now, I have no confidence in Mr. Baldwin or the secret ten on copyright—you may have, but you have a right to your opinion as I have to mine.

We have had a year of ballyhooing by him and his associates—plenty of circus antics; no one interfered with him. I sent no letters to disturb this march to hell. It would have been of no use to do so and it would only have made it more confusing. They decided they wanted full credit for their accomplishments and now they have it. They took the reins and ran wild. They failed because they were fundamentally wrong and still are. As Baldwin, in his memorable document, admits, it was a humiliating failure.

Three of the ten men on the Board protected themselves after the meeting last July by signing an extension of the ASCAP agreement. They didn't write to you and tell you that, and they may attempt to explain why, but, if I were one of you that was advised to do nothing about accepting the extension, I would ex-

pect that the three men on the Board who signed it themselves would, at least, let me know what they had done. Why did they do it, if they thought it was not the proper thing to do and, if it was the proper thing to do, why didn't they tell you about it?

I don't worry about what people say; I watch what they do. No words can eradicate that exhibition from my mind. And yet these men, secure themselves, violated your instructions to them but didn't tell you what they were doing to protect themselves. You may be satisfied with that conduct; I am not.

They may attempt to explain; if so, weigh their explanation, test it by common sense, test it by reason and when you have heard it all, the outstanding fact will be that they signed the extension themselves but didn't tell you anything about it.

This Association, as far as I am concerned, is for the purpose of serving its members in a body when the expense would be too great for the individual to secure it alone. I never regarded it as a social organization or a political body. We joined it because we thought it would be mutually beneficial. We paid our dues and expected to get something for them. We received less than nothing for our money. Oh, yes, I forgot. . . . Before one of the meetings each Director received an imposing book bound in black composition leather with the name of the Director on the cover in gold. It is a very pretty book and I am going to keep it because I like the cover. I am sorry one was not sent to each of you. As for the value of its contents, well, that didn't amount to much but you could remove it and keep something interesting in it. (Laughter.)

I am for peace in this organization as much as anyone in it but you will never have peace in it with mismanagement. It will be only a short time before the organization collapses if you run it the way you have been running it. The handwriting is on the wall! Yes, I am for peace but not when it means disaster. Peace means contentment. Is there in this room a person who is contented? In the last year I have found this organization a total failure. Politics have developed. Members were cliquing. Certainly no member of this Association would share the profits of his station with any other. None of them will pay each other's bills. Each of you will get all the business you can. So, there is a community of interest only as to the protection of your business from unjustified assaults.

I have received a number of letters from members urging me to form an organization apart from NAB. I will form such an organization. We will give service to our members. We will not allow politics to creep in. We will not allow outsiders, with no experience, to dominate our activities by creating feeling within our organization. If there is anybody in this Association who wishes to join the one I propose forming, let him do so with the knowledge that we will work with no one getting medals, that we will serve the members intelligently. All are welcome.

One of the things I want this new association to do is to render some legal service for which the stations now pay lawyers. Very frequently the stations are obliged to secure information in Washington or be apprised of the conditions concerning problems in which they are interested, where it is unnecessary to engage a lawyer because a messenger boy could render the same service. This new organization will render that service without cost.

In our organization there will be no kings and no big shots—all will be plain members—it will be a democratic organization. We will have a Managing Director; he will be a person who understands the technical as well as the business side of this industry. He will set up his organization in Washington and whenever anything of importance comes up, he will notify all the members to come to Washington and participate in the discussion.

I have already asked a prominent lawyer to come into this organization, not only as general counsel but as general adviser.

There will be no President nor any Board of Directors. Those who are not able to appear will receive a written report of what has transpired, but all will be welcome to attend the meetings. The dues will be less than your present dues; smaller stations will pay much less than they are now paying.

What are you getting for the dues and assessments you are now paying? Not much—and I understand there is a proposal by the Board that your dues be increased fifty per cent. That won't be sufficient if they keep squandering their money as they did in the last year. There were more Directors' meetings last year than there were altogether in the history of your organization, and how expensive they were! It was necessary to pay

some of the Directors as much as \$300.00 or more for their expenses to attend a single meeting. Each meeting probably cost around \$1,200.00 and you were paying for it.

You see, this is the first meeting of our Association where the talk on copyright preceded the report of the Managing Director and, necessarily, I am compelled to anticipate what I know will be proposed to you, since these matters were passed on favorably by your Board, and don't get any idea that there was any unanimity on the Board; these ten stuck together and were able to accomplish what they wanted because they were in the majority. You owners of small stations are being kidded. It may be that I will have to answer some of the representations made by the Managing Director because I preceded him in this talk and, if so, I will reserve that right.

Now, there is to be a proposal to spend some \$200,000 on a revised Program Foundation Fund. Baldwin has already appointed a Director of New Bureau of Copyright—I heard of it through NAB REPORTS.

While I think this \$200,000 fund is ridiculous, still it will probably be put through only to find that you won't collect \$20,000; I only collected about \$40,000 for the copyright fight.

In the voluminous report, and reports, Mr. Baldwin sent you, he inadvertently neglected to tell you as to what happened with the Radio Program Foundation and its fund. This organization was formed against my advice. You may recall when it was first proposed by Mr. Schuette that I opposed it and spoke of its futility.

Most of you to whom I have spoken believe that it was formed by NAB and you contributed money to it without a clear impression as to what was to happen to that money other than to buy music catalogs to which you were given the right of usage. Since Mr. Baldwin has not told you about this, in any of his many communications to you, let me give it to you.

Three gentlemen, Hostetler, Loucks and Schuette, formed a corporation and they acquired a little music. You were to pay for its use, and some of you did. Each one of these three men was in the employ, at the time, of NAB and being paid for his services. If this corporation had been a great success, the profits would flow to the stockholders—Schuette, Loucks and Hostetler. When they decided to abandon this project as a failure, there was \$5,000 left which they divided among themselves and sent a letter to the NAB Board justifying their action. They never could have secured the subscription of the members of NAB had they explained in full that whatever profits there would be would go to them, individually. From those members of NAB with whom I have spoken, who contributed to this Program Foundation, I learn that they were under the impression that this was a project of the Association and not a private venture. Certainly this was not an altruistic movement where they were going to pay for the expenses of incorporating, about \$100.00, and not profit, if any money was to be made out of the proposition. This letter was even too much for the Board to act on. Even the secret ten couldn't go along on this, so it was tabled, but you who have paid should know about it, and now you have it.

A few months ago I returned the balance of the money I collected in the copyright fund to the members who had contributed. The Board had passed a resolution that I turn it over to them. This I refused to do since it was not the money of the Association. I attended the Board meeting in Chicago and told the members that, regardless of what they decided should be done with this money, I was going to return it to those who sent it, that this money was impressed with a trust, and I would ignore the decision of the Board. They finally came around to my way of seeing that.

I had requested Mr. Baldwin, by letter, to place me among the speakers of this Convention so that I could tell you what had transpired. This letter was ignored and so, at the Board meeting in Chicago, I requested that they authorize Mr. Baldwin to list me as a speaker and frankly told them that my request was merely a formal one; I would speak anyhow and if they refused to pass the resolution, I would tell you members of my request and they would not be able to stifle me. They saw this my way, too. In other words, the only things they saw my way were those over which they had no control.

As far as I am concerned, history of NAB now ends and prophecy begins.

A year has gone by and there has been no furtherance of the Government suit.

I have heard so much of the per-piece plan that I tried to get a number of publishers to submit their catalogs with the price

opposite each piece. Not one of them was willing to do so, even though Mills requested it. I am for the per-piece plan, as you should know, if and when it becomes practical or possible, but I am against it as long as it will double, or triple, our costs for music.

Just think of a man like Mr. Loucks, with his experience, writing an article for the Broadcast Magazine advocating the per-piece plan when he knows that there isn't a Chinaman's chance of putting it through. I might as well ask you to agree to buy the Wrigley Building in Chicago for \$10,000. What chance would we have of getting it? You have about an equal chance of having ASCAP agree to the per-piece plan, and yet Loucks writes articles about it.

Here is indeed a strange situation, where a number of these ten have come to me, telling me that I know more about it than anyone else, and when it comes to the vote, they stick together in legion and vote against me. One of these men wrote me a letter, telling me I know more about it than anyone else, that he was disgusted with the way things were going, and even offered to pay me a fee as a lawyer to advise him as to what to do. I can't understand that sort of nonsense. Are there any of you who would employ any of this Board to handle your copyright matters?

There is no use going any farther into what has happened in the last year; I have told you this ASCAP story many times. It is sufficient to say that, had you been advised properly by the Board, you all would be better off and paying less than you are paying now, and the burden has come, as always, on the little fellow who has been misled.

As it is, I have been trying to do something for you. I have been working with some publishers to purchase the Warner catalog and put it back in ASCAP. This would relieve you who have signed for the Warner catalog from further payments for that catalog but you would receive the same without additional cost under your contract with ASCAP.

Because I did not go along with Mr. Baldwin or the secret ten in their schemes, malicious lies were spread about me. They even went so far as to condemn my contract with ASCAP, wired the Attorney General to the effect that I was conspiring with ASCAP and condemned me generally for not participating in their failure. But, to me, the most important part of their exhibition was not what they did to me but the fact that they had disobeyed *your* orders.

I am not attacking Mr. Baldwin personally but I am attacking his ability and his knowledge.

The only thing I seem to have been able to gain in this organization is the suspicion of those who want to run the show. I have made lots of friends among you broadcasters; I appreciate that friendship. I have made friends all my life and I never want to lose one—I can't spare one of them. When I find the man who hasn't many friends, I find the man who hasn't done all he could for those he knows. During the year, I received many letters from broadcasters on all subjects, I answered them immediately, as many of you know. There is nothing that I wouldn't do, individually, for any of you. For that reason I don't relish the idea of never seeing you again in a body, but that can't be helped. If at any time I can help or be of any use, I am at your service.

I want peace. We all want peace—but an honorable peace—and an organization which will be honest with its members. And, we do *not* have this now.

You and I have been shamefully treated by a self-seeking few. You are paying and will continue to pay for their irrational schemes. That is my prophecy.

With the secret ten and Mr. Baldwin directing your affairs, you must fail. And so, for that reason, I am stepping out. (Applause).

CHAIRMAN FITZPATRICK: Continuing our Monday morning's program, the next will be the report of the Managing Director, Mr. James W. Baldwin. (Applause).

JAMES W. BALDWIN (Managing Director, NAB, Washington): My report will be brief. All major developments of interest to you have been fully described in the NAB REPORTS and it is waste to consume your time here in discussing in full what has already been reported to you.

Membership

The membership of the NAB is larger today than at any time in the history of the Association. There are 407 members, an increase of 22 since the last convention.

Finances

As of July 1 last we had a balance of \$46.56. Receipts in the period from July 1, 1935 to June 30, 1936 totaled \$97,043.44. Expenditures for the same period amounted to \$79,638.51, leaving a balance of \$17,451.49 as of June 30, 1936.

Cooperative Bureau of Radio Research

I want to speak to you very briefly about the Cooperative Bureau of Radio Research. At the session tomorrow morning you will hear a report on this Bureau. It is important that all of you attend that session. Your Committee of Five, working in cooperation with committees of the ANA and AAAA have done some very constructive work. The report on radio set figures by counties reported last week is the best example of the good that can be accomplished through cooperation by the seller, the buyer and the agency. This is the first time in the history of radio that fundamental information has been issued with the joint approval of the advertiser, the agency and the broadcaster. There is much that remains to be done. New projects will require new financing. Thus far the National Broadcasting Company and the Columbia Broadcasting System have paid the expenses of the committee. It is not right for them to bear all these expenses. There is not a single station that does not benefit by all the work that has been done and each station should bear its proportionate share of the expense. I do not wish to trespass further on the report you will hear tomorrow morning. Again let me say it is in your interest to attend that session and participate in the discussion.

Informal Engineering Conference Held By FCC

And now a word about the informal engineering conference held by the Federal Communications Commission. All of you are aware of the importance which attaches to the so-called informal engineering conference held by the Federal Communications Commission beginning June 15. Through the courtesy of Purdue University we were able to obtain the services of Dr. Charles B. Aiken as Technical Consultant. His statement and that of the Managing Director made at the hearing have been furnished you in NAB REPORTS dated June 27. In selecting Dr. Aiken, it was our endeavor to choose a man of outstanding qualifications and one who could impartially approach the problems involved. Widespread comments made by radio engineers since Dr. Aiken testified confirm the confidence we had placed in him. I am sure that the NAB made a substantial contribution to the scientific and technical data which must be considered by the Commission in the formulation of future policies. This hearing will be the subject of further comment by the Engineering Committee.

Amendment of FCC Rule 229

Also I should call to your attention the amendment of FCC Rule 229. The Engineering Division of the Federal Communications Commission held an informal engineering conference on June 8, 1936 to explain and hear comments on Rule 229, as amended. The new rule which was to go into effect July 1 was printed in full in NAB REPORTS dated May 24. As of June 8 we had not had time to receive an expression of views from the members and because of this and the great importance which attaches to the modifications, the effective date has been postponed until August 1. This also is a matter which will be covered by your Engineering Committee report tomorrow afternoon and I urge you to give the matter careful attention.

Cost Accounting System

Few stations have availed themselves of the opportunity to obtain the uniform accounting forms approved at the last convention. The system which you approved is sufficiently flexible to provide for the smallest and largest stations. I have no doubt that all stations, and particularly the smaller ones, could benefit greatly by installing the system.

Agency Recognition Bureau

By resolution (No. 13) adopted at the convention last year, you instructed the Managing Director to proceed immediately with the creation of a bureau of agency recognition with the understanding that the said bureau will be finally established only if the cost of its first year of operation is underwritten by the stations proposing to avail themselves of its services. Steps were taken last July to effectuate your policy. The project failed to receive financial support. Only thirty-seven members

contracted to support the bureau. The replies received from non-subscribing members divide into three classes: (1) one group of members advised that they already maintained or had available to them adequate facilities for meeting the problem in question; (2) another group explained that their losses through uncollectible accounts were too small to justify the expense of maintaining such a bureau; and (3) the third group advised that the small amount of national advertising handled by them would not justify the expense involved.

Legislation

The Second Session of the Seventy-fourth Congress, which adjourned June 20, enacted into law only two radio bills which affect the radio broadcasting industry. Only one of these is of special interest and that one repealed the Davis Amendment—an action long advocated by the NAB.

Of the bills which failed of enactment and which received any serious consideration, two are of special interest. The so-called Copeland Pure Food and Drug Bill was the subject of many conferences during the closing hours of the session. The bill as passed by the Senate placed the responsibility for administration on the Department of Agriculture. The House modified the bill so as to place the responsibility of administration on the Federal Trade Commission. The bill failed of enactment because of the dispute over which department of the Government should administer it. Action on this type of legislation may be expected at the next session of Congress. It is my opinion that our industry should support it with reasonable limitations. A modernization of the statute respecting foods and drugs is needed. It would be in keeping with the self-imposed restrictions which you already have placed on commercial credits.

The Duffy Copyright Bill failed of enactment in the House after favorable action in the Senate. Extended hearings were held by the House Patents Committee. The case of the broadcasters was ably presented by counsel specially retained for the purpose. You have no cause to be ashamed of the record made by the NAB at that hearing. A review of the transcript of proceedings before that committee will disclose to any impartial person that the bill was not reported out because of the bias and prejudice of the committee chairman. There is every reason to believe that the Duffy Bill would have passed the House if it had been reported out by the committee. In addition to the chairman of that committee, there are certain members, as the record will disclose, who, it would seem, are unfriendly to broadcasters as compared with other interests. However, this is not the only bill that failed of enactment. There were thousands of other bills which, like the Duffy Bill, will come up for further consideration at the next session of Congress. You should make it a point to inform your congressmen and senators of the importance of this legislation to the broadcasting industry.

Copyright

The actions of your Officers and Directors in respect to copyright matters have been fully reported to you. Hours might be consumed in discussing the many ramifications of the copyright problems. The injustices which have and do now prevail are recognized by the great majority. But the important thing is not to waste our time in post-mortems. Let us look to the future. Your Board of Directors has approved the establishment of a Bureau of Copyright within the NAB. A program of activity has been outlined for execution by that Bureau. Consistently with authority given him by the Board, the Managing Director has appointed a Director of that Bureau. He is a man of exceptional experience in the field of music. He has had experience in the business of publishing music. He is a composer and an arranger of music; and he has had extended experience in the building of musical programs for radio presentation. Now, what does this mean? It means that for the first time the broadcasters have decided to pay attention to their own business and build for themselves a supply of raw material to tide them over in times of emergency. It is fundamental that without a supply of your own raw material, you are subject to whatever toll a monopoly may choose to exact from you. The Director of the Bureau of Copyright is now engaged in compiling and arranging Public Domain music of a quality which will tide you over in periods of emergency and give you an opportunity to bargain. Moreover, I can assure you it is not necessary to restrict the Copyright Bureau to the field of public domain music. I know some of you are impatient. But the job cannot be done in a day. I estimate two years are required to place you in a position which will enable you to free yourselves from all the existing inequalities. It can be done. With your cooperation, it will be done. Each

member then will have a bargaining power which will permit him to handle his own negotiations. And, when this task is accomplished, the controversies such as have arisen incidental to negotiations for equal contracts can be taken out of the NAB.

I shall not attempt to answer the statements that have been made this morning. I only commend to your reading and consideration the report which was made to the membership following the Board of Directors' meeting held on February 3, 1936. I am sure that there is no statement on which any question might arise in your minds that cannot be answered to your satisfaction by the facts enumerated in that report.

Doubtless, numerous questions concerning broad policies occur to you and there are many phases of the copyright problem which I might discuss. I feel, however, that discussion of them here in an open meeting would be prejudicial to the best interests of you as individuals as well as the Association.

Increase in Dues

There will be presented for your consideration an amendment to the By-Laws which will increase the dues of members fifty per cent. This increase is proposed in order that the Association may arrange for the completion of certain research projects. These projects deal particularly with listening habits, station coverage and related subjects. I have already explained that the expenses of the Radio Research Bureau thus far have been borne by the National Broadcasting Company and the Columbia Broadcasting System. At least the major portion of such expenses should be paid by the NAB. The necessity of obtaining information that can be accepted as impartial and authentic need not be emphasized. The need for uniform standards likewise is recognized by everyone. It is my recommendation that such work be accomplished through arrangements with an adequately equipped university. The results of their work will be acceptable to all and the cost under such an arrangement will be considerably less than it would be if you set up your own organization.

There is also a need for research in the technical field. The engineering hearing just concluded by the Federal Communications Commission serves as a good example of the need of some arrangement whereby the industry can have available at all times quantitative data on all technical and scientific questions that arise. Here again I would recommend an arrangement with a qualified university so as to minimize expense and insure acceptability.

In conclusion, I merely want to say this: during the last year the ship NAB has traveled through some heavy seas. There have been a few cases of seasickness. That is to be expected when you are carrying more than 400 passengers. Some of your passengers may decide to get off the ship. I predict that for each passenger that gets off, two new ones will come aboard.

The great majority of broadcasters in this country appreciate the need of a strong organization. Such an organization can exist only when it seeks to serve all its members on an equal basis. I urge all of you to unite with that aim in view. In no other way can you protect the American system of broadcasting and your own investments.

Finally, I want to express my appreciation to the officers, the directors and the members for the support and cooperation given me during my term as Managing Director. Also, I want to pay tribute here to the personnel employed at the headquarter's office. Such service as I have been able to render would have been impossible without their ability and willingness to serve. (Applause.)

CHAIRMAN FITZPATRICK: I have a number of announcements I would like to call your attention to at this time.

(Announcements.)

Here are three letters from Saint Paul:

"It gives me great pleasure, as Governor of Minnesota, to extend to your Association an invitation to hold your 1937 convention in the State of Minnesota. Your associates here will gladly make every arrangement for the success of your convention and the pleasure of those who attend.

"The State of Minnesota will be honored by your presence, and a cordial welcome awaits you."

"Sincerely yours, (Signed) Floyd B. Olson, Governor of Minnesota."

The next is from the Mayor:

"As Mayor of the City of Saint Paul, it is a sincere pleasure for me to join in the invitation which you are receiving to hold your next meeting in Minnesota's capital city.

"Saint Paul takes great pride in its reputation as a host city. During the past few years we have a very representative cross section of national, regional and state conventions; and the city as a whole has endeavored to take an active part in welcoming the people who make up these meetings. Our citizens always have felt that the meeting of a particular group was not entirely the problem of the local members of that organization, and have been happy to join in making the convention a success.

"With that in mind, Saint Paul has gone forward in providing the best in auditorium facilities and in encouraging the development of the finest hotels and most outstanding recreational facilities for your use.

"Saint Paul's geographical location and its climatic and vacation advantages have been conducive to record attendance at many meetings. It is my hope that these advantages will appeal to you and that I may have an opportunity to personally welcome your Association to Saint Paul.

"Cordially yours, (Signed) Mark H. Gehan, Mayor."

And, the third letter is from the Saint Paul Association of Commerce:

"It is my privilege to represent the civic and commercial interests of the City of Saint Paul in again joining in the invitation which is being extended to your Association to hold its next annual convention in Minnesota's capital city.

"We feel that there are a number of sound reasons why your National Association would have an enjoyable and successful convention in Saint Paul next year. Geographically, our city offers your membership the opportunity to come from the East or the West in the same time and from the same distance. Climatically, we have an advantage over cities in other parts of the country; and in housing and meeting facilities, we feel sure of being equal to any city which may invite you.

"Moreover, Saint Paul offers the opportunity to your members to combine their trip to the convention with a delightful vacation in Minnesota, America's leading summer playground. This unusual attraction of a metropolitan area with all of the expected convention facilities, so closely combined with an ideal vacation country, has brought heavy attendance to many national organizations which have chosen Saint Paul as their convention city.

"May we repeat what we have been pleased to say to your Saint Paul members, that the Convention Department will consider it not only an honor but a privilege to cooperate heartily on all convention details, should our city be chosen.

"Sincerely yours, (Signed) Julius L. Perlt, Secretary-Manager."

The next procedure, according to our schedule, is the appointment of committees. There will only be two committees appointed at this time, the Nominating Committee and the Resolutions Committee.

NOMINATING COMMITTEE

Mallory Chamherlin, *Chairman*
J. Thomas Lyons
Burt Squire
Glenn Snyder
Donald Withycomb

RESOLUTIONS COMMITTEE

John J. Gillin, Jr., *Chairman*
E. B. Craney
Ralph R. Brunton
Harrison Holliday
Gardner Cowles, Jr.

I want to express my appreciation for the expeditious manner in which this convention was carried on this morning. We have reached the end of our schedule but before adjourning, I think it is only fitting and proper that I should ask if there are any questions or any discussion of any nature that you should like to have at this time.

SAMUEL ROSENBAUM (WFIL, Philadelphia): Mr. Chairman, I have to apologize for taking the time of this convention to address it on an occasion when this is the first time I have ever attended one of these conventions. However, it doesn't seem to me right that the burning subject of discussion which has been brought up by our Treasurer should be passed over entirely without comment. I joined because Ike Levy urged me to. It was the right thing to do!

It is a long time since I have heard any such tongue-lashings and diatribes as Mr. Levy has addressed to us this morning. Now, he may be entirely right. I do not profess to be well enough versed in the subject to be able to cast judgment without further study and discussion of everything said. But there is one portion of his remarks which I think should be the subject of discussion without being passed over and forgotten.

It is perfectly apparent that there is some very deep feeling in Mr. Levy's breast with regard to the manner in which he has been treated and he has stated that as a result of the manner in which he has been treated and his ideas have been disregarded, he proposes to pull out and organize another association.

Now, Mr. Chairman, I submit to you, and I think it should be well weighed and considered by every member of this Association, that it might be that that suggestion from Mr. Levy emanates from a kind of personal feeling which is not the proper thing to animate a member of this Association who wishes to work for the good of the whole.

I say to Mr. Levy that he does have something to gain by being a member of this Association. There is no man who is so shrewd, whose conniving ability is so great, whose satisfaction with his own abilities is so deep that he can say to a group of men who come here from distant points for the purpose of cooperation, that he can get along better himself than he can with us.

I don't believe Mr. Levy realizes the implication of the attitude he is taking, and as a member of this Association and as a friend of Ike Levy, I call upon Mr. Levy in the presence of his friends—and I am sure there are many—that that idea is not cooperative, is not American and is not the way we get things done! (Applause)

CHAIRMAN FITZPATRICK: Anyone else who has any further remarks to make relative to anything that has transpired this morning?

MEFFORD R. RUNYON (Columbia Broadcasting System, New York, N. Y.): Mr. Chairman, I am a relatively newcomer at these meetings, this being only my fourth one. I have, however, during these four years, become deeply interested in the activities of this body and during the past two years, and particularly the past year, I have been somewhat distressed by the feeling I had that we were going on divergent ways.

It is my feeling that a trade association should handle on behalf of its members largely issues which are non-controversial and in that way, we will not have, as Mr. Fitzpatrick pointed out, dirty linen to wash in our back yards.

There are many problems confronting this industry on which we can and do have a united front. Those are things which I think can be undertaken on behalf of these people by the NAB. I feel it has a very real function to perform and a service which it can render all of us.

However, there seems to me to be one burning issue which has grown in importance over the past several years and that is the issue of copyright, and on copyright it seems we have many divergent views. It is probably not one of the problems which Mr. Fitzpatrick would have included in his classification of the "problems of radio" because there are apparently so many views on what should be done that it is impossible to reconcile them in a united front.

Every speaker who has spoken has said he wants peace. I, too, want peace. And, I am going to make a suggestion for your consideration during the rest of this convention which may achieve peace. It is that we take the controversial issue of copyright entirely out of NAB and that we present a united front on the many other problems of radio on which we do have substantial unanimity of opinion. (Applause)

CHAIRMAN FITZPATRICK: Anyone else?

ALFRED J. McCOSKER (WOR, Newark, New Jersey): Mr. President and members of the convention, I propose to speak very briefly at this time but I do want to say, in view of the fact that Mr. Levy has not said so for himself, that the impression of the gentleman from WFIL that Mr. Levy may have been actuated by a personal attitude, I happen to know is entirely wrong. His attitude springs from experience, hard work and an honest purpose to do something, first, for broadcasters as a whole and if this is not permitted him, to at least apply it to the benefit of his own station.

In addition to this, I want to say that I echo heartily the suggestion made by the previous speaker, Mr. Runyon, that there be maintained an organization that will be truly representative of broadcasters and if this can be done only by the elimination of this harassing copyright situation, that copyright be removed from the province of the Board of Directors and the Officers of the National Association of Broadcasters.

I am not here to delay you, to be vituperative or argumentative but I must say in all justice that my observation of the proceedings of the last several meetings of the Board of Directors have led me to the conclusion that the group referred to as the secret ten—and I haven't counted them; I don't know that the adjective is deserved because I found them especially public and articulate at those meetings! I must say that, in my opinion, many of the ideas that they advocated and the methods that they chose to execute their ideas, were far from my conception of what is best for organized broadcasting and I was almost invariably voting with the minority.

Thank you. (Applause)

CHAIRMAN FITZPATRICK: I think that those who take the opportunity of addressing this meeting at this time reflect their interest in the industry. Are there any others who would like to speak? If not, a motion is in order for adjournment.

(Announcements.)

(The meeting adjourned at 1:05 o'clock.)

JULY 7, 1936

Tuesday Morning

The meeting convened at 10:30 o'clock, President Fitzpatrick presiding.

CHAIRMAN FITZPATRICK: Will you kindly take your places as rapidly as possible?

At this time I would like to appoint two other committees:

ELECTIONS COMMITTEE

Warren Williamson, Jr., *Chairman*
Herbert Hollister
John J. Storey
Lee Coulson
Hugh A. L. Half

CREDENTIALS COMMITTEE

Dean Fitzer, *Chairman*
Lambdin Kay
Martin Campbell
Walter J. Damm
Dale Robertson

Your program today—and I might say before starting the program that due to a sudden illness, it will be necessary for your President to leave the meeting in just a short time and it will be impossible to return before you adjourn and so I want to thank you again for the privilege of presiding this year and for your appreciation of my work, and I trust I will see you all again next year.

The first speaker is Arthur B. Church of Midland Broadcasting Company, Station KMBC, Kansas City, Missouri, who will speak on the "Cooperative Bureau of Radio Research." (Applause.)

ARTHUR B. CHURCH (KMBC, Kansas City, Missouri): Mr. Chairman and members of the Association, one of the important shortcomings of radio today is the lack of basic authenticated data as to the factors having bearing upon the use of stations and networks by advertisers. I do not mean to imply that radio has no information to offer the advertiser. Indeed, there is a profusion of information, compiled and published by a host of sources. I would not be surprised if stations, networks, advertisers and agencies, combined, spent in the neighborhood of \$1,000,000 annually on radio research. Much of this information is highly valuable. If properly culled, a wealth of information is revealed, highly valuable and generally equal, at least, to that supplied by other media.

However, this research fails in several respects. In the first place, there is no single source of fundamental information which can be looked to as *official* and which receives the sanction of the buyer, the seller and the middleman (the agency) in the advertising field. Rather there is a variety of source and presentation which sometimes is embarrassing and always confusing.

In the second place, little of the data now provided by broadcasters, advertisers and agencies is comparable by reason of the fact that different fundamental concepts, different methods of collecting and compiling information, and different applications even of the same method, exist with regard to almost every piece of research conducted. This is a healthy condition in one sense, for it lays the groundwork for sound scientific research by pioneering and experimentation. But, radio has progressed past that point. Enough is known about the general problems of radio research to make standardization of techniques possible and necessary.

This dissimilarity of approach, execution and interpretation has

also caused much research to miss its mark. The average station manager knows little about research. There are no agreed standards of application for the various methods in the field. As a result, I would say that at least half, and perhaps more of the radio research done annually is at least partially wasted in that it fails to get the information desired and to live up to full potentialities. Please do not construe me to say that other media do not have this problem. None is pure white, any more than radio is pure black. But, because of our newness, the problem is particularly pressing in our fields.

These shortcomings in radio research point definitely to the need of some organization for broadcast advertising which will fulfill the fundamental function inherent in the Audit Bureau of Circulation in the periodical field. I conceive the fundamental function to be that of supplying *fundamental authenticated information* regarding the medium. Please note that I say "fundamental." No cooperative venture of that type can or should try to provide all information. Ample room is left for competitive research and for study of more restricted and intensive aspects of the use of the medium. But *fundamental* information is definitely an industry matter and can be collected best by the industry as a whole.

Such a cooperative organization would confer material advantages upon the broadcasters even as it would benefit advertisers and agencies.

1. It would provide a source of *basic, authentic information* and *would increase confidence in the entire radio advertising medium.*

2. It would eliminate much duplication of effort in the research field. This would result in a saving of money on the part of individual broadcasters. The broad fundamental approach also would improve the general quality of the results secured for each dollar expended.

3. Such a bureau would tend to eliminate the waste entailed in competitive research of a defensive nature; that is, research necessitated to refute the extreme claims of competitors made without any foundation and possible only because of the non-existence of basic authenticated information on the medium.

4. It would furnish a common denominator whereby stations and groups of stations could be compared. Please note that it would not make competition cut and dried, any more than has the A.B.C. in the newspaper field. It merely would establish a sound basis on which to build further competitive effort.

5. Indirectly it could not help but result in the general improvement of radio research and in the establishment of sound standards of procedure which would ensure the station manager getting his money's worth for the dollars spent in research.

Many of the leaders in the industry have recognized this situation for some time. As early as 1931, Philip G. Loucks, then Managing Director of the NAB, began studying the idea. In 1934 the interest of Mr. Loucks and other members of the industry culminated in the appointment by the NAB of a Committee of Five empowered to study the advisability of a cooperative bureau of radio research, its practicability and the problems relating to its establishment; and also to deal with the representatives of the ANA and AAAA with regard to such a joint endeavor.

Dr. Herman S. Hettinger, Assistant Professor of Marketing at the Wharton School of Finance and Commerce, was secured as Director of Research of the NAB for the period of a year and was instructed to assist the committee in its work. Dr. Hettinger's services were invaluable in this field and much that transpired since has been the result of his early efforts and subsequent advice.

In the spring of 1935, the deliberations of the NAB committee reached the point where it was ready to extend an invitation to the ANA and AAAA jointly to consider the subject. An invitation to this effect was extended to both organizations. As a result, there was formed in the fall of 1935 the Committee of Fifteen, later known as the Joint Committee of Radio Research, composed of five members each from the NAB, ANA and AAAA. This committee was given the task of conducting exploratory studies and deliberations looking to the ultimate establishment of a bureau.

At the first meeting of the committee, in September 1935, discussion took place as to the scope of the work to be undertaken, but no final conclusion was reached. It was decided that the exploratory work should give attention to the following fields: (1) methods for arriving at the number of radio sets in use in the United States by counties; (2) listener habits; (3) station coverage and circulation; and finally some attention was to be paid to the exploration of program popularity methods.

A Committee of Seven was formed from the Committee of Fifteen membership to act as its representative between meetings. A Technical Committee, composed of leading research experts, was

also formed to advise the Committee of Fifteen on technical matters.

The Technical Committee was immediately instructed to recommend the best means of estimating the number of radio families in the United States by counties. It reported on a stop-gap method for securing an immediate figure as of January 1, 1936, and in addition, reported that a final comprehensive set count could be made only by recourse to several hundred thousand interviews in the field. This was in October.

The Technical Committee was instructed to proceed with the stop-gap method and to estimate radio families by counties as of January 1, 1936, as soon as possible. Work was begun in November. Data collected in the past was studied and evaluated as a base on which to build the 1936 estimates. Delay was experienced by reason of the extreme difficulty in securing satisfactory data from set manufacturers as to set sales by geographical districts. By the middle of March this information was secured from enough of the enterprising and leading companies to make possible the estimates by states. In reviewing the information then available, the Technical Committee did not feel that it possessed enough data to proceed with county estimates. It so advised the Committee of Fifteen.

Mr. Baldwin and I pointed out strongly that state information was of little if any value to the individual station and urged reconsideration. Attention was attracted to the possible use of what is known as the multiple correspondence method, developed and applied in market research by Dr. L. D. H. Weld, Director of Research of the McCann-Erickson Agency, and chairman of the Committee of Seven. Mr. Baldwin raised the question as to the possibility of using this method to get county data. Mr. Weld stated he believed it could be done and the Technical Committee unanimously approved the idea.

Use of the method involved a tremendous amount of detailed statistical work before results were available. I am happy to say that the county figures were prepared and have been approved by the Committee of Fifteen. When you arrive home from the convention, you will find a full set of them on your desk. I am advised by Dr. Hettinger, the technical consultant of your Association, that, in his opinion, they are the best information on this point thus far made available and that the results even exceeded his own somewhat optimistic expectations.

I cannot over-emphasize the importance of this achievement. It took time. There were many delays, mostly unavoidable. There was much preliminary experimentation to be done. But—*for the first time in the history of the medium authoritative, fundamental information, bearing the stamp of the advertiser, agency and broadcaster, has been released to the public!* This marks a most significant step forward on the part of the broadcasting medium.

But one step is not an entire journey. Much remains to be done. Immediately this task was completed, the Committee of Fifteen turned its attention to the more fundamental considerations involved in the possible creation of a cooperative radio research bureau. Fundamental reorganization of the method of committee procedure also was necessary. The Committee of Seven was shown to be impractical and was disbanded. The Technical Committee was augmented by the inclusion of Dr. Weld, who now became its chairman, Dr. George Gallup of Young & Rubicam, and Dr. Smelser of the Procter & Gamble Company. Since the next steps involved a great deal of detailed study and analysis, it was deemed necessary to place the project under the direction of a full time research expert. Mr. Paul F. Peter was proposed by the NAB and was unanimously approved by the Committee of Fifteen. He was secured for the position.

Let me say a word regarding Mr. Peter. Naturally, we believed him to be the best qualified person for the position or we would not have proposed him. In this we were seconded by those research experts whom we consulted on the problem. As Chief Statistician of the National Broadcasting Company, Mr. Peter either directed, conducted or analyzed every kind of research conducted in the broadcast advertising field. Later duties, as statistician for the Radio Corporation of America, gave him further insight into the radio set count problem. General fundamental research in broadcasting problems gave him a broad industry viewpoint. His desirability as director of the project was further enhanced by a reputation for thoroughness and complete intellectual honesty among his colleagues in the research profession. I feel that we have been most fortunate in securing Mr. Peter to direct the exploratory work looking to the eventual establishment of a bureau.

At the present time the Committee of Fifteen has retained Mr. Peter for a period of six months for the following purposes: (1) to survey all methods of determining coverage of stations and listening habits now in use by broadcasters, advertisers, agencies or research organizations and to report on their validity and results; (2) to make recommendations to the Committee of Fifteen on those methods which yield the most reliable results in the quickest time and at least expense.

Mr. Peter already has begun work. Your station probably has received a letter by now requesting that you send him any information that you may have on file. Will you please do so as soon as possible? I may add that a similar request is being made of advertising agencies and advertisers.

This brings us up to date. Now—where do we go from here? The appointment of Mr. Peter is but the first essential step in the exploratory work which is necessary. Similarly, the analysis which Mr. Peter, or anyone in his position, can make of the research material furnished him is but a beginning. True, it will be a valuable beginning but it can indicate only two things: (1) which methods are worthy of further study and intensive testing in the actual field, and (2) what gaps exist in our knowledge of radio research technique.

From here on, much remains to be done. While Mr. Peter is engaged in this task, the Committee of Fifteen and the groups it represents must decide what should be the scope of the information which can be logically furnished by the bureau when it is set up.

This is not as simple as it may seem. It involves a good deal of hard thinking and careful planning. It is easy to say that radio set ownership, listening habits and some measure of basic station coverage or circulation should be included. But then we come to a question of specific definitions. What shall we find out about sets? What listening habits are of fundamental concern? Specifically, what information is necessary?

Until we can decide this in our own minds, Mr. Peter can give us little in the way of our answer. He cannot evaluate methods until he knows what information they are intended to reveal.

Neither can Mr. Peter's evaluation of the data you provide him furnish a final answer by itself. There will not be enough comparable information to yield a final answer.

The only way final methods can be determined will be to take those which seem most promising, to apply them in certain test areas at the same time or under analogous conditions and in this way to determine their exact value. This will entail field research. It will also require both money and organization. Do not forget, also, that in a few months we must begin to figure what should be done in the way of carrying forward our county set figures into 1937.

But let me return to the question of exploratory study. How can we best organize this larger exploratory research and how can we maintain it at minimum expense with maximum results?

Mr. Baldwin and your committee have given this question considerable study. We have recognized that certain fundamental requirements must be fulfilled. Organization must be effected. This organization must be sufficiently comprehensive and permanent to carry the project to a successful conclusion—and I doubt that six months will be sufficient. Quite likely a year will be required. The organization must be completely unbiased and must possess unquestioned scientific authority. It must be equipped to handle the work at minimum expense.

In reviewing these requirements we recall the success achieved by the outdoor advertising industry in solving a similar problem by placing its exploratory research at a great university—in this instance, Harvard.

We felt that lodging the exploratory study at a university, in similar fashion, would be the most logical solution of our own problem. We believe this to be true for several reasons: (1) a university possesses the desired permanence of organization, (2) it has the necessary equipment in the way of business and tabulating machinery, statisticians, tabulating experts, marketing experts, engineering experts and other technicians to provide facilities and personnel adequate to assist Mr. Peter in successfully concluding the exploratory research, (3) being a non-profit organization, a university can furnish these facilities at a minimum expense, while the very permanence of its organization precludes the high overhead which necessarily attends the creation of any large temporary organization, (4) a university's interest is purely scientific, precluding any special bias or interest, and (5) a university possesses prestige and unquestioned authority.

Perhaps it is quite natural that your committee should give first consideration to the Wharton School of Finance and Commerce

of the University of Pennsylvania, where Dr. Hettinger has conducted a vast amount of fundamental research in broadcast advertising and broadcasting economics. Much of this was done for the NAB.

Your committee made careful investigation of the school and as a result we feel it possesses the following advantages: (1) as the oldest school of business in the United States, the Wharton School possesses a prestige both in this country and abroad certainly exceeded by no similar institution; (2) its Bureau of Industrial and Economic Research has proven its value to business and government, including the National Retail Dry Goods Association, National Association of Hosiery Manufacturers, Wool Institute, Cotton Textile Institute, United States Coal Commission and others; (3) we already know the work of the Wharton School in the radio field and its interest in such work; (4) the school, located in Philadelphia, is strategically situated with regard to the centers with which contact must be maintained.

Your committee held conversations with Dr. Joseph Willits, Dean of the Wharton School, to ascertain whether the school would be interested in conducting such exploratory research, provided our plan was deemed acceptable by the Committee of Fifteen. Dr. Willits expressed a definite interest on the part of the school, provided (1) that the study should be a fundamental scientific one, (2) that the results would be generally available and (3) that it would be adequately financed.

Your committee is unanimous in its preference of the Wharton School. It is important you clearly understand that any program which is finally decided upon must result from complete mutual agreement of the members of the Committee of Fifteen representing the American Association of Advertising Agencies, the Association of National Advertisers and the National Association of Broadcasters. The plan presented by your committee represents a vast amount of investigation and thought and has been unanimously approved by the committee members including the network members.

Accomplishment of the exploratory project, of course, requires money. Both the Columbia and the National networks have been exceedingly generous in their contributions. The members of this Association who will eventually receive many of the benefits of the work, will, of course, wish to do their share. It is estimated that not more than \$50,000 will be required to finish the exploratory work. A year ago I asked the Board of Directors to approve a contribution up to \$5,000 to be used on the project if necessary as I felt that the networks should not be asked to carry the full burden. The Board decided, however, that the financial condition of the Association at that time was such that action on my recommendation should be postponed.

I am sure the membership of this Association will agree with me that this constructive work is so important that it should be pushed forward as rapidly as practical and that the individual stations through their national organizations will wish to pay their share of the cost. I hope this convention will approve my recommendation which is contained in a separate resolution to approve the setting aside of \$10,000.00 or, at the discretion of the Board of Directors, a greater amount if this appears necessary and if the withdrawal of such additional funds will not, in the opinion of the Board, seriously deplete our treasury.

Your Committee on Radio Research during the last year has numbered five. We now believe, in order that the committee of the radio industry may properly represent the various classes of stations, as well as the major networks, that your committee for the ensuing year should number seven. It may be necessary, in order to work to best advantage with the agencies and the advertisers who prefer small committees, to limit our executive committee to five members. In this event, it will perhaps be desirable to select five of the committee as a committee to meet with the joint Committee of Fifteen.

Briefly summarizing, your Committee on Radio Research recommends (1) that you endorse the general plan for completion of the exploratory project on the basis we have presented it to you; (2) that you authorize your Committee on Radio Research to offer this plan to the joint Committee of Fifteen as the plan the broadcasting industry would prefer to have employed; (3) increase the number of the committee from five to seven members, which shall include a representative from each major network subscribing to the project, also representatives from local, regional and clear-channel or high-power station classifications; the Managing Director of the Association shall also be a member of the committee; and (4) that \$10,000 shall be made available for use on the project as necessary and that an additional amount may

be devoted to the project by the Board of Directors if, in the Board's opinion, this is desirable.

In closing, I wish to make some remarks of a somewhat personal nature. It has been my opportunity for many years to serve this Association. The work of this particular assignment has given me more pleasure than anything else I have tried to do for the NAB. I believe I can foresee tremendous benefits, not only to every member of this Association but also to everyone directly or indirectly connected with the broadcasting industry. The need for fundamental information acceptable to advertisers, agencies and broadcasters has long been recognized. We have actually begun to meet these needs through the joint efforts and the cooperation of the Committee of Fifteen. The buyers and the sellers of radio advertising are actually working shoulder to shoulder to benefit each other to the utmost. It is with such constructive work as this that our Association should be primarily concerned.

Your Radio Research Committee has really been an active committee during the past year. The cooperation I have had from every member has been one of the most gratifying experiences and the cooperation all of us have had from John Benson, from Paul West and their respective committees has been indeed remarkable, especially in view of the varied problems and interests of the three groups. The untiring assistance of Dr. Hettinger has been invaluable to us. The enthusiastic and intelligent cooperation of our Managing Director, Jim Baldwin, has also helped to make this work pleasurable to me.

I hope that this Association will appreciate both the value of the progress already made and the importance of the completion of exploratory work for the ensuing year. Give your new committee your enthusiastic endorsement on its report of progress and its recommendations.

I thank you.

And now, before I sit down, I want to introduce to you, if he will stand up, the man we are so enthusiastic about who is actively engaged in conducting the work for the committee, Paul Peter. Where are you, Paul? (Applause.)

(Paul Peter arose and acknowledged the applause of the convention.)

CHAIRMAN FITZPATRICK: Thank you, Arthur. That was very interesting and very educational. I am going to ask Mr. Myers if he will not take the chair.

And, before he does, I just want to disillusion you about that old story of the man who had two sons, one of whom went to sea and the other became Vice President of the NAB, and the father hasn't heard from either one of them since. (Laughter.)

As I said in my opening salutation, it is imperative that I leave Chicago at 1:00 o'clock by plane and so I am going to present as presiding official of the meeting your Vice President, Mr. Myers.

May I express to you, Mr. Sandage, my deep regret in leaving before hearing your talk but I assure you I shall read it with the keenest of pleasure. (Applause.)

(Mr. Myers took the chair.)

CHAIRMAN MYERS: First of all, you have heard the report of Arthur Church. Are there any comments or questions or any discussion of that very important report?

There is no doubt that report covers one of the major activities of the Association during the past two years. Last year there was no comment on the report; it was adopted as read. It seems this must be of very great interest to almost every person in this room. I would like to hear some discussion of Mr. Church's report. Has some one something to say about it?

Has anyone any comments at all on the ABC of radio, meaning it in two ways—the ABC of Arthur B. Church and the ABC as applied to the Audit Bureau of Circulation? What we are trying to do is give advertising buyers an Audit Bureau of Radio. Mr. Church has spent weary days and nights on this, as have his committee, for many months. Have we anything at all to say about it?

J. BURLY LOTTRIDGE (KOIL-KFAB, Omaha and Lincoln, Nebraska): I have no criterion in this matter. I think Mr. Church's report is complete as it is.

CHAIRMAN MYERS: Aren't there some questions, any points not entirely clear?

If there are no comments, the report will be accepted. It is covered by resolutions which will be presented for discussion by the Resolutions Committee.

It is now my privilege to introduce a gentleman whom most of you have heard of and whom we all take pleasure in listening to. Our next speaker will give an address on "What the Radio Business Census Means to the Broadcasting Industry"—C. H. Sandage, Chief of the Division of Communications, Bureau of the Census, Philadelphia. (Applause.)

C. H. SANDAGE (Chief, Division of Communications, Bureau of the Census, Philadelphia, Pa.) The invitation to appear on this program was accepted with particular pleasure because it gives me an opportunity not only to discuss with you the current census of the broadcasting business but also to thank you for your splendid cooperation in this census. You are helping to make it a distinct success. At this date all but five broadcast stations in the entire country have filed their census schedules and these five will soon be in, I believe. This is by far the best return the broadcasting industry has ever made to any business inquiry and is a tribute to the confidence which the industry has in the Census Bureau.

The Census Bureau has watched with interest the development of the broadcasting industry, as demonstrated by the increasing volume of radio advertising, the number of receiving sets in use and other tangible evidences of growth. Figures compiled by the Bureau and estimates made by a joint committee representing various advertising organizations show an increase in the number of families having radio receiving sets, from 12,048,762 in 1930 to 22,869,000 in 1935, or 90 per cent in five years. Revenue from the sale of radio time increased tremendously at a time when revenues in most industries were on the decline. According to estimates made by Dr. Herman Hettinger and your own Association, gross billings from the sale of time increased 250 per cent. from 1929 to 1935. Paralleling this growth has been the recognition of radio as an outstanding agency of communication.

Recognizing all this, the 1935 Census of Business set apart for the first time the radio broadcasting industry as a separate but distinct part of the Business Census. In developing the character and scope of this study, the Division of Communications of the Census Bureau received the able counsel and advice of officers of your Association and other members of the radio industry.

As a result of these conferences, a schedule was devised for collecting information from radio stations and networks. Questions were limited to such basic items as revenue, employment and pay rolls.

It is not possible to give you the official results of this census now, since reports are yet to be obtained from five stations. Also figures have not been released for radio networks. It is possible, however, to give you the data for all radio stations except those located in Illinois and Louisiana. There were 560 regular radio stations in operation in the United States December 31, 1935, which sold time during that year. The other 68 stations were operated by churches and schools, or were inactive. Of the 560 time-selling stations, figures have been released for 517, or 90 per cent. of the total number.

The net revenue from the direct sale of time by these 517 stations, plus the sums they received from networks, amounted to \$47,957,501 in 1935. This figure represents net time sales, that is, gross billings after time and quantity discounts have been deducted but including agency discounts. This is in harmony with the Government practice to collect all sales and revenue data in terms of net. Your own figures, however, have been in terms of gross billings and, hence, are not entirely comparable.

The breakdown of this \$47,957,501 shows some interesting facts. Some \$24,000,000 or almost exactly one-half of station revenue was received from local advertisers—that is, those business houses selling their merchandise or services largely in one trading area. Of the remainder, almost one-half was derived from national and regional "spot" advertisers and an equal amount from networks as payment for carrying network commercial programs. This latter figure for these 517 stations amounted to \$11,920,543.

The total non-network time sales of these 517 stations amounted to \$36,036,958. This figure is only \$308,465 less than the estimate of station time sales for 1935, made by your Association. Your estimates were indeed conservative. An industry—especially an advertising industry—that understates rather than overstates its size and importance is a rarity. You are to be congratulated!

The breakdown of broadcast station revenue clearly indicates that local advertising was the backbone of the 1935 business of radio stations. The relative importance of local advertising, however, varies by geographical areas. Thus about 61 per cent. of the time sales of stations in the mountain states came from local advertisers while the middle Atlantic states received only 46 per cent. of their time sales from this source. Vermont, Nevada and Wyoming—those three states combined—obtained 86 per cent. of their time sales revenue from local advertisers. The comparable ratio for Kentucky stations was about 35 per cent.

Naturally, the inclusion of network figures will change the relative position of local advertising in terms of the total broadcasting business. Individual stations, however, should give serious thought to the local factor in their operations.

Employment and Pay Rolls

Employment data for broadcast stations outside Illinois and Louisiana show that an average of 11,446 persons were employed in 1935. They received an annual pay roll of \$18,972,845. More than 90 per cent. of this sum was paid to full-time employees. The total pay roll amounted to more than 40 per cent. of the advertising revenue of those stations.

Employment and pay roll figures include only those persons in the direct employ of broadcast stations. Many persons appearing before the microphone are employed and paid by the advertisers and by networks. The latter are to be shown separately in our final report as network personnel. Direct employees of advertisers are not reported.

A more detailed analysis of employment for a representative week shows that station talent, including artists and announcers, make up the largest number of employees and receive a greater portion of the annual pay roll than any other functional group. Station technicians are second, both in number and pay roll. Employment figures indicate that a relatively large part of the revenue of stations is paid out for personnel service, the greatest single portion going to those who appear before the microphone.

With the exception of artists, or those furnishing entertainment, most employment is on a full-time basis. It is difficult to define part-time employment but taking the figures as reported, about 53 per cent. of all artists employed by stations worked on a part-time basis. They accounted for more than 75 per cent. of all part-time employment.

The figures I have given are based upon the data already released. Included in these releases are 90 per cent. of all stations selling time in 1935. Reports for Illinois and Louisiana and for the United States as a whole are to be released soon. This latter report will include data for networks. These will be followed later by a final report. We hope to present in the final report a classification and breakdown of data in such a way that valuable analyses and comparisons can be made. The character and extent of these fundamental classifications have not yet been entirely determined. We are sure that it will be possible to make basic comparisons that will be of outstanding value to the broadcasting industry in furthering their present studies and initiating new ones. Your suggestions concerning the character of this final report are requested.

I wish to emphasize that in any reports that are issued, no breakdown of figures will be made which will disclose exactly or approximately the business of any individual station or network. The Bureau of the Census is a factual body only. It is not concerned with the enforcement of laws or the regulation of business. Its primary interest is the collection of basic facts that will be of value to industry and society. Data submitted to the Bureau by individual respondents are held strictly confidential. Such individual data are guarded from all except sworn employees of the Census Bureau and cannot be replevined or examined by other governmental agencies.

Practical Uses of the Census

Of course, your primary interest in this census is in terms of what practical uses you can make of our published reports. A number of apparent values can be listed now. Others will undoubtedly develop after you have had an opportunity to study our final reports.

Of outstanding importance and value is the fact that this census does establish for the first time a complete base against which sample studies of a detailed and analytical nature can be measured. Government research is necessarily of a broad and fairly general character. Detailed studies pertaining to specific problems of an industry must be sponsored by those engaged in the industry and carried out either as individual or group projects. Unfortunately, such studies must be confined to a sample basis, for no agency other than the Government is generally able to obtain anything that approaches complete coverage.

For the last few years a number of sample studies have been made by your Association and your consulting economist. These studies have been well conceived and admirably carried out. They have been of real worth to your industry. The 1935 census material will not only supplement such studies but will help to improve and expand the fine work your Association has done so far. And your surveys will add value to the census material by providing interim reports on a sample basis which will make possible a current running picture of the progress of your industry. Today, when the importance of research is just beginning to be recognized and appreciated, I feel that the radio broadcasting industry is to be congratulated for having done so much along this line at a time when radio is still in its infancy. Likewise I feel

that it is fortunate to have a full census of the broadcasting business completed at this early stage of its history.

Another value of this census is the fact that these are *official* figures of the business aspects of the radio broadcasting industry. This first census begins to build a fund of accurate information which will help you in hearings before the Commission, in dealings with other groups such as music publishers, in making comparisons with other advertising media, and in clearing up misconceptions which some may have concerning this business.

The data collected in the present census can be presented in such breakdowns as to provide definite aids in a study of the relationships existing between station power, network affiliation, station location and revenue. It cannot be claimed that the census figures will provide an answer to those problems but they will serve as an important point of departure for individual studies. It is my opinion that figures showing the degree of correlation between station power and revenue, for example, will be quite revealing and perhaps surprising.

Another element to be considered is the trend of this important industry. This first census cannot, in itself, show the trend of the radio broadcasting business. It takes more than one to establish the direction and degree of growth. There must, however, be a beginning. This has been made. If in future censuses of business you insist on the continuance of a census of broadcasting as a distinct part of such studies, you will soon be able to chart accurately and conclusively the trends of your industry. Such periodic Government studies will also serve as a basis for keeping your own statistical surveys revised in terms of the actual changes that have occurred. The character and scope of any future census will undoubtedly be changed in so far as possible to meet the desires and needs of a majority engaged in this business.

In addition to the many uses which the radio broadcasting industry as a whole might make of the census data, there is much to be gained by individual stations from use of this material. For example, you can compare the operations of your station with the average of other stations of the same general type operating in similar areas. Comparisons of revenue, number of employees, pay roll, and so forth, can be made with stations in given power groups, with or without a network affiliation. You can determine whether you are obtaining as much revenue from local advertising and from your national business as the average of similar stations. Such information will help to focus attention on the possibilities of developing new business.

Up to this time I have talked about the radio broadcasting census. The broadcasting industry, however, has fully as great an interest in the use of data developed in certain other fields by the Census of Business. Advertising agencies and advertising media have found the census retail trade figures of outstanding value in measuring the actual and relative fertility of different trade areas. Such figures have been of great worth in the establishment of sales potentials for advertising clients.

The vast majority of radio advertising is for consumption goods. Retail trade statistics thus provide an admirable index of the advertising possibilities in any given trading area. You operators of individual radio stations can use these data not only in establishing a factual basis for soliciting advertising business but also as a partial yardstick for measuring the results of advertising efforts. Thus the retail census will show you the amount of total potential business in your trading area; the broadcasting census will show you the proportion of the total local and national radio advertising you are getting. By using both you will be able to concentrate your selling efforts most effectively. Until 1935 retail reports are available, good use can be made of the retail census for 1933.

I hope the complete results of the broadcasting census will be ready for distribution in the near future. We shall exert every effort to provide you with these data as soon as possible. The start in census taking has been made; future studies can be molded to an appreciable degree by you. You should not hesitate to express your opinions in writing concerning the results of the present census as well as your desires concerning the continuance of such a project. It is certainly not the aim of the Bureau of the Census to burden the radio or any other industry with questionnaires for the sake of collecting a mass of figures. The sole aim is to serve the various agencies in our business and social society. If individual surveys or specific aspects of such surveys are useless, they should be discontinued. Your individual and group expressions will be of distinct value in molding the future course of a census of the broadcasting business. And again, I wish to express the appreciation of the Census Bureau for your splendid cooperation in the first census of the broadcasting industry.

CHAIRMAN MYERS: I am sure you all join in the very hearty appreciation of Mr. Sandage's talk.

WILLIAM E. VOGELBACK (WIRE, Chicago, Illinois): I should like to ask whether pending the publication of that, there will be any interim reports.

MR. SANDAGE: I might say already seven releases have been made by the Bureau showing the character of broadcast station revenue, employment and pay roll for stations in those particular regions. Those releases have been mailed to newspapers in the particular region affected. The results have also been carried in radio magazines.

Within the next two and a half weeks I believe we can guarantee that a United States summary report showing both network and station revenue for the entire United States will be available. If you wish copies of that United States summary report or if you wish copies of any particular regional report, if you will address the Bureau of the Census, Philadelphia, a copy will be mailed to you without cost. I am sure also that results of this United States summary report will be carried in the trade magazines.

CHAIRMAN MYERS: Are there any other questions? If not, we will pass on to the next item on the program which is a panel discussion to be led by Mr. H. K. Carpenter.

(H. K. Carpenter (WHK, Cleveland) took the chair.)

CHAIRMAN CARPENTER: Members of the convention, ladies and gentlemen, if this develops into any one man's meeting, it will not be with the help of your chairman. This is to be a meeting where each man present may speak his piece, should he so desire.

Our general subject is "Organizing a Station for the Sale of Broadcast Advertising." Quite evidently the subject is sufficiently broad that little could be accomplished in the time allotted to us if we were to approach the matter without some semblance of organization.

Accordingly, we have roughly divided the main subject into seven topics, each of which is to be handled by a member of the panel. But, to facilitate matters, rather than ask each of these men to give a formal discussion, the chairman will ask each member of the panel a series of questions. It is requested that there be no interruption during the preliminary answering of questions but after each man has given a brief answer to each of the questions pertaining to his topic, the entire topic will be open to discussion both by other members of the panel and from the floor.

This general discussion may take the form of questions addressed to the particular speaker or general statements or suggestions which anyone present may care to make. We shall try to limit remarks so that everyone may have an opportunity to speak. We hope that the exchange of ideas will bring to light many points of practical value to you. It is not our intention, however, to arrive at any general conclusions or establish any fixed general policies.

It is requested that as you rise to speak, you give your name and business. Furthermore, The Chair reserves the right to limit the length of any remarks, to pass on the relevancy of any remarks, to proceed to the next question at any time and to adjourn the meeting at his discretion.

And now, may I present the members of the panel. It should be understood that we of this panel appear before you not as experts, not with any feeling that we are particularly qualified to discuss any of these matters. These men were selected, rather, because we felt they had sufficient knowledge and interest to be able to make some comments and *would* talk whether they were up here or down on the floor. We have just saved time by asking them up here, in the first place.

The first—and I should have a gavel, at least a hell, because some of the men insist on being called stooges. The first man to stand and take a bow is Edgar Bill of WMBD. (Applause.)

(Mr. Bill arose and acknowledged the applause.)

CHAIRMAN CARPENTER: Martin Campbell of WFAA. (Applause.)

(Mr. Campbell arose and acknowledged the applause.)

CHAIRMAN CARPENTER: I don't believe Wright Gedge is here. If anybody sees him, send him up right away.

John Gillin is on the Resolutions Committee but will be here in a few minutes.

Herman Hettinger, University of Pennsylvania. (Applause.)

(Mr. Hettinger arose and acknowledged the applause.)

CHAIRMAN CARPENTER: I. R. Lounsherry of WGR and WKBW. (Applause.)

(Mr. Lounsherry arose and acknowledged the applause.)

CHAIRMAN CARPENTER: Fred Palmer, WMMN. (Applause.)

(Mr. Palmer arose and acknowledged the applause.)

CHAIRMAN CARPENTER: John Van Volkenberg, KMOX. (Applause.)

(Mr. Van Volkenberg arose and acknowledged the applause.)

CHAIRMAN CARPENTER: Now, the seven general topics for discussion are as follows and they will be considered in the order in which we name them:

1. Sales Personnel.
2. The Market for a Station's Services.
3. Sales Promotion.
4. Outside Sales Personnel.
5. Selling the Local Market.
6. Preparing Programs for Sale.
7. Sales Policies—dealing especially with rate cards and statements on rate cards.

And now, the first stooge. By the way, may I say, "Take advantage of this all you can while you have the chance." Martin Campbell. All right, Martin, stand up here so they can hear you.

Here is the first question: What should be the sales manager's place in a station organization?

MARTIN CAMPBELL (WFAA, Dallas, Texas): The sales manager's place in a sales organization is or should be one of the most if not the most important. Because of the fact that he is the fellow that is on the firing line bringing in the business to the station, he should be consulted on programs and other policies.

CHAIRMAN CARPENTER: I have a few questions I want to ask Martin and then you ask him any you want to or make any statement you want to make.

The second question is: What are the principal qualifications of a good sales manager?

MR. CAMPBELL: He should be almost the equivalent of a one-man agency. He should know advertising. He should be able to go to a potential advertiser and not only sell him radio time but a planned program or at least consult with him on the planned program.

CHAIRMAN CARPENTER: May I inject: Is it advertiser or advertiser? (Laughter.) He's from Texas.

The third question: What provisions should be made for training salesmen?

MR. CAMPBELL: That is a rather difficult question to answer. I think every station should anticipate the changes in sales staff and have men on the staff who could be moved in to the sales department.

CHAIRMAN CARPENTER: Now, here is a nice one. I know you all want this answered. How can you secure good salesmen?

MR. CAMPBELL: Really, I don't know. We prefer when we make changes to have some one such as a junior member of an advertising agency. I personally am very keen for having men with advertising experience on our staff.

CHAIRMAN CARPENTER: Should salesmen be permitted to work in any other department, such as continuity, announcing or performing?

MR. CAMPBELL: I think that depends on the station set-up. To attempt to generalize would be far from the point. I prefer to refer to my own case where we do not. I will qualify that by saying our sales manager was an orchestra leader and still conducts occasionally but his principal duties are sales.

CHAIRMAN CARPENTER: Here is the last: What methods of compensation do you recommend for salesmen?

MR. CAMPBELL: You better not ask me to recommend methods of compensation for salesmen because the boys on commission would not like it at all. Again, that depends on the station. I know stations where commission works out satisfactorily. In our own case it did not and our men are on salary.

CHAIRMAN CARPENTER: All right. Now we are ready for questions or statements from the floor or any other member of the panel.

There is one question another man has a different slant on—should salesmen be permitted to work in any other department—and I'd like to ask Ed Bill if he has anything to say on that?

EDGAR BILL (WMBD, Peoria, Illinois): I think very likely it makes a better salesman of him if he knows more than just straight sales. If the salesman knows a lot about programs, he is in a much better position to sell. It is true in our own little station that several of the salesmen do work even on the microphone, not regularly but once or twice a week. I think it makes better salesmen, in certain cases. That might not be true in a large station but I believe it might be true in a small station.

CHAIRMAN CARPENTER: Somebody told me yesterday that they regularly combined the job of salesman and announcer. May we do that or have you seen an instance where you think it didn't work?

Now, listen, you are not going to spoil this meeting by keeping still. There are about forty or fifty seats up front here. I am sorry we haven't a little shuttle train to bring you up.

Now, I am sorry but we will have to eliminate one particular group who can not take part in the discussion and that is the National Order of Shrinking Violets sitting in the rear of the room. (Laughter.) You just can't take part in the discussion; you are too far away.

Any comments by any members of the panel on this question of sales personnel?

A. C. PRITCHARD (WVL, New Orleans, Louisiana): I'd like to ask in what respect the salesman on commission does not work out satisfactorily.

CHAIRMAN CARPENTER: Captain Pritchard wants to know in what respect salesmen on commission do not work out satisfactorily. Martin, will you comment on that?

MR. CAMPBELL: Some four years ago at WFAA we had several salesmen on drawing account and commission, and we found, with all due respect to the fellows, that they were more interested in their own finances than anything else and we found they were taking advantage of the station. Now, I do not say that with any malice or anything of the sort. It is a perfectly natural thing for them to do. We had one case where one of the men tried to prevent the advertiser from placing his advertising.

CHAIRMAN CARPENTER: Earl, what do you do in Charlotte?

E. J. GLUCK (WSOC, Charlotte, North Carolina): We have one salesman who has a program of his own and he has been very successful in selling advertisers on that program. He believes in it because he puts it on himself.

CHAIRMAN CARPENTER: Do you find any difficulty in attempting to sell some advertisers that are inclined to go on other programs that one of the regular salesmen would sell?

MR. GLUCK: No, it doesn't work out that way. He keeps his own program pretty well filled up, and as long as he does that we don't kick.

CHAIRMAN CARPENTER: Anyone else? Well, then, we will go to question number two, or rather, series number two or stogie number two. Come up here, Herman. Now, incidentally, I told Herman to get this down out of the clouds and not too dryly statistical. (Laughter.)

HERMAN S. HETTINGER (Wharton School of Finance, University of Pennsylvania, Philadelphia): You mean up. (Laughter.)

CHAIRMAN CARPENTER: How much money do the stations of the country get from the sale of their facilities through various portions of the medium?

DR. HETTINGER: Dr. Sandage has really answered that in pointing out that one-quarter of the station revenues come from payments by networks for the broadcasting of network programs, or rather slightly less than one-quarter, and slightly more than one-quarter from national and regional advertisers, and slightly more than one-half from local program sponsors.

CHAIRMAN CARPENTER: What has been the trend as to relative growth of national and local broadcast advertising over stations?

DR. HETTINGER: I am going to use 1934 as a basis of comparison, the first five months of 1934, because I want to show the trend since the depression. Your national business has gone up about 45 per cent, and your local business has gone up about 22 per cent—that is for the first five months of 1935 above the first five months of 1934. The interest is in the lagging local business during the last year. The local business only went up about 2 per cent. (1.8 per cent to be exact) in 1936 against the same five months in 1935 while the national went up 34 per cent.

Your local business is definitely lagging and constitutes a problem right now.

CHAIRMAN CARPENTER: Incidentally, we are going to have some questions on local business in a few minutes.

What kinds of products are the most important advertisers in the national non-network or national spot field?

DR. HETTINGER: There are three groups of business that have been the most important during the first quarter of 1936. They are drugs first with about one-quarter, food second with about one-fifth and automotive third with about 12 per cent (11.9 per cent) or one-eighth. Incidentally, that automotive is extremely interesting because in 1934 it constituted just 5 per cent. It has gone up almost twice.

CHAIRMAN CARPENTER: What have been the trends regarding radio advertising sponsorship in the national network field?

DR. HETTINGER: Here is where if you start in dealing with

statistics, they would just look at you and call you a consummate liar because most of them run into the hundreds in per cent.

Your automotive business has gone up 167 per cent in the national field. Household equipment has gone up 79.6. Soaps and kitchen supplies have gone up 121 per cent. Tobacco has gone up from \$19,937 in the month of May, 1934 to \$262,320 for May, 1935. Your foodstuffs have gone up 27.1 per cent and your accessories have gone up 27.8 per cent.

CHAIRMAN CARPENTER: You'd know he is a college professor. It would be a pleasure to be called a "consummate liar." What kinds of products are important in the local field?

DR. HETTINGER: Your local field presents a different picture from the national spot field. You find "miscellaneous" is first, and anything and everything is classified in that, and that leads. About two years ago I tried to break it down and had 200 groups. Miscellaneous accounts for one-fourth of the total. Your clothing is 13.6 per cent. Your food is 13.7 per cent. Household is 9.5 and department stores—and I say "shame" on the radio industry as well as the department stores—is only 7.6 per cent. There is something wrong there.

CHAIRMAN CARPENTER: We will come to that department store business later, too.

What have been the trends as to the sponsorship of local advertising?

DR. HETTINGER: They very definitely follow the retail trend. Your automotive has led with 195 per cent. Clothing is next with 63.2. Household equipment is third with 53. All the other gains were rather slight and spotty just as the retail trade has been in those fields for the most part.

CHAIRMAN CARPENTER: What have been the trends in the use of live talent, transcriptions and announcements in recent months?

DR. HETTINGER: Now, here is something that interested me more than anything in the whole set-up because you find that there has been a definite trend toward the use of programs and away from announcements.

For instance, in the national field, your live talent programs, during the first five months of 1934, constituted just about 40 per cent (38.9 per cent) of your total business but constitute 45 per cent (45.5 per cent) in 1936.

Your announcements, on the other hand, were about 20 per cent (19.0 per cent) in 1934 and dropped to less than 15 per cent (14.5 per cent) in 1936.

If you want it in percentages, your live talent went up 60 per cent and your announcements went down 10 per cent.

CHAIRMAN CARPENTER: Here is the last question: What general conclusions do you draw from these trends as to the market for a station's advertising facilities?

DR. HETTINGER: There was one other thing I should have said about types of rendition and that is as far as local advertising, you had a marked increase in transcription from 8 to 11 per cent and live talent from 50 to 52 per cent while announcements went from 38 down to 33 per cent.

Now, my general conclusions are: First, that the national and local business which your station gets is the economic and financial backbone of this industry. Second, that in spite of the very pressing problems that you know as well as I do and much better in your national spot and regional fields, your local advertising and the problem of developing that market constitutes one of the most pressing problems to the future of radio advertising. And third (and this I think we can congratulate ourselves on) is the development of your programs in the way of transcriptions and also in the way of live talent, show that programs can be sold, that you needn't take what you can get and that the time of merely taking an announcement and thanking the Lord you got it, is definitely past.

MR. CAMPBELL: Herman, I would like to ask one question. You mention the increase in national spot and decrease in local. To what extent is the fact that that national business is increasing causing the local to go down?

DR. HETTINGER: Martin, I really wish I knew but I suspect it is due to certain industries getting sold on national spot that has caused it to go up.

On the other hand, the spotty showing in the local field has been due to two things. One is the retail situation has been more confused, as far as upward trends, than the national situation. The second thing is, and the department stores are splendid examples, we haven't learned how to sell the retail market and the retail market doesn't know too much about broadcast advertising. And, at the expense of saying too much, we'll stop there.

CHAIRMAN CARPENTER: I am glad these men are being brief to start out with—but just say what you have to say.

Ed, what has been your experience in local and national spot?
ED CRANEY (KGIR, Butte, Montana): Our national spot has increased quite a bit more than local spot.

CHAIRMAN CARPENTER: Your national has increased considerably more than your local.

Do any have the situation where the local has increased more than national? I am not asking you to brag, now. (Laughter.) Don't say how much but say relatively. There is a rump party going on over there. Will one of you men let us in on it?

FRANK SMITH (KXYZ, Houston, Texas): I think they are trying to get me to brag a little. (Laughter.)

CHAIRMAN CARPENTER: Well, these Texas men!

MR. SMITH: We do about 98 per cent local business. I think I can sum it up pretty briefly. We employ three salesmen on straight salary for several reasons. One is that we haven't been able to attract the type of men for commissions. We started drawing accounts but they would get such a pile up against them that it didn't work out.

I might say in quoting local business, we don't quote so many times. We quote all our bids for business at so much a month. We try to make our local accounts average \$150 a month and our ambition is some day to get 100 of them.

HARRY TRENNER (WNBF, Binghamton, New York): I am from a hundred watt up in the country and, consequently, our market being small, we are in the graveyard of agency appropriations when it comes to national spot business. When they get down to the end of the list, if they have any left, it goes to the hundred watt but very often it is a mad scramble and we get very little. Consequently, our local spot is considerably more than our national spot.

We are in the very fortunate position of having four department stores with all on the air and now they have the bear by the tail and none can let go. (Laughter.)

CHAIRMAN CARPENTER: I want you to comment more when we get to department stores.

RALPH E. SMITH (KGER, San Marino, California): I don't know whether this question is appropriate but has there been any method worked out whereby the station can determine for the advertiser that the advertising is actually bringing them results? I think that is along department stores.

CHAIRMAN CARPENTER: The question is, when you go to sell a man and he says, "I don't believe that will produce anything for me," what have you got to show him it will? As I said, I don't want you to brag but won't some of you come forward and make some suggestions as to what other people can do on that? How can you tell them what you have got?

MR. TRENNER: Mr. Carpenter, what has any medium got to prove to the potential advertiser who has never used that medium? The only thing any medium can present is the success story of a like business and if a man has used your medium and has been successful, he knows what it will do. If he has never used a newspaper or billboard, he doesn't know. And, if there is a method in his town of getting business and he is a business man, he ought to know it. And, if it is a reasonable rate and cheap enough to try, it is good business to try a method that might get him some business.

CHAIRMAN CARPENTER: Are there any agency men here?

FRANK S. LANE (WDOD, Chattanooga, Tennessee): We find this in our town that the man there that makes use of advertising is generally the fellow that is ringing his cash register, checks his sales pretty closely, knows where the business comes from and what can bring it in. If we can get him in there and he sees the sales coming in the front door as a direct result of radio, we have proved our case to him.

In our particular case with department stores, I don't believe there is any recognized department store or specialty store in our town, which includes a lot of chain stores, that does not use our station, particularly during the heavy seasons.

CHAIRMAN CARPENTER: Anybody else? All right, we'll go to the next topic. I don't believe we should stay later than 1:00 o'clock. It is five minutes after twelve and we'll try to finish by 1:00 o'clock, at least skim over.

John Gillin is next. Come over here, John.

JOHN GILLIN, JR. (WOW, Omaha, Nebraska): They have just called me for the Resolutions Committee.

CHAIRMAN CARPENTER: It will just take a minute here, John. What is your definition of "sales promotion"?

MR. GILLIN: Well, I'll tell you very frankly, H. K. I have been asking a good many of our members what they thought

was a good definition of sales promotion, and the best one I have received, believe it or not, came from the pen of our good friend Arthur Church. He says, "Sales promotion, as applied to a radio station, comprehends the dissemination of information to buyers of advertising, which sells them on the use of the radio medium."

Now, I am very frank to any that I believe the questions Mr. Carpenter is going to ask me here this morning are really questions that fit everybody's problem (that is, all radio stations) a little differently, and I want you to know that what I am saying is in relation to the market we serve which we commonly call the "Bread Basket of America," which includes the western portion of Iowa, the greater portion of the State of Nebraska, southern South Dakota, northern Missouri, northern Kansas and southern Minnesota.

CHAIRMAN CARPENTER (interrupting): Five dollars for a spot announcement. (Laughter.)

MR. GILLIN: What I desire to say is this, that a newspaper-owned station's problems are entirely different from those of an independently owned station. A station with power of 1,000 watts has an entirely different problem in sales promotion than a station with power of 100 watts. Also a 1,000 watt station's problem, independently owned, with no network affiliation, is different from a 1,000 watt station, independently owned that has a network affiliation.

CHAIRMAN CARPENTER: Here is the next question: What information does the national advertiser want from the radio station?

MR. GILLIN: Well, that is a broad question. The national advertiser wants, in my estimation, factual information. By factual information I mean a good field station survey by a well recognized firm of engineers or company. The national advertiser wants a good audience appreciation survey of your station. He wants to know whether you are the first, second, third or fourth station in the trade area that you survey. He wants to know the audience appreciation of your station during the morning, the afternoon and the evening. The two surveys which I have just mentioned should be taken by disinterested parties. A good mail breakdown should be given the national advertiser. He should have information as to what network you are affiliated with, what newspaper, if any, you are affiliated with. Who owns the station is very important because it gives the national advertiser the background of your station. What frequency you operate on and the power that the Federal Communications Commission has given you the right to use on that frequency. The advertiser should have the actual wealth per county in the states that lay within your certified good commercial broadcast coverage. The advertiser should also have the local coverage picture—I mean in the city in which you are located, the local showmanship angles of your station.

CHAIRMAN CARPENTER: What should the station furnish him as to coverage and listener data?

MR. GILLIN: As I have said before, a good field intensity survey, taken by a good organized group of engineers or somebody recognized in the industry so that when your survey goes to the desk of the radio time buyer, it will be accepted. Secondly, a good audience appreciation survey. Thirdly, you should have a very live-wire presentation in picture form of your own local showmanship and the programs you carry which meet with the audience's appreciation in your territory—in other words, programs of local showmanship which compete favorably with the network programs.

CHAIRMAN CARPENTER: I think you are getting into the next question: What types of sales promotion have been the most successful with national advertisers?

MR. GILLIN: Well, it all goes back to what has been used and tried and known to be best fitted to the radio time buyers' needs in the interest of his client, the advertiser. I have mentioned the field intensity survey and the audience appreciation survey. You should have, as I stated, a good promotion department which is equipped to take pictures of every program you may have on the air that is outstanding, programs that please your local audience and that compete favorably with network programs—that is, your local picture from the showmanship angle. This picture should be correlated and set up in brochure style every six months and sent to your national advertiser along with definite market information which is pertinent to the national advertiser when he is considering an advertising campaign in any market.

One way of handling the market information every three or six months is to have the radio station, the newspaper, outdoor ad-

vertising and direct mail advertising cooperate in putting out a definite file which can be kept by the national advertiser for future mailings on the market. This cooperation file, so to speak, would contain all the definite, vital information of your market for the advertiser and condensed into such form that it is easy to read and very easily understood. In other words, it is just four pages that contain vital information to him when he wants to buy a market.

Now, here is a new wrinkle that is bound to be a success. One of the national sales representative organizations, John Blair and Company, has just started taking pictures of the markets their stations represent. They are making a presentation in movie form that has a running sales story with the picture. It is bound to be a success. I'll tell you why. It not only gives the agency and the advertiser a chance actually to get some glimpses of what that individual market is—such as first in butter production in the United States of America, or in lumber production, in oil production, and so forth—but it also gives him the actual picture of the dollars rolling into that market. Also pictures that show the stableness of the market, civic pride of the cities included in the market, such as civic auditoriums, parks, pictures of the residential sections, memorials—pictures that make the individual market stand out as a market that should be considered for every national campaign. It also brings home to the national advertiser and the national agency the fact that radio stations are more of a local magazine, if I may express it that way. In other words, the moving picture presentation definitely shows that the radio station in Omaha is considered a local station in Lincoln, Sioux City, Iowa, and in other towns—all cities of considerable size—whereas if the advertiser has definitely O.K.'d a newspaper campaign in that same market, in order to cover the market satisfactorily, he will have to use the Omaha newspapers, the Lincoln newspapers and the Sioux City, Iowa, newspapers; whereas he can cover the entire market, including these three cities, with one radio station.

I, for one, believe that the radio stations should give this side of the picture much more importance in their national sales promotion activity. Also, another sales promotion activity which I believe will be used with more success in the future is one where the stations buy recording equipment in order to record their local programs to send to the national sales representative so that their national sales representative may have the national advertiser or the agency hear the program which the agency is considering for the client in a certain trade area.

In other words, my national representative sends me a query as to what program we have which may meet with the approval of a certain advertiser. I answer his letter by mailing him the information on the program, the talent on the program, cost, and so forth. This is information which the agency desires but the agency says to itself after receiving the information, "It looks fine on paper but the talent on the program may be far below the level which we desire to present with our client's product." The way to show him actually what the program is and what the talent is on the program is to record the program, send it to the national sales representative so that the agency can hear it and be sure of what it is buying. We have found this to be very helpful. I think that is all I have to say.

CHAIRMAN CARPENTER: All right. Has anybody any questions?

MR. TRENNER: With regard to audience appreciation, just how do you indicate that? I mean, for example, Yodeling Joe and his guitar may make a bad looking picture but he may have a big audience.

MR. GILLIN: I think there are two big things in presenting audience appreciation. First of all, you have to take mail breakdown over a period of several months, say 50,000 or 100,000 letters. The question is, how much mail was received from this county and how many people live in the county, how many counties are in the state? How would your state set up with the counties on your radio station in comparison with cities located 100 miles distant.

Your listener survey should be taken into consideration by an independent party. If the gentleman could be available, a man who has a national reputation like Dr. Smelser, who is known as the finest national statistician on radio surveys, who has been the leading man in turning out Crosley surveys for years. In other words, your station audience appreciation survey, in my estimation, should not only give the picture to the national advertiser of your station but of the other stations that are competing with your station in that market, and if you are first in some counties, say you are first, and if you are second, say

you are second; if you are third or fourth, state third or fourth.

MR. TRENNER: The other question is in regard to what you said indicating your station is a local station within a radius of 200 miles. That strictly presents the picture of the regional station that every small station has been fighting since in business. There isn't a regional station in the country that won't sell you the neighboring four states with a string around it! (Laughter.)

And, as far as we are concerned, as I told you before, we are a little one-lunger up in the sticks and despite the fact that some of these regional stations will show you everyone in the town with his ear to the radio, we still think we are the local station. That last picture represents a story for one phase of what is a great big industry.

MR. GILLIN: That is right, but as I said when I started, your particular problem as a 100 watt independent station, with no national affiliation, is different than mine, a 5,000 watt station with a fine network affiliation. I have to sell the advertiser on audience and coverage. You have to sell the advertiser on audience in your particular small area that you serve, from the standpoint of local programs and how well your station is received in that local area over the potency of whatever network stations of 50,000 watts there may be that have the opportunity of coming into your local area. I think it would be well for you to find out whether you are first, second or third in the locality that your local station serves. Then your problem is what programs to carry that your audience likes and what programs not to place on the air to compete favorably with the program that the station that competes with you places on the air that have the audience's appreciation.

JAMES L. REINSCH (WHIO, Dayton, Ohio): As far as the visual presentation is concerned, I think it can be equally adaptable to Gillin's 5,000 watter and our Eastern friends 100 watter in this respect: we have been working with it for some time and we found there were a good many industries in the city of Dayton to make a good presentation to the agency. The 100 watter can take a visual presentation which can be of great benefit to the agency and advertiser and show the industries in that particular town, the people working there and give statistical information in an interesting manner while the 5,000 watter will spread out to four or five states with a string around it.

CHAIRMAN CARPENTER: May I say, in conclusion, that we must get on.

In that connection, I have always remembered what Bill Hedges said—when you go to present data about your station, present result data; that's what counts.

"Outside Sales Personnel"—I. R. Lounsberry. All right. Your name is I. R. Lounsberry. Where are you from? (Laughter.)

Here is the first one: Specifically and to what extent has the station representative solved the problem of selling station facilities to the national advertiser?

I. R. LOUNSBERRY (WGR-WKBW, Buffalo, New York) Carp, I feel as though you were putting me in the place where I am sticking out my chin as that is a question that has concerned a lot of people for a long time.

My answer is, and I will try to sum it up in direct statement, as follows: Station representatives are doing a fairly good job of constantly presenting station and market facts to national advertisers. Their main accomplishment is getting their station or stations on the advertiser's list when the advertiser's agency has developed a campaign. They are also fairly successful in selling individual local live talent programs for test campaigns.

They fall down seriously, however, when selling in competition to networks in that they do not create and record program ideas and offer services such as the networks render—publicity campaigns and so on. They also fall down in promotional activities as far as spot versus network is concerned. Fortunately, there has been a healthy development in the past couple of years in that representatives are getting closer to their stations so that they are becoming an intimate part of the station organization.

CHAIRMAN CARPENTER: Here is the next question: Do you believe the station should pay a national representative, or should the compensation come from other sources?

MR. LOUNSBERRY: The national representative should be considered by the station operator as a part of the station staff just as the local salesmen are, and such selling commissions to be paid are an expense of the station and to be paid for by the station from the receipts of the sale of time.

CHAIRMAN CARPENTER: I might say that the object in that question was to bring this out, which Ike has, that with the agency commission, it is something which is generally considered beyond the departmental expense of the station but according to Ike's way of thinking, the commission to the national representative should be considered exactly the same as the sales-

man's commission—it is a departmental operating expense of the station.

Do you think the idea of branch offices is feasible?

MR. LOUNSBERRY: As desirable as branch offices may be from a theoretical standpoint, it is my opinion that the question of economics is the regulating factor against this policy. I believe that not more than a few stations can afford their own branch offices.

CHAIRMAN CARPENTER: Here is the last: Is there ever a reason for a third commission?

MR. LOUNSBERRY: No. We should pay not more than two commissions out of the income we receive from the sale of time, namely, agency, where it is justified, and a selling commission or salary as the case may be. There are some special instances when the established selling commission may rightfully be split between national and local salesmen or between a program-producing organization and salesmen. Where a transcription or syndicating company is a strong factor in the accomplishment of business through a tailor-made or special unique service, then such companies should be paid through a talent charge to be made by the station to its client but not out of receipts for time in the form of a third commission.

CHAIRMAN CARPENTER: Thank you, Ike. Now, I hope you believe me. I am not trying to put anybody on the spot. Are there any people connected with national representatives who have ideas on that as to the relation of station and national representative—things the station should supply which they don't supply in some instances, and so on. Come right ahead and speak out.

WILLIAM H. CARTWRIGHT (William G. Rambeau Company, Chicago, Illinois): I think with our stations we have had a very fine example of cooperation and are learning to work better with the stations.

In the case of WOR in New York, they supply us with the finest of information which enables us to go out and make an honest-to-goodness presentation. They have intensity maps, response and also success history. Never a week goes by but we have complete information so in any classification we can really give a story.

Other stations have come along and through working with them, we have developed that same type of technique.

In conclusion, I would like to ask one question of Mr. Lounsberry. Does he feel the representative should call direct on accounts or is that a part of the function of a representative?

CHAIRMAN CARPENTER: Ike, the question, as I got it, is, should the representative call directly on accounts or should that be left up to possibly some one from the station?

MR. LOUNSBERRY: The representative is a part of the sales organization of a station. He should be so thoroughly versed in what his station has to sell that he is qualified alone to call on his territory for that station. He can do that on occasion with a representative from the home office, if you may call it that, but in cooperation with him at all times.

MR. CARTWRIGHT: I mean more particularly, do agencies object to the representatives calling directly on the accounts—in other words, is the agency willing to cooperate with the representatives of the industry? We have found them so. But, do they want to cooperate or want the representatives to go to the accounts?

CHAIRMAN CARPENTER: May I pass that back to some agency man here. The question is, does the agency object to the national representative calling direct on the client with a sales presentation of a particular station?

OSBORN BOND (Joseph Katz Company, Baltimore, Maryland): I have a very bad throat and I am using this means to talk to you all in answering that question.

We never at any time object to representatives of the radio station home office—newspapers, magazines or any kind of media—calling direct on our accounts. We find generally that in almost too large a number of cases, the representatives from the home office or from the national selling organizations when they call on our accounts very rarely have anything to present to the account which is of a very definite and concrete manner that could not have been presented by us.

We don't mean by that that the station should allow the agency to be the last court as to whether or not a certain station's or certain stations' program ought to be sold. Stating again our particular feeling in the matter, we have no objections at all to station managers calling on our accounts direct or corresponding with them.

Now, if I may just go back to one of John Gillin's questions, about what agencies need and clients need. I think in my files and probably in a lot of other agency files there is much station

material, really elaborate, with a lot of nice pictures, a lot of nice pages between the two covers, the cover itself is stamped with some kind of gold or bronze, but between those two covers there are two or three paragraphs that really mean anything to us in the way of actual information. Ownership is terribly important; what your wave length is and success stories of some of the things you have on the air. We are not particularly interested in knowing you have 40 or 50 employees, that you have a very good looking station with lovely studios. Those things could be concentrated on one page rather than making 90 per cent of the book what you have in the studio building or broadcasting station. Your audience doesn't care anything about that unless you invite them in groups of two or three thousand to sit around, and I think there are very few stations that have those accommodations.

The thing we want to know is what type of homes you have in your city as an indication of the wealth of the people who live in that area and that they can afford to buy the manufacturer's product. There isn't a town in the United States on which some newspaper hasn't prepared some kind of promotional material.

I don't mean you should do what the newspapers do but the newspapers have been presenting promotional material and a lot of factual information, and it won't hurt you to get hold of that and present your market in the same way they have.

MR. GILLIN: I would like to ask Mr. Bond a question. Do you think it is only courtesy on the part of a national representative at least to notify the agency and tell them what their plans are in contacting the account so that you will be able to advise them what you think is best for this particular client?

MR. BOND: That is perfectly true, Mr. Gillin. I can't remember very many instances where anyone has gone direct to our clients without keeping us familiar with the fact that they were going to them, and it does help very materially to know just what a radio station representative or manager is going to say to your client because invariably the matter comes back to us; we hear about it and it sometimes proves embarrassing to a representative when he does go direct. There are just, oh, maybe, two or three or four per cent of the stations where the stations are a little prone to ignore the agency entirely when they think they have something of particular merit that the agency couldn't help them with anyway, and when the thing is dumped back in the agency's lap, they are left in a most embarrassing position.

MR. TRENNER: Along the line of station promotion. I have a question I want to ask about sending information to the agency because it is very seldom we get an agency man on the chopping block. (Laughter.)

The big basic network stations send in to agencies that they have this account and that account and all these people are using their facilities so that they can't duck it and that business comes in over the transom of that station.

Now, as far as the small station is concerned, they send in a local success story to the agency. They say to the agency that they have this department store and this bank and this utility on the air. Does the local picture mean anything at all to an advertising agency man?

MR. BOND: Yes, it really does. But, you know, every advertising budget is limited to the extent he can't use everything there is for him to use. I mean the decision must be made as to where we are first going to spend our money—not that the small stations don't get in on any of the money that is being spent but certainly if an advertiser has very little money, he has to spread his budget in a manner that is most economical.

MR. TRENNER: What I want to know is, does that information have any effect?

MR. BOND: We have a peculiar system whereby the smallest station has an opportunity to present its story just the same as the large 5,000 watt station.

CHAIRMAN CARPENTER: I have one question I want to ask a particular man who, I believe, is in the audience and I hope I won't embarrass him. I want to ask this question and you may comment within reason on this question.

We have been working together and you have seen this broadcast picture developing for ten years or so. Do you notice any definite trends? Are there any movements you would like to see taking place more rapidly? Mr. Gamble?

FREDERIC R. GAMBLE (Executive Secretary, American Association of Advertising Agencies, New York, New York): That is a broad enough question, Mr. Chairman. I think undoubtedly there have been trends in the right direction, a great many of them. We might get impatient and hope they grow faster and yet when you see a large group such as this, many minds to be informed on as involved and difficult questions as the policies discussed this morning, it is very easy to see why these trends don't proceed more rapidly. Only a few years ago we

had trouble with some questions that are not so controversial now.

I think you have had very good light on most of the questions, so far as my own knowledge is concerned, this morning. There is one I hope is still to come and that is on sales policy. And, since I am on my feet at the moment, I will say what I hoped somebody would say or would say myself before the closing of the session if I got an opportunity. That is on selling spot radio and there is one thing which can be expressed in not more than three words, which is more important than the other important things which have been mentioned and I don't minimize those—they are important and needed—but there is one thing I would like to have you carry back to your stations as an expression of the agencies, just three words—*maintain published rates*. (Applause).

CHAIRMAN CARPENTER: Mr. Midgley?

C. E. MIDGLEY, JR. (Batten, Barton, Durstine & Osborn, New York, New York): I have a lot to say but I'm afraid I won't have time to say it all. One thing struck me forcibly. Mr. Bond answered it by saying for Joseph Katz that the smallest station receives the same consideration of their data as the 5,000 watt station. I'd like to go along on the same bandwagon with him on that. After all, the strength of the industry is in the large group of small stations rather than in a small group of large stations.

There is just one thought on sales promotion, hinted at, which I'd like to emphasize. A lot of stations in the country don't do sales promotion. They say, "We can't afford expensive bindings and four-color jobs." But, you can send a mimeographed sheet in a cent and a half envelope once or twice a month and it is good business to do it because agencies are not so much interested in spiral bindings and beautiful cloth bound presentations as they are in the fundamental data. And, I think with the smaller station, especially one that doesn't have a representative in New York, Chicago or San Francisco, a semi-annual visit to the agency is a very valuable thing. In lieu of that and in between in the six months, I think a weekly bulletin or semi-monthly bulletin, keeping your station always before the agency, is a good piece of sales promotion, even if it is in long hand on a piece of yellow paper!

CHAIRMAN CARPENTER: Is Wright Gedge here? Or Gene Dyer?

Well, the next is Fred Palmer—"Selling the Local Market." I have been impressed with the statements of two of our previous speakers, first Mr. Sandage and then Dr. Hettinger, talking about the local market, stating that we are falling down on local market sales. All right, here is your chance.

Here is the first question: How should you organize your sales force to sell the local market?

FRED PALMER (WMMN, Fairmont, West Virginia): Well, Mr. Carpenter, I think every local sales organization bears the personality and the drive of the personality who organizes that group of salesmen. Every station would probably be different. I think the first thing is to train them properly. If you don't train them, if they don't know the rate card, if they don't know the territory, if they don't know how to write a contract, then they are merely solicitors, not salesmen selling business ideas.

I do not believe much in territories. I do believe somewhat in having modest classification of accounts. Every salesman should have his list of accounts and have them protected to him. I do think certain salesmen can give an emphasis to food accounts, department store accounts or automotive accounts. In that way, they know the factual information to give to the advertising manager of a business. After they get their cards, they may receive protection on that for the amount of time that the sales manager feels is good for that territory. They should not be allowed just to have a long list, sit on them, mug them and wait till they come in over the transom. They should work for them or else each quarter re-arrange that list.

CHAIRMAN CARPENTER: May I say we want to get hold of Gene Dyer or Wright Gedge so we can get at this from the angle of a large city. Fred is speaking from the angle of a city the size of Fairmont and Zanesville.

All right, here is the next question: What are the problems which you meet most frequently in selling broadcast advertising in the local market?

MR. PALMER: Broadly, the first is the newspaper problem. I don't believe that is particularly a major problem any more. I believe if you have a good factual survey (and I am particularly fond of the coincidental telephone survey), from that you can figure a trend in audience and on that you can base the relative cost of doing business.

I think one of the greatest problems hindering the sale of time is their lack of knowledge. That may depend on our lack of knowledge. I have a pamphlet written by Mr. Davis of General Mills based on his experience in that direction. I wrote him for quite a number of copies and passed them on to our clients. They are interested in that. The information we get from the networks, from the magazines, oftentimes I run off on the mimeograph and send out to the department stores or automobile people or the agency. They want to know about it. They ask about it. I wonder if we are educating them. I believe their shyness depends on their lack of information and, after all, that is our job. Then I think they must be sold right. Oftentimes they are just exposed, not educated, and it shows up later in cancellations.

CHAIRMAN CARPENTER: Does the strictly retail store present any different problems from the other local radio advertising?

MR. PALMER: Yes, they do. There are the retail stores that sell one, two or three items. The retail department store will sell hundreds or even thousands of items. We used that as an advantage in one case. A department store in a town of 30,000 carried a lot of items but had comparatively small space in its show windows. We found the department heads were all pretty peeved because they couldn't get their particular department in the show window often enough. We convinced them a one-hour morning program would furnish a show window for every department and it was the department heads who enthusiastically pushed that deal across.

CHAIRMAN CARPENTER: Have you been successful in selling transcriptions to local advertisers?

MR. PALMER: Modestly so, whenever the station itself first understood those transcriptions to where they could talk about them vividly and enthusiastically; secondly, where that can be passed on to the salesmen and I don't believe that very many salesmen in general really understand the transcription story to where they can tell it vividly, enthusiastically and get the client up to the station for an audition. I am not particularly sold on the idea of the portable machine to take to the office. The man is usually not sold unless you get him into the studio, into the radio atmosphere.

I believe the move currently on foot to send out a man who knows the story of those transcriptions, what they have done in other places, knows their success, if that man will come in and help a bit, I believe the impetus to sales will be greatly accelerated.

CHAIRMAN CARPENTER: I think Dr. Hettinger has something he is constrained to say.

DR. HETTINGER: I am not straining to say it but I made a promise last week and have to keep it.

I was talking one to of the large department store groups of the country and proceeded to tell them as politely as I knew how and as sympathetically as I knew how, how little they knew about radio, and I made the remark that I wasn't sure who knew less about radio advertising, the department store man or the advertiser.

I mentioned it because the retail store problem of advertising is such a complicated one. You are selling two things, merchandise and a store. You are selling regular store patronage and women's bags at \$1.98 reduced from \$2.10. You are selling regular customers who wouldn't think of dealing anywhere else, as well as merchandise at standard price. You are selling the chronic bargain hunter to whom price means everything. You are selling some departments where the whole family comes in two or three months before they finally make the purchase. You are selling other goods where they go by an aisle display, see the price and say, "I like the gadget. I'll buy it now."

I think one of the biggest reasons for the present retail advertising picture in radio, especially for the larger stores, has been our lack of willingness or time or whatever it may be to study the retail sales promotion problem both for stores as a whole and the particular stores we are trying to sell, and if we can do that and then get the retail people to do the same thing from our end in studying radio, there is going to be at least one figure in NAB trade statistics that is going to go up and that is retail advertising.

CHAIRMAN CARPENTER: Thank you, Dr. Hettinger. Now, unless there is someone who insists on speaking, we must get on to the next.

REGGIE MARTIN (KFAB-KFOR, Lincoln, Nebraska): Mr. Chairman, a while ago you mentioned result data. It seems to me that what we need in radio is a good hot success story. I appreciate this is not the time nor the place to go into detail but I would like to call your attention to one of our sister stations, KMBC of Kansas City, that has one of the best success stories there is. The program is called "Joanne Taylor." I'd like to

recommend it to everybody. It is a program by the department store and I believe it is the best success story I have ever heard. If anybody is interested, they can get the information from Mr. Fox.

I would like to say by way of proof of that success story that we have been able to sell a year's contract by way of that.

CHAIRMAN CARPENTER: Thank you, and the commission you get from Arthur Church and Leslie Fox, I'll split with you. (Laughter.)

That was discussed and presented in transcription form at the Radio Section of the A.F.A. last year.

MR. TRENNER: I just want to mention a couple of things. I am in the fortunate position of having been in the advertising department of a department store, having been with a newspaper and am now with a radio station.

The average comeback that a radio station gets from the department store is, "We believe you can do a good institutional job but you can't sell merchandise." The result of that is after he beats you around a bit, you take a long or short series of institutional advertising selling this store to the city of Cleveland or Buffalo or wherever it is, it goes through and is a nice program for thirteen weeks. During those thirteen weeks the newspaper is ringing the cash register and all you are getting is the gong.

I worked in a department store where we prepared an elaborate piece of advertising, where William Penn came to Philadelphia and after William Penn came Lit Brothers, and we were doing as much for Philadelphia as William Penn. It was a long series with expensive art work. The bosses looked at it and thought it was great. That was for the first week and the second week, but the third week the cash register had to be rung and the institutional series went out of the window.

When a store puts an ad in a paper, they go around to everybody in the store and say, "We have an ad in the Daily Bugle and are going to advertise this. There is going to be a sign on the counter 'as advertised in the Daily Bugle' and a sign in the window." That newspaper gets the benefit of all that sales promotion and traffic.

When you go to sell radio, what do they do? Stick the merchandise under the counter! We, a hundred watter, had guts enough to turn down two stores four years ago but today when they advertise anything on the radio, it goes on a prominent square on the ground floor called "Radio Square" with a Neon sign and anything they sell on the air gets as much assistance as anything they advertise in the newspaper.

There is one last thing I'd like to tell you about department stores. There is no more political organization than a department store. Everybody is afraid of one another. Every department manager and buyer is afraid of his job. Now, if you are having a tough time with the boys upstairs, work through the store. That is what we did. We went to Minnie in the hat department and said, "Did you hear what the Bon Ton advertised over the radio?" and Minnie went up to tell the boss before I got up there. Then we went to Joe in the haberdashery and before we knew it, the boss was getting so much hammering from within his own organization that he called us up. (Applause.)

CHAIRMAN CARPENTER: Thank you, very much. I wanted to get something about retail advertising and the approach from the department store angle and you have heard from two very good sources within the last few minutes.

The next subject is "Preparing Programs for Sales" and the commentator is Jack Van Volkenberg. When he was put on the program he was with KMOX but he is now assistant to Mr. Atlass here in Chicago. The first question is: Should the preparation of programs for sale be a sales or a program department responsibility?

JACK VAN VOLKENBERG (WIND, Chicago, Illinois): Actual preparation of program, it would seem, is a program department job. However, to secure a successful sale of time, the sales department can function to excellent advantage. For example, in nearly every case, a good radio salesman has at least an instinct as to what constitutes a radio program embodying all the essentials of good showmanship as well as being a show designed to sell a specific type of product for a specific type of advertiser.

The salesman is, quite naturally, the closest man to the account in question; he is the one who should have the most intimate knowledge of his particular advertising and sales problems. What is more natural, then, than to arrange a consultation between your salesmen, sales manager and program director—with such additional people as writers, producers, and so forth, as he may deem necessary to turn out a workmanlike presentation and audition.

Because of the program director's extremely confined work in

his own department, it may be further advisable to hold a private preview, or preliminary audition of the program in question so that before it is presented to the potential advertiser, everyone concerned with a successful run for the show, which means, of course, satisfactory sales results for the advertiser, has an opportunity to catch errors in the presentation and to offer constructive criticism.

CHAIRMAN CARPENTER: Here is the second question: What are the essential elements in a program presentation to a client?

MR. VAN VOLKENBERG: I would line up the essential elements in a program presentation in the following way:

A—demonstrate as thorough a knowledge as possible of the potential client's business as to (1) market condition; (2) type of buyer—man, woman, child; (3) income group that offers the greatest market for the advertiser. In other words, show an intelligent understanding of what it is necessary for the program to do in order to make a long-time, successful radio user of the particular account being sold.

B—assure yourself of a business-like attitude on the part of all studio employees while the presentation is being made. Too frequently our business is referred to as a "game" or a "racket," and if an attitude exists in connection with this, it is more than likely brought on by the fact that ours is a young business, operated by young men and women, and because we have some fun at our work, it may be that the advertiser will think twice before investing his hard-earned money in what he may consider to be a game.

C—have all available market data, including available coverage figures, at hand so that all questions may be answered. In this connection, approximate cost per thousand listener figures are frequently surprising to salesman and client alike. It has seemed for a long time, too, that we as station operators might develop our market and institutional stories in somewhat more elaborate form; in a form which is already familiar to advertisers and agencies through its use in the publication field. Specifically, to develop a printed story on large cards, which can be augmented by a running conversation from the presenter, the combination of which will give briefly to a small assembled group a concise picture of the station.

CHAIRMAN CARPENTER: Third and last: Do you believe the theory of the saleability of successful sustaining programs is sound?

MR. VAN VOLKENBERG: This is a subject in which the answer varies all over the country. We have found in our experience that it is decidedly unsound for a number of reasons.

In the first place, local advertisers in the particular market with which I have had most experience don't like anything old. They regard as old our sustaining programs. They want something brand new.

Second, lack of time for sustaining programs in the past year has made it uneconomical to start a sustainer and find it necessary to cut it out before a fair opportunity has been given for a build-up.

Third, we have found it more satisfactory in the long run to design a show for a particular type of advertiser rather than attempt to sell the same show to a number of different types of advertisers.

Answering the question, what good sustaining programs are available for sponsorship, more frequently than not, find it necessary to answer in the negative. Some stations have made a definite practice of putting on sustaining programs and successfully selling them. However, with the increasingly crowded programs, I think it is unsound economically. It all goes back to the point I made about designing programs for specific advertisers.

CHAIRMAN CARPENTER: Thank you. Any questions of Mr. Van Volkenberg?

The last group of questions on "Sales Policies"—Edgar Bill. Now we are getting to what Gamble talked about. Here is the first: What is a rate card?

MR. BILL: That sounds like a brain teaser. A rate card is a standard of rates, and to follow it and stick to it is more important than the standard that is set. And, if I may lecture a minute I would say this: that broadcasters are rate-cutters. We break down very easily. One national representative to whom I talked said some of his stations actually quoted rates to accounts lower than the rate card he quotes himself. I am very sure agencies don't want to break rates but I know one agency is traveling the western states asking for a cut in rates for their particular program. We must learn how to keep our rates up.

Now, if you please, you hurt yourself when you take the lower rate. How can a buyer have any confidence in you when you cut

your rates? You can't hope to have any preference. So, we really need a lecture about that. We say that in extreme cases we will let down a little bit; we try to do something to get the account. I find it pays to hold the rates.

CHAIRMAN CARPENTER: Just to vary from these questions, I would like to ask this question: Do you think the matter of cutting rates is limited to large, medium or small stations?

MR. BILL: Being a small station, I'd say "no."

CHAIRMAN CARPENTER: I have been told—just between you and me—that it is not alone the small station.

The next question: To what extent does the existence of the dual rate system help or hinder the sale of station advertising?

MR. BILL: If you have two rates, there must be a reason for two rates. Some stations have a reason and some stations do not have a reason. If there is a real reason for two rates, I see no harm in having two rates. But, if you do have two rates, you are sure to get into trouble and hot water because if you have a national advertiser, he is going to try to crawl under the local rate. However, there is a real excuse for two rates in some cases, but not all.

CHAIRMAN CARPENTER: Should agency and selling commissions be paid on talent?

MR. BILL: I think there are very definitely two sides. Some stations spend a lot of money to build programs to sell. Some agencies have a big department to build programs for their clients. I think the real answer is: Pay a commission if that commission is earned. If the agency really does something to earn the commission, they should be paid. Of course, there are some further reasons—the question of policy, for instance. In many cases, half or third of the cost of radio is talent, and will the agencies sell our talent without commission when they can sell other mediums with commission?

CHAIRMAN CARPENTER: The last question: Do you believe stations should allow cash discounts?

MR. BILL: I'm sorry I can't answer that question. I would rather somebody else would discuss that. I think so. I don't know. If we compete with other media, it would seem we should do it.

CHAIRMAN CARPENTER: I know certain individuals I could call on who feel quite strongly on that question. I don't want to embarrass you but suppose you speak up.

MR. PRITCHARD: What is a cash discount when they don't pay for it until thirty days after they have had the service?

CHAIRMAN CARPENTER: With some it is two per cent. if paid by the tenth of the month. With others, it is two per cent. if paid by the first or second. And, with others, it is two per cent. if paid by the twentieth or twenty-fifth.

MR. PRITCHARD: That isn't cash, in my opinion. Cash is C.O.D.

CHAIRMAN CARPENTER: The usual way in which the term has been used in broadcasting is the way I give it. I agree with you in your definition of the term, however.

But, for the purpose of discussion, the question is aimed at the policy of allowing what we generally call a cash discount, a discount of so much if the bill is paid by a certain time.

W. F. CRAIG (WLBC, Muncie, Indiana): We are rather confused on this cash discount proposition. Locally it has helped to have them pay their bills much more rapidly. I think that is due to the fact that the saving of five per cent. is quite an item to the local account.

CHAIRMAN CARPENTER: Yours is two per cent?

MR. CRAIG: Five per cent. We have had instance after instance where it is twenty or thirty days late. Sometimes they date the check the tenth of the month. Then you write back and there is a series of letters that this department head slipped up or they didn't understand. Yet they did understand in the first place that they were entitled to have five per cent. when they signed the contract. I'd like to have some of the agency men answer that on this five per cent. basis.

CHAIRMAN CARPENTER: Anybody else?

MR. LOTTRIDGE: We have never had a cash discount and we conservatively estimate that it would cost us \$150 a month in the clerical work entailed, as this gentleman explained, in writing back and forth and arguing with people that don't get their checks in on time. We have discussed it and if the industry as a whole decide it is a good move, we will do it, though.

CHAIRMAN CARPENTER: The question is, should stations allow cash discounts? Wright Gedge, have you anything you would care to say in public?

WRIGHT GEDGE (WMBC, Detroit, Michigan): We do not allow it because instead of ten days, it would be thirty or ninety days and there was always a squabble.

HOWARD E. PILL (WSFA, Montgomery, Alabama): I don't believe that the two per cent. has any place in the broadcasting business. I think that practice came about from firms that had a turnover in their goods. In other words, if they get their money in, they can get a discount. But, we have nothing at our station that we can get two per cent. on by paying by the tenth. If we did, it would be to our advantage to get our money in and, consequently, get our own discount.

CRAIG LAWRENCE (KSO-KRNT, Des Moines, Iowa): We follow our newspaper's plan on local business and I think some of you might be interested in it. They add to the cost of the advertising in the bill and then deduct that if the bill is paid by the tenth. And, we do the same by adding ten per cent. of the net cost to our bills on local accounts and then deducting that ten per cent. if they pay it on time, and it has worked out very successfully. (Laughter.)

In the case of national business, the newspapers don't give any cash discount, that is, our newspaper doesn't, and we don't, either. But, that additional ten per cent. certainly keeps the local boys paid up.

CHAIRMAN CARPENTER: I think it is almost time we adjourned but please don't get up. There are a few things.

MR. GILLIN: Mr. Carpenter, I have been delegated by your stooges to place the shoe on the other foot, so to speak, and ask you three questions. (Laughter.)

What do you think of this meeting compared with the commercial discussion four or five years ago?

CHAIRMAN CARPENTER: Now, believe it or not, I haven't seen these questions. I gave them a break—they saw theirs.

I would say there are several distinct differences. First, there are a great many more people attending. The second is that we are sticking to the particular subject under discussion. The third thing is I hope we all know a lot more about it than we did several years ago—not meaning to say we haven't a lot more to learn; we are just beginning.

MR. GILLIN: Second: Are you pleased with the crowd you had at the discussion?

CHAIRMAN CARPENTER: Well, I wouldn't dare say anything but "yes." It has been very gratifying. To tell the truth, I was hoping there would be more argument but possibly you got in late last night, or something; you are not in a very argumentative mood this morning. I hope everyone has been able to talk all they cared to talk.

MR. GILLIN: The third question: Are you satisfied with the manner in which your stooges performed?

CHAIRMAN CARPENTER: Well, the stooges were pretty good to come up in the first place because it is sort of asking them to be the goat, and this will lead into my final remarks. I want to thank each and every one of you, not only on my own behalf but those who attended the meeting, for doing what you have done. It has been informal and impromptu and was intended to be. We appreciate your attendance and your attention. We hope you got something to think about but, as we said in the beginning, we did not intend to establish definite ideas or conclusions.

Thank you very much and I will turn the meeting back to our Vice President, Chuck Myers. (Applause.)

(Mr. Myers took the chair.)

CHAIRMAN MYERS: If there is any better man in the room to conduct a panel discussion than Mr. Carpenter, let him stand up. (Applause.) I think that is about the best panel discussion I ever heard.

(Announcements.)

CHAIRMAN MYERS: A resolution by the Texas broadcasters has been handed in as follows:

"Resolution of Texas Broadcasters Association.

"WHEREAS, James W. Baldwin has faithfully and capably served as Managing Director of the National Association of Broadcasters for the past year, and

"WHEREAS, his services were performed with honor and distinction to the Association and to himself, and

"WHEREAS, his duties have been most arduous and trying, and

"WHEREAS, he has suffered both officially and privately for his efforts in behalf of the Association; now therefore be it

"Resolved, by the Texas Broadcasters Association, at its special meeting in Chicago, that we express our appreciation of the efforts which James W. Baldwin has put forth in behalf of the National Association of Broadcasters and express our confidence in him for the manner in which he has performed all of the duties imposed upon him by the Association and hope that he will continue to serve the Association in the future. Be it further

"Resolved, That a copy of these Resolutions be read at the Fourteenth Annual Convention of the National Association of Broadcasters and a copy be furnished to the press."

This resolution is signed by T. Frank Smith, President, and James R. Curtis, Secretary.

I also have a note here from Fred J. Hart:

"Will you please have the chairman present this invitation on behalf of the people of Hawaii?"

And here is the invitation:

"Hawaii calls!"

Is there a steel guitar in the audience? (Laughter.)

"Greetings:

"More than ten years of experience in actual operation and management of broadcasting stations and attendance at the last two national conventions has convinced me beyond a shadow of a doubt that those holding a responsible position in the broadcasting industry are under a continuous nervous strain throughout the year.

"It is a regrettable matter that after being subjected to such a continual nervous strain, broadcasters, realizing the seriousness of their business, must meet in annual convention such as this and devote all their day and night time to serious consideration of their problems when they should be enjoying a period of relaxation. Realizing what a serious thing it would be to the country to have our broadcasting executives suffer nervous breakdowns (and become more erratic than they are), I feel it my duty as well as pleasure to invite the National Association of Broadcasters to cast dull cares to the winds and hold their 1937 national convention in Honolulu, Hawaii, on the beach of Waikiki. I believe in doing this we of the Hawaiian Islands will be rendering a great service to radio listeners of the mainland. . . .

"Come one, come all and we will *DO YOU GOOD!*

"The People of Hawaii
and
KGMB—Honolulu
KHBC—Hilo."

(Applause.)

CHAIRMAN MYERS: We are late, as usual. I hope that we will all get here as promptly as possible for the afternoon session. The hour is set for 2:00 o'clock.

If there is no further business, the meeting stands adjourned.

(The meeting adjourned at 1:20 o'clock.)

JULY 7, 1936

Tuesday Afternoon

The meeting convened at 3:20 o'clock, Vice President Myers presiding.

CHAIRMAN MYERS: The meeting will come to order. I want to say this before Mr. Church produces his report, that I had the pleasure of introducing Mr. Church for the reading of this report last year and when we asked for comments and questions, there were none. Now, I am sure that every person in this room is interested in the work of the Commercial Committee. I am not sure that all of you know how much that work has meant to the committee, how much time they have put on it. But you are interested in it and I cannot believe that any report such as Mr. Church is about to read could be absorbed by all of you without one question. And I just want to say while Mr. Church is preparing to read this report that I hope when he sits down a lot of you will be bursting with questions and keep Arthur on his feet explaining that report and answering your questions until that report has been thrashed out.

Ladies and gentlemen, it now gives me very great pleasure to turn the meeting over to Arthur B. Church, chairman of the Commercial Committee.

MR. CHURCH: Mr. Chairman and gentleman, at the 1935 convention the report of the Commercial Committee comprised, in large measure, the report of the Committee of Five on Radio Research. This morning you heard a special report from the Committee on Radio Research. The work of that committee has required so much time that the other commercial problems have failed to receive the amount of attention due them. It seemed physically impossible for me to devote more time than I gave to the Committee on Joint Research, and I take the full responsibility for what must necessarily appear to members of the Association as notable lack of progress in our commercial problems, of which there are so many.

For several years it has been the custom of the Commercial Committee to hold its principal annual meeting in conjunction with the annual convention of the Advertising Federation of America. This year, unfortunately, the dates of the Advertising Federation of America and the National Association of Broadcasters conventions were so close together, and the distance between Boston and Chicago so great, it was practically impossible to expect a quorum of the Commercial Committee to make the Boston trip and then immediately to attend the National Association of Broadcasters convention.

Your commercial chairman explained to the AFA officials these difficulties, expressed regrets that the NAB could not take a considerable part in the 1936 meeting as in previous years, and offered to arrange for a representative for your Association to address one of the general meetings of the AFA convention. This was not accepted.

It is the opinion of your chairman that the present procedure of the AFA of emphasizing a multiplicity of meetings devoted to specialized groups, seriously impairs, if not invalidates the opportunity for a more general approach to advertising problems which an organization such as the AFA potentially affords. It is the recommendation of your commercial chairman that if the NAB continue as a contributing member of the Advertising Federation of America, hereafter the NAB shall have a place on the AFA general program. Only in this manner can the members of this Association fully benefit from affiliation with the AFA, and I am confident that the AFA officials, if properly approached, will agree on this point and that the cordial relations which have existed between the two organizations can be maintained to the interests of both.

At times your commercial chairman has been quite discouraged because of what seemed to be lack of interest in the important commercial problems which have been brought before the convention. A year ago the matters contained in the Commercial Committee report were of sufficient importance to justify considerable discussion. The report was perfunctorily received and while the recommendations were approved by this body, the lack of interest manifest was a matter of keen disappointment to the members of your committee who have spent many, many hours, days and, in the case of some individuals, weeks, on the commercial programs of this Association. Yesterday afternoon only three members of the Commercial Committee convened at the place appointed in the convention program.

I feel that your Commercial Committee needs new blood. This is the last report I expect to make to this body as chairman of the Commercial Committee. I earnestly plead that you make suggestions to your new President not only on the personnel of the committee for the ensuing year, which should be representative of all parts of the country and of all types of stations, as we have tried to make it in the past, but also on the problems and projects you think should receive the committee's primary attention.

I ask you to support the proposed new Sales Managers Division which should work closely with the Commercial Committee and which, in my opinion, should attend not to matters of policy or to problems and projects of the Commercial Committee but rather to the definite educational aspects of selling radio advertising. The enthusiasm of the group of sales managers that met yesterday afternoon and which, I understand, will meet again today, is most encouraging. These men can be of great assistance to each other, to the stations they represent and to the industry. They are straining at the leash to do something. This is a splendid sign. It should receive the hearty endorsement of each of us as station owners and operators.

This convention has heard a lot about promoting peace and harmony, and about doing the things on which all of us can put our shoulders to the wheel. In this connection, the possibilities of your Commercial Committee projects offer you a real challenge. We have already embarked on one major project. The Cooperative Bureau on Radio Research, even in its exploratory work, has given you, for the first time in the history of broadcasting, factual material on radio set ownership, broken down by counties for the whole country, which bears the stamp not only of your Association as sellers of radio advertising but also of your potential buyers and their advertising agents. Can you not conceive the many new selling advantages with this authenticated information? I actually feel a thrill every time I think of this initial accomplishment in placing in your hands as sellers of broadcast advertising and in the hands of the buyers, reliable figures on the number of radio sets in every county in the United States. Think what it will mean to you and to the advertisers you wish to sell, when you can also have fundamental data on coverage

and on listener habits, data which you do not have to try to sell your prospective customer, because his trade organization has been responsible with us in carefully preparing this dependable factual information.

There are lots of recommendations I would like to make to this Association as I step down from the responsibilities of commercial chairman. I would like to see some of our dreams of standardization come true. We have made pitiful progress the past two years. Indeed, I am not sure we have not retrogressed. I would like to see the convention recommend to its membership a one-rate policy. Unless my observations are incorrect, there has been, since the abolition of the broadcasting code under the NRA, a return on the part of many stations to a confusing multiplicity of rate set-ups which is hurting all of us as broadcasters to an extent that cannot be measured. Some of you are again falling for "per-inquiry" and contingent schemes which cannot but destroy the confidence of substantial advertisers whose business should comprise the backbone of your income.

There is need of another campaign to shorten the commercial announcement portion of your programs. I am afraid that nearly all of us have, through transcription programs, let some of the advertisers "get by" not only with an excessive amount of advertising copy but also in some cases with copy of an objectionable nature that you would not under any circumstances permit to be included in your studio-built programs. If you aren't hard-boiled with your advertisers or with the agents who place such programs with us, you certainly can't expect our governmental regulating bodies to be other than hard-boiled with us. Certainly there is no question as to which is the better way.

I would like to see the period of our summer slump shortened by the abolition of daylight savings for radio program schedules.

I feel that we should not let the defeat we experienced in attempting to form a bureau on agency recognition and credits completely discourage us but that we should again explore the problem involved and find some way to help member stations obtain necessary information on agency recognition and credits.

Too many of us are trying to see how much net profit we can make out of our stations instead of trying to see how good a job we can do for our listeners, and I am afraid there are still some in this business who have so little confidence in the future of broadcasting that they have adopted the philosophy of "getting while the getting's good."

I am through with my sermonizing and am going to make one more specific recommendation which, if adopted and carried through, will, in my opinion, be at least as great a potential accomplishment as the Cooperative Bureau on Radio Research. I recommend that the convention instruct the President to appoint a committee of not less than five, nor more than seven, members whose specific responsibility it shall be to explore during the ensuing year the possibilities to the broadcasting industry of a bureau for radio promotion and to report its findings and recommendations at the 1937 convention. Today we are the owners of the only major advertising medium which does not have an organization for the dissemination of education on the advantages of the medium; certainly we should no longer delay our first explorations on such a project. Yes, the formation and maintenance of such a bureau will cost the broadcasting industry a considerable amount of money. I doubt that even with our present large membership our treasury could support such a bureau. As a broadcaster who, like many of you, depends solely on his broadcasting station for his income, I would consider it splendid investment to pay my share of the expense of maintaining such a bureau through higher dues than I am now paying into the treasury of the NAB. I hope to have the opportunity of making good on this statement within the very near future.

I commend the excellent work your Association has done in the compiling and publishing of comprehensive statistics on broadcast advertising volume. These figures were established exactly three years ago by Dr. Hettinger. Since then they have come to be recognized as the only authoritative source of information as to radio advertising for all portions of the industry—network, national spot, local; clear channel, regional and local stations. They have been accepted by advertisers and agencies, and their conservatism and scientific quality was amply confirmed this morning in the address of Dr. C. H. Sandage of the United States Bureau of the Census.

Your trade statistics give much valuable information as to trends in the use of radio advertising by different kinds of industries and business. They are of tremendous promotional importance in addition to giving you valuable information for the running of your station. The 150 stations which have cooperated in this work

are to be congratulated. When we reorganize and extend our service this fall, we hope to have the cooperation of the other members of the Association. I feel this is particularly important.

I would not wish to close my remarks without gratefully acknowledging the unselfish assistance given to me by members of the committee; the smiling, indefatigable help of Dr. Hettinger; the splendid advice of NAB officials; and the cheerful willingness and help of the NAB office staff. I can promise my successor lots of happy experiences as well as many moments of disappointment. I do not want the members of this Association to think that I shall not be available for such help on the commercial projects of the NAB as I may be asked to give and that I can find time for. I especially hope to have the opportunity to spend much time and effort on the Radio Research Bureau, and the joint Committee of Fifteen.

I believe 100 per cent. in the future of the NAB. I am not afraid that the Association will be unable to find plenty of good men to do the many important jobs. I do not think there will be any material split in our ranks. Rather, I think the NAB will continue to show healthy growth as it has done in the past few years. I do wish, however, that every member of this Association would examine himself as to his loyalty to the NAB and ask himself the question, "Am I doing my share?" (Applause.)

CHAIRMAN MYERS: Now, how about asking Arthur some questions?

MR. CHURCH: I am tired enough so I don't care whether you do or not.

MR. PRITCHARD: I have a question and that is whether the question of merchandising comes under this committee.

MR. CHURCH: I'm sorry but I didn't get the question.

MR. PRITCHARD: Whether the question of merchandising comes under this committee.

MR. CHURCH: The question of merchandising should be considered by this committee.

MR. PRITCHARD: I would like to see an open discussion on this because as far as I am concerned, it is getting to be a pretty serious question.

Before I left New Orleans I had a telegraphic request to put through a telephone survey. There was no suggestion that they would pay for it. We found, on inquiry of the telephone company, that we would have had to install a battery of twenty or twenty-five girls.

It seems these requests are becoming more frequent and more exacting, and there is no end to the things they want us to do, particularly with the drug and food accounts. They request us to get a lot of information which it seems, logically, should come from their own staff. Why should the radio stations call the wholesalers and maybe fifty or sixty drug stores to find whether their particular product is selling better than last year and how it compares with other products!

Is there going to be any end to what they expect radio stations to do for one fee? Are we going to keep giving more and more service for the same money. I'd like to find out what the attitude is of the other stations.

MR. CHURCH: I am not going to attempt to answer that question at this time. It is a big one. The question has received considerable attention on the part of the Commercial Committee in the past year.

A resolution on merchandising practices was adopted by the convention, I believe, two years ago and should be part of your files. I suggest that you study the NAB report of that convention on that subject and it may be helpful. In other words, the NAB is on record in the matter.

But, unquestionably there are so many developments as to merchandising practices that there should be a sub-committee on this particular part of the subject. I do not know whether the chairman feels there is time for discussion on the floor of this subject or not. That is not within my powers.

CHAIRMAN MYERS: It would seem that that question would come under Mr. Church's statement to the effect that standards of practice should be adopted which would, no doubt, cover merchandising practices as well as other practices in the industry.

I think that question is very well put and it is a question for the Commercial Committee to answer this coming year and measures put on that service, if possible. In that, the Commercial Committee will encounter the differences in fields and size of stations, in newspaper stations and non-newspaper stations, in network stations and non-network stations, who do wish to run their own business and do what they think should be done in their particular locality and sometimes those standards are more or less regulated by competitive conditions in those respective localities.

Now, are there any other questions?

MR. PRITCHARD: On that subject, it seems to me it shouldn't be passed over quite so lightly and briefly as that.

For example, I got a letter from an agency which, to my mind, was sort of a cluh held over our heads because they said, "Our future placements will depend on what the radio stations have done for us in the matter of merchandising." I mean if it is going to be on that basis, it is time we took some action and adopted some uniform way of handling the subject. I don't care what was done two years ago. It evidently hasn't been acted on.

CHAIRMAN MYERS: I would say "no."

MR. PRITCHARD: But you don't want to be the only one to say "no" and lose the account.

CHAIRMAN MYERS: It is a hard question and I don't think Mr. Church or anyone else can give you the universal wave of magic that will answer the question.

I think Mr. Holliday is just hursting with something to say on merchandising.

HARRISON HOLLIWAY (KFI-KECA, Los Angeles, California): I think you rather have me on the spot because I was listening interestedly rather than bursting with a question.

I don't know whether this meeting is open for such questions as this and that is the matter of dual rates, which you spoke of a moment ago, but for all stations that have dual rates, there is one evil that continually rears its ugly head, which was passed over lightly this morning.

I was interested in noticing the reports of the ANPA convention. One of the major questions discussed was the matter of determining which was local and which was national. I thought, if the newspapers after all these years are still discussing which is local and which is national, how could radio, which is so young, figure it out. But, so far I haven't heard anybody offer a yardstick. And, if that comes within the realm of the committee's discussion, I would like to hear a discussion of the subject.

Thank you, Mr. Myers.

MR. PRITCHARD: Mr. Chairman, I am a persistent sort of a cuss. I am satisfied I haven't got any satisfaction out of the question I asked. I'd like you to ask the people here if somebody else hasn't had a similar experience. We aren't scared to ask these questions because it is a general meeting.

CHAIRMAN MYERS: I should be very happy to ask that question. Does anybody else want to discuss merchandising practices right now? We would be very pleased to hear from you. I assure the gentleman I am not trying to shelve this.

MR. PRITCHARD: Ask them if anybody else has been asked to do merchandising which they shouldn't have been asked to do.

CHAIRMAN MYERS: Frankly, we have been asked to do many things and the answer is "no" and if it goes to competition, we just say, "Good luck to you. We hope you get what you are asking."

I don't know whether that is a suitable thing to discuss before this meeting or not.

E. P. H. JAMES (National Broadcasting Company, New York, New York): Did any of you hear Mr. Harlow speak at the AFA convention at Boston on this subject? He gave a talk on merchandising and I recommend it to anybody who is interested. He represents not only one of the most powerful stations in Boston but having network affiliation.

CHAIRMAN MYERS: They cannot hear you.

MR. JAMES: Mr. Harlow of the Yankee network said very flatly that in his viewpoint any station that found it necessary to offer free merchandising service was either charging too much for its time or else had something seriously wrong with the station.

Now, that is going a pretty long way and those of us here won't agree with him fully. I believe this gentleman asking this question would do well to read Harlow's talk. There are a number of newspaper-owned stations who do find it practical and economical to render merchandising service.

And, in answer to the gentleman raising the question, in NBC we have not fully solved this problem of rendering merchandising service but our method has been to state clearly in writing that we will not render any merchandising service to any local or network advertiser which we are not able to render to all our clients without cost but if any special services are asked for, we will make a quotation of expenses. We even go so far as to charge clients for letterheads and envelopes and postage to send letters to the trade.

We believe so long as radio station rates are supposed to represent a fair rate for time, any service of a free nature should not be given but we try not to be dogmatic so we don't force the matter down anybody's throat.

CHAIRMAN MYERS: I think Mr. Church has something he wishes to say:

MR. CHURCH: I am speaking as an individual. As Mr. Myers stated a little while ago, the problem of merchandising is one which varies in every community. The problems in Kansas City may be entirely different from the problems in New York or Cincinnati or Boston.

I happen to have a newspaper situation to meet where one of our big competitors have a combination rate which is, in effect, a merchandise discount or anything you want to call it and sometimes that situation has to be met.

Each of us has a problem of our own. However, we publish our merchandising aids—part of the things we do without extra charge to the users of our facilities and part of the things we charge for—but it is all in black and white. We try to treat every advertiser exactly the same.

I am glad this problem of merchandising has been brought up because it is one of the big problems we have brought before us every day.

Specifically answering the question raised on the floor a minute ago, my answer as a station owner is "no."

CHAIRMAN MYERS: I'd like to augment that just to this extent: we do have standard forms of merchandising which are a part of the regular cooperation given every advertiser on our station and this is given whether they ask for it or not. Sometimes we even forget to tell them about it. But, beyond those standard forms of merchandising, we do not do anything we do not charge for.

I want to say again I think the problem could be solved in the community if the stations could get together and agree on general operation policies. That does not mean a rate agreement but an agreement to print the rates and stick to them and to confine merchandising service to certain forms.

Now, we have not been hothered with threats from agencies. As a usual thing, they have been very reasonable in requests of us. I do not believe a request in the form of a cluh would come from a recognized agency because, as a usual thing, I don't believe those things are done that way by recognized agencies.

MR. PRITCHARD: While I am not going to mention the name of the agency, I would say it is a very big one and a recognized agency.

CHAIRMAN MYERS: It would seem a departure from the usual practice.

In our station we haven't seen so very much of it. I certainly think if it can be done by adoption of standards of practice, the next committee should work on such forms.

HAROLD MEYER (WSUN, St. Petersburg, Florida): Mr. Chairman, it is only natural when you make a dollar, to try to earn another dollar along the same line, and my thought on this is it is up to us to draw the line where we are going to stop. In other words, if you give them a map and say, "We have 100 radio sets," the next time they will say, "How many sets and how many cows have you," and that will go on and on and on. It is the same with the merchandising problem and it is up to each station to draw a line on service. I think there is a limit to everything but I think the station is best qualified to find out how far they can go.

CHAIRMAN MYERS: Thank you, Mr. Meyer. If there is no further discussion on the subject of merchandising, I would like to re-open Harrison Holliday's question in regard to rates, which was, I believe, in regard to what constitutes national and local rates, retail and wholesale rates, or whatever you want to term them.

In other words, do you believe that national advertisers may send programs to local representatives to place at local rates or do you believe that practice should be eliminated, or do you believe the local rate should be applied to retail stores only and all wholesalers should pay the general or national rates, or what ideas have you? Can some one given us his ideas in that respect?

J. LESLIE FOX (KMBC, Kansas City, Missouri): Mr. Chairman, may I say something along that line?

I was very much interested this morning when Edgar Bill was making his talk in a statement that he made which was, as I remember it, that undoubtedly a two-rate structure was justified, that is, national and local rate.

I am very sorry at that time I didn't ask Edgar Bill for the answer because after having been in radio eleven years, I never have been able to find it myself. I can't conceive of any justification for two rates at any time.

I think the only reason anybody has two rates is because it is a newspaper practice of long standing and I think today in the

newspaper field the newspapers themselves are just starting to adopt one rate.

I think in radio we have more of justification for one rate than other media. We have at the most, I would say, eighteen hours a day on the air. Those eighteen hours are all salable and you can't add more hours. And, I can't help but feel that fifteen minutes on any good radio station is worth as much to a retail advertiser as it is to the national advertiser. I think we are jeopardizing the national advertiser when we offer a lower rate to a retail account. I think every one of us has a trading area which we are covering and in which we are influencing buying and that area is just as valuable to the average retail account from the standpoint of sale of merchandise in that particular area as it is to a national advertiser, and for that reason I can't and don't believe I ever could be sold on a two-rate structure.

I very definitely am for one rate for all accounts under all circumstances.

CHAIRMAN MYERS: Somebody else want to discuss rate structure?

GEORGE E. HALLEY (KMBC, Chicago, Illinois): I have spent nearly nine years on a station with only one rate. It is my understanding that newspapers adopted the local rate because with the retailer there was so much waste circulation which they couldn't use because they sold only in the city. I think you will find recent market surveys in Pittsburgh and other cities have proven that the flow of trade to the big department stores in the market centers have come, in some instances, from as far as ninety miles.

Now, radio's story has always been that it covers more than just the city in which the transmitter is located. Obviously, you are doing just as much for the retailer as the national advertiser, you are covering the same area and bringing trade from these distant points into the city to buy in that retail store.

There is a survey in existence of the largest department store in Pittsburgh, Kaufman, I believe it is, in which the managing director of that store shows that in order to cover the cities that are outside of Pittsburgh, whose people trade in Pittsburgh, he buys full page newspaper advertising in twenty-one cities outside of Pittsburgh to bring the people from the smaller cities into Pittsburgh. He could buy KDKA or WCAE or WJAS and cover all with one advertisement.

His story is absolute proof, in my mind, as to why there shouldn't be two rates. Why do you need two rates?

CHAIRMAN MYERS: Thank you. Of course, all of us know of the argument for two rates that is offered—that the retail store sells over one counter while the nationally distributed merchandise is sold wherever the advertisement is heard.

Mr. Midgely of Batten, Barton, Durstine and Osborn, can you come up and give us the agency angle on rate structure? (Applause.)

MR. MIDGELY: I don't know just how far B. B. D. & O. would stand back of me so please consider this as a personal viewpoint.

A great many of you fellows have two rates. That is O.K. with me. We have accounts that come under the national rate and others that we have I frankly believe are justified in asking the local rate, and I don't believe I have argued strenuously on that.

Frankly, I believe there should be one rate. As has been pointed out, a station covers just as much for a retail store on Main Street as it does for merchandise made in Detroit and shipped a thousand miles.

Who am I or any agency to say what the solution to your problem is. I have been fully aware of one fact, that this whole business of broadcasting is so absolutely custom made and absolutely defies standardization so that if you fellows tell the truth and have two rates, I am for you.

CHAIRMAN MYERS: Thanks a lot. That was fine. Any other agency representative who would like to speak on rate structure?

I think Mr. Holliday has brought up a question that has caused a great many sleepless nights and bad dreams, as to what to do between a national and local account. Of course, if we had a one-rate structure, that couldn't happen.

I don't believe it is the duty of The Chair to tell the convention what to do. I think it is up to the convention. Personally, I do not believe any advertiser of generally distributed merchandise should receive a lower rate than his agency could receive if they asked a quotation on a similar line of merchandise. For instance, a coffee roasted in Kansas City and distributed over that area should not receive a lower rate than coffee roasted in New Orleans and distributed over the same area. That is one theory.

JOSEPH HENKIN (KSOO, Sioux Falls, South Dakota): What should be the difference between a local and national rate?

CHAIRMAN MYERS: The gentleman from Sioux Falls wants to know what should be the difference between the local and the national rate.

MR. HENKIN: How much difference?

MR. CHURCH: None.

CHAIRMAN MYERS: That is one answer. Are there any others?

MR. TRENNER: As I see this discussion up to the present time, whether we should have two rates or not, we don't ourselves try to justify whether we should or shouldn't; we only say we can't because we don't know how to differentiate. Now, that, in my estimation, doesn't justify one position or another. You just heard Mr. Midgely; he represents a very fine agency.

It is the knowledge that is behind it that has to be paid for by somebody and if you feel frankly that your station and station personnel can render to a local account what B. B. D. & O. can render to a national account, then I think you are justified in charging both the same rate. But, just as long as one fellow gets the benefit of a lot of additional service—well, go back for example, to the department store situation. They maintain an advertising department. It costs them money to run that advertising department. On top of that, you are going to charge them the 15 per cent. which you ordinarily do in the case of national rates; that 15 per cent. goes to the advertising department of the national advertiser. I suppose that it isn't difficult for you to see by this time that I favor the dual rate structure.

CHAIRMAN MYERS: That seems to favor a differential of 15 per cent. between the national and local, or wholesale and retail.

DR. HALLEY: And, what about the big national advertisers?

WILTON E. COBB (WMAZ, Macon, Georgia): Most of the stations, right from the beginning, have had different rates on day and night time. While we are discussing rates, I wonder whether that has been found advisable.

We are more or less of a local station doing mostly local business and our attitude has been, as far as the local situation, first come, first served, and we have only one rate for day and night time. The national rate specifies a differential, and I would like to know whether through the years that has been found advisable. Wouldn't it be better to have one rate, local and national? Is it advisable to have one rate for day and night?

CHAIRMAN MYERS: Mr. Church, should you not conduct this discussion as chairman of the Commercial Committee?

MR. CHURCH: To begin the discussion, I might give you my own reaction to the question.

The law of supply and demand has a great effect on our rate structure, as should also the circulation of our medium, in day time and at night. The studies we have obtained over a period of years have given us knowledge of the percentages of radio sets turned on through the various hours of the day and night. We find that there is relatively little ground for the few hours during which we have less audience as shown by our surveys. I imagine some of you have the same problems and reach the same conclusions.

From the standpoint of simplicity, it would be very much better for all of us to have a single rate structure, the same for day and the same for night, but, after all, to be fair to the user of our facilities, he should pay on the basis of potential circulation.

Now, are there any other remarks?

MR. LOTTRIDGE: Mr. Church, I thought the gentleman might be interested in our experience, which is not given as a criterion but merely the knowledge we have gained in our market.

I believe we have done more coincidental telephone survey work than the average station. This has covered a period of eighteen months. Our general manager originated it as a survey to outline our own production policies and, physically, it comprises from five to ten experienced telephone operators calling numbers at random from the telephone book at prescribed hours both day and night.

We have completed well over 100,000 of those calls at all seasons and at all hours. The first question the girl asks is, "Is your radio turned on?" and from that one question we have discovered, if you take the number of radios available for any station during what we call class A time, or 6:00 to 10:00 p. m. as a basis on which to base your percentages and call it 100 per cent., that the radios available during other hours of day and night run something like this: 12:00 to 1:00 noon, and 5:00 to 6:00 p. m. are about 75 per cent. of the top figure for your night time; that the bulk of day time is about 50 per cent. and that the time in the morning before 8:30 is approximately 35 per cent.

As I say, we do this primarily for our own satisfaction. We don't brag about it a whole lot but do it to try to effect our own

production schedules. But, after studying 100,000 of those calls over 18 months, we have tried as closely as possible to base our rates on approximately the same percentages so we can now take a C.P.A. report from telephone calls and show the actual basis on which we have computed our class A, B and C time.

I say this coming strictly from our market. The same situation may not be true from any other market in the country.

CHAIRMAN MYERS: Before Arthur proceeds with this part of the meeting, I would like to ask if Mr. DeWitt is here.

. . . Mr. DeWitt was in the audience. . . .

CHAIRMAN MYERS: Will you please come to the platform; your report is next.

MR. CHURCH: I think we could go on indefinitely talking about these commercial problems that are mighty interesting to us and I am not shutting off discussion. But, I think we should make the rest of our discussion brief on this subject. Does anybody else wish to speak from the floor?

I am glad to see the increased amount of interest over last year, particularly this morning in connection with the panel discussion which sort of naturally gets us on our feet. It is a very fine thing. I hope to see that panel type of discussion continued in the Association work.

CHAIRMAN MYERS: Thank you, Arthur. It is certainly encouraging to see so many of the boys get up and speak their minds on the subjects. You will get something out of these meetings if you fellows will talk.

At this time it gives me very great pleasure to introduce the chairman of the Engineering Committee who will give the report of his committee. I am sure the Engineering Committee report is of very great interest and I am sure there will be some very interesting questions when Mr. DeWitt is finished. Mr. DeWitt.

J. H. DEWITT (WSM, Nashville, Tennessee; Chairman, Engineering Committee): Your Engineering Committee has prepared the usual report this year and in it are some rather interesting facts, that is, facts interesting to engineers. Instead of delving into these almost purely technical matters, we shall set this report aside to be published and will now present some observations interesting to a group of station owners and managers.

For years you have heard talks at the conventions dealing with selling of station time and you have heard many theories expounded on the subject of increasing the station income.

Now we know that you usually think of a station engineer as a necessary evil and one who is so wrapped up in theories that he can never appreciate the commercial angle. Well, we are going to show you that instead of dealing in theories, we deal in facts and that these facts pertaining to engineering will actually ring the cash register.

We shall try to take modern engineering out of the mental red ink class to which many have in the past relegated it and show it to be the application of sound business principles to an exact science. In the past (and, we hope, in the future), the broadcast engineer has concerned himself not so much with the cost of a new venture but what will be the net return in dollars.

Your committee has for years pointed out defects in technical operation and has attempted through its reports to help you in correcting these matters because we knew this meant better coverage but these were drab scientific facts and as such are not very appealing.

Judge Sykes mentioned yesterday that fifty per cent. of the stations in the country could improve their coverage without increasing their power. To some of you this may have sounded like an impossible proposition, provided you think coverage depends entirely on the power of your station.

Well, we know of a station that, according to its rate card, is a 1,000 watt station but because of certain engineering deficiencies, it radiates a signal equivalent to less than 200 watts. Now, some commercial men believe that the power listed on the rate card is what counts in selling but more thoughtful station owners know that clients are held by coverage results. It can be proved beyond any doubt that this station just mentioned could hold customers much easier and could do an easier selling job if it actually delivered a good healthy 1,000 watt signal.

Another angle to this thing is that the Federal Communications Commission, through its engineers, has indicated many times that stations will not be considered for power increases until it is demonstrated that the facilities available are being used to their maximum extent. Is the Commission simply being arbitrary in these matters? Well, some of you may think so but if you do, we cannot agree. The Commission is only requiring what leading engineers have advocated for years.

In attempting to show you how to make more money from your

station through good engineering practice, we will assume that some of you know nothing about such things as radiation efficiency, frequency characteristic, distortion, percentage modulation and so on. Possibly we can give some new definitions of these terms which will convey a new meaning.

First, radiation efficiency. This tells you how many of the watts sent out of your transmitter bring in mail response and how many are used in heating the ground and growing grass around the antenna. The number of aeriels having an efficiency over 50 per cent. is very small.

Next is distortion, which is the harsh, disagreeable effect that usually causes a comment, "Worn out tubes." It sometimes results from poor design of the equipment but is more often the result of the way it is operated.

The frequency characteristic determines the degree with which different pitch sounds are sent out, determines whether your station sounds drummy, tinny or beautifully balanced in tone quality.

Noise level tells you about hums, throbs and other disagreeable sounds that have nothing to do with the program. Such noises come from bad generators, from poor telephone lines and from many other sources.

Now, these are just a few of the technical ills which may adversely affect your station's saleability by creating listener preference for your competitors' well-engineered station. Another extremely important point is the modulation capability of your transmitter. This simply means how much program volume can be put on the transmitter without serious distortion. We will show you that this is a very important matter in the coverage of your station. A 50,000 watt station with a modulation percentage of 10 would deliver no stronger signal to the listener than a 500 watt station with full modulation. Similarly, a 1,000 watt station is the equivalent of a 10 watt station. This is no juggling of figures; it means exactly that the effective power of your station is determined by how well you make use of your facilities.

The Federal Communications Commission required you to install a frequency monitor. Some progressive stations had held their frequency very close to the assigned value before such checking apparatus was made compulsory. Many followed this rule grudgingly but today no one can deny that this improvement in engineering practice has increased the coverage of many local and regional stations simply because of the elimination of the whistles resulting from wide frequency differences.

During the past year the Commission has made it necessary to purchase a modulation monitor which must be in operation by November 12. Again some stations will comply with this requirement grudgingly. That which you should have done as a matter of good business is forced upon you by Commission regimentation. What station would not be willing to spend \$5,000 to double its power? Yet many will object to spending less than \$500 to accomplish the same result.

We of your Engineering Committee sincerely hope that it will not be necessary for the Commission to set forth any new requirements in these matters. We wish to point out, however, that the only way to realize this is for the stations to make improvements now and to demonstrate by doing so that they wish to provide the best possible service to the listener. (Applause.)

CHAIRMAN MYERS: Let's not let Mr. DeWitt get away without asking him some questions. I wish you would stick with us a few minutes. If anybody wants to know anything about this matter of governing power by antenna improvement and so on, I am sure Mr. DeWitt will be glad to answer those questions. Now is your chance to get some engineering advice free. It is certainly complimentary to the industry if none of us need it.

MR. CHURCH: I'd like to ask the Engineering Committee a question. What, in the case of a minimum frequency station of 1,000 watts is the highest actual tower that can be employed to advantage? I understand that when you go up, you obtain advantages. Do these advantages offset the economic consideration?

MR. DEWITT: That is a hard question to answer right off but it may be looked at this way. First of all, we will assume that you speak of a vertical radiator, or single antenna, and you are speaking of a regional station, an average station. If you are worried about fading, it may be economical to go to an antenna of about fifty-five hundredths of a wave length in height.

However, there is one thing to remember. Studies so far have shown that simple vertical antennas that lie in height between a quarter and a half wave are probably not very economical from the standpoint of a local or regional. Probably a quarter wave antenna is all that can be justified in most cases. You can get

30 or 40 per cent increase in field strength by going to the maximum height and that is equivalent to doubling your power.

MR. CHURCH: That means how much perceptible increase near the edge of primary area?

MR. DEWITT: It might just make the difference between a listenable signal and one too noisy to use. I think that is something that requires a lot of study before a final answer can be made.

F. W. BORTON (WQAM, Miami, Florida): I'd like to ask whether we are to receive for our technical data book the interpretations of what is considered good engineering practice, the allowable hum level and so forth, referred to in Rule 131.

MR. DEWITT: Your Engineering Committee published in last year's report and in the report of 1934 its idea of permissible hum level and distortion level. I don't believe that that has been incorporated in the NAB handbook.

However, in regard to good engineering practice, your committee this year has considered the matter of aiding members in every way possible to meet these requirements and to interpret good engineering practice. Your chairman has conferred with the engineers of the Federal Communications Commission and has obtained permission to publish in NAB REPORTS recommendations regarding Rule No. 131, which has been questioned in many cases, and we hope that it will help the stations.

CHAIRMAN MYERS: Are there some other questions for Mr. DeWitt to answer while he is with us?

I assume that the technical report of the Engineering Committee will be included in the convention proceedings. I am sure we all appreciated Mr. DeWitt's report and would like to see him get the hand he deserves. (Applause.)

Before we proceed with the meeting, there are several announcements.

(Announcements.)

MR. FOX: Mr. Chairman, before you adjourn, would it be out of line if you called on Buryl Lottridge to make a short announcement concerning the purpose and idea in the organization of the sales managers meeting?

CHAIRMAN MYERS: We would be very pleased to have that announcement now. Would Mr. Lottridge like to make that announcement?

MR. LOTTRIDGE: I can merely repeat a part of the work that was done, the outline prepared yesterday when there were some forty sales managers in this room following the afternoon session. I can merely state that those people who were present were extremely enthusiastic about the proposal. And, concisely, the organization means simply this: we would like to perfect a group of NAB, comprised exclusively of individuals from each station who are primarily responsible for the sale of time. We feel that we have innumerable objectives and problems that can very easily be discussed to everyone's advantage if we can provide an organization, first, composed of people who have those problems every day and, second, an organization that can meet with enough privacy and seclusion actually to take their hair down and talk about them.

For that reason we have tried to perfect a sales managers division of NAB and the purpose of this meeting this afternoon at the close of this session will be, first, to perfect the organization individually and collectively and to make a few simple plans for the objectives for future meetings and, if possible, outline a method of communication which we can use in lieu of another meeting. It will be practically impossible to meet again during the convention; hence the urge that every sales manager remain if at all possible and we will go into it more thoroughly.

Thank you.

CHAIRMAN MYERS: Paul Loyet of WHO is present and will make a further statement on one of the questions.

PAUL A. LOYET (WHO, Des Moines, Iowa): Mr. Church asked a minute ago whether it was justifiable to put up a half wave radiator on a regional station. I asked Jack when he returned why he shouldn't ask Arthur if he felt justified in going into day time only from 2,500 watts to 5,000. The comparison is exactly the same.

MR. CHURCH: I asked the question, knowing there were a lot of members that have asked that question.

MR. LOYET: There is almost the exact expenditure involved in changing from 2,500 watts, say, to 5,000—compared to putting up a vertical radiator.

CHAIRMAN MYERS: May I ask before you leave the platform whether that is the difference between a quarter wave and half wave?

MR. LOYET: Approximately.

CHAIRMAN MYERS: Double the field strength throughout the area or vary on its borders?

MR. LOYET: Of course, the field strength is practically doubled at all points. The area increased would be practically the same as if you changed to 5,000 watts.

CHAIRMAN MYERS: In other words, you answered the question in the beginning with the statement that change from quarter to half wave antenna is equal to doubling your power.

MR. LOYET: What I wanted to bring out was, most everybody in the room with a regional would not hesitate to spend money to double his power even for day time service whereas very few would figure the half wave radiator a justified expenditure.

HOWARD A. SHUMAN (KFDM, Beaumont, Texas): What would you say in case of a local station, a 50 or 100 or 200 watt?

MR. LOYET: Now I am in about the same boat Jack was. (Laughter.) Personally, I don't believe a local station can justify anything above a quarter wave length. I think the first cost is so high that it wouldn't be worth while over possibly a very long period of time.

VICTOR J. ANDREW (Doolittle and Falkner, Inc., Chicago, Illinois): May I have a word on the matter of economics of antennas?

The engineer is entirely capable of telling what the improvement will be with a given change in antenna or other equipment. We have developed for our own use a method of determining what is and what is not worth while in antennas and other equipment. The questions are economic and not engineering, that is, the economics is the difficult part.

The procedure we find useful is to draw a curve of a station's value versus the power of the station. Now, if you take a station of a certain power worth \$100,000 and a station of another power worth \$200,000—the additional power is worth \$100,000. We then assume that each watt of power is worth a figure which we derive from this curve. We then evaluate the change in the equipment in terms of change in power. The change may be a change in power or a change in antenna efficiency. Then we try to answer the question whether the change is or is not worth the difference in cost.

MR. CHURCH: I'd like to ask the engineers another question. I did not pay as close attention perhaps to the engineering report as I should but I do not recall having heard anything about the engineering characteristics of studio design and I am wondering whether our Engineering Committee has given recent consideration to studio characteristics. And, if so, what standards are recommended to the membership?

MR. LOYET: I can't very well tell you. Jack has left the room. I don't feel that I am quite qualified to say whether the Engineering Committee has set up any recent standards on studio design.

If I am not mistaken, I believe that the major networks thus far have done more experimentation with studio acoustics and design than probably anybody else in the country. And, if there is any acoustical representative of one of the major networks here, he could probably give you some information.

The study of acoustics in itself is pretty complicated and I believe in each new studio installation, the engineer in charge will try to gain the advice of a good acoustical man rather than do his own figuring.

CHAIRMAN MYERS: Does anybody care to make any comments on studio engineering?

MR. ANDREW: We are not doing studio engineering.

CHAIRMAN MYERS: Are there any other engineering questions?

MR. BORTON: He spoke a little while ago about a half wave radiator. I'd like to ask if the attenuation down around 1,500 kilocycles makes such a radiator uneconomical.

MR. LOYET: Instead of following the representative from Doolittle and Falkner, I made the original comment that if the station owner felt justified in doubling his power by means of increasing the power of his transmitter, he should feel justified in putting up the radiator, so I think that leaves out the subject of attenuation or at least it puts it in the lap of the station owner.

MR. SHUMAN: I'd like to ask the engineers whether an increase from a quarter to a half wave would be justified on 560 kilocycles.

CHAIRMAN MYERS: The question is, would the expenditure be justified on 560 kilocycles, from a quarter to a half wave.

MR. LOYET: I can see eventually I am going to get tied up into some kind of a knot here. (Laughter.)

Personally, if we had our present facilities on 560 kilocycles, I would make every effort to put up a half wave vertical radiator. That is a personal opinion arrived at in only a very few minutes.

CHAIRMAN MYERS: Are there any other questions? I have been advised that the Resolutions Committee have postponed their report until tomorrow morning. The order of business to-

morrow morning, as you know, is also the report of the Nominating Committee and the election of officers. All slates must be announced and posted in advance. My memory of the proceedings is that last minute nominations cannot be made from the floor, that all nominations must be made and posted in advance in accordance with the By-Laws.

If there is no further business, a motion to adjourn is in order. STANLEY E. HUBBARD (KTSP, St. Paul, Minnesota): I move we adjourn.

JAMES R. CURTIS (KFRO, Longview, Texas): Seconded. (The motion was put to vote and was carried.) (The meeting adjourned at 5:00 o'clock.)

JULY 8, 1936

Wednesday Morning

The meeting convened at 10:50 o'clock, Vice President Myers presiding.

CHAIRMAN MYERS: The convention will please come to order.

Ladies and gentlemen, I take pleasure at this time in turning the gavel over to Mr. William Hedges who will conduct the meeting. Thank you very much for your attention.

(William S. Hedges (WEAF, New York, New York): Past President, NAB, took the chair.)

CHAIRMAN HEDGES: I am going to appoint Mr. Carpenter and Mr. McDermott and Ed Bill as a committee of three to go out and usher everybody in, and please come forward. There are plenty of seats up here and you will find that discussion will be facilitated if you come forward.

There are a good many delegates in the room who have train reservations early this afternoon and there is a good deal of business to be transacted, so let's get going as rapidly as possible.

The first order of business this morning will be the report of the Nominating Committee. Mr. Chamberlin, come forward.

Before Mr. Chamberlin reads his report, I wish to read you Article VII of the Constitution, on elections:

"Article VII

"Elections

"The President of the Association shall appoint a Committee on Nominations consisting of five active members who, in his judgment, are representative of the active membership, which Committee shall meet and report to the annual meeting the names of individuals whom they nominate for election as Officers and members of the Board of Directors. Any ten active members of the Association may, in writing, present at the annual meeting the name of a member of the Association to be included on the ballot. Election shall be by majority vote and if no candidate secures a majority on the first ballot then the two highest candidates shall be voted for on the next ballot."

Mr. Chamberlin, will you make your report?

MALLORY CHAMBERLIN (WNBR, Memphis, Tennessee): Mr. Chairman and members of the convention, your President very courteously appointed me—and I count it an honor to have been appointed—chairman of the Nominating Committee. Likewise on that committee were Glenn Snyder, Tom Lyons, Burt Squire and Donald Withycomb.

We present to you the slate as proposed by the Committee on Nominations of the NAB:

For President—Edwin W. Craig, WSM, Nashville, Tennessee.

For First Vice President—John Elmer, WCBM, Baltimore, Maryland.

For Second Vice President—Gardner Cowles, Jr., KSO, Des Moines Iowa.

For Treasurer—Harold Hough, WBAP, Ft. Worth, Texas.

For positions on the directorate for the three-year term (five men to be elected):

Edward A. Allen, WLVA, Lynchburg, Virginia

Arthur B. Church, KMBC, Kansas City, Missouri

Eugene P. O'Fallon, KFEL, Denver, Colorado

John F. Patt, WGAR, Cleveland, Ohio

L. B. Wilson, WCKY, Covington, Kentucky

For positions on the directorate for the two-year term—made necessary because of the fact that last year Gardner Cowles was appointed by the Board to fill a vacancy and such appointment being able to endure only to this current convention, it becomes necessary to vote for one man for the two-year term—Frank M.

Russell of WRC, Washington, D. C. In view of the nomination of Edwin W. Craig for the presidency and in case of his election, it would leave a vacancy in the directorate because of the fact at the present time Mr. Craig is a Director and, therefore, in case of his election as President, it will be necessary to vote for another man for the two-year term on the Board and we propose to you Paul Morency of WTIC, Hartford, Connecticut, for that position. Thank you very much.

CHAIRMAN HEDGES: You have heard the report of the Nominating Committee. Are there any other nominations to come from the floor?

It is my understanding that there is another ticket to be submitted, that that ticket is now being mimeographed and will be ready for presentation in a short time.

In that event, we will pass from the report of the Nominating Committee and will hear from the Resolutions Committee. Mr. Gillin.

MR. GILLIN: Mr. Hedges, Ladies and Gentlemen of the Fourteenth Annual Convention of the National Association of Broadcasters:

The Resolutions Committee as appointed by the Executive Committee is pleased to present this report. This committee had as its members the following gentlemen:

E. B. Craney, KGIR, Butte, Montana

Ralph R. Brunton, KJBS, San Francisco, California

Harrison Holliday, KFI-KECA, Los Angeles

Gardner Cowles, Jr., KSO, Des Moines, Iowa

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

The first resolution to be presented to this convention in session this morning is a resolution turned in by Tom Symons of KFPY, Spokane, Washington.

"WHEREAS, it is the understanding of this organization that certain applications are now pending before the Federal Communications Commission and others are contemplated, wherein licenses or permits are being sought authorizing the establishment of radio broadcasting stations with transmission power of 500 kilowatts; and

"WHEREAS, such stations on account of their excessive power cover the entire United States; and

"WHEREAS, on account of the excessive cost to establish such stations they can only be established by large accumulations of capital and in small numbers compared with the present number of stations of lesser power now being successfully operated; and

"WHEREAS, such powerful stations tend to monopolize the radio broadcasting industry to the detriment and injury of the approximate 630 independent broadcasting stations now established and representing to the owners and operators thereof valuable investments; and

"WHEREAS, there is no necessity for stations of such excessive power, as the country could be properly and efficiently furnished with broadcasting service without the issuance of any further license for such super-power stations;

"Therefore, Be It Resolved, by the NAB, in general meeting assembled at Chicago, that in view of the facts related above and the certainty of the economic injury and ultimate economic destruction of the numerous presently established independent broadcasting stations which will result in the establishment of over a limited number of stations of such tremendous power, that NAB earnestly objects to and protests the granting by the Federal Communications Commission of any other or further licenses or permits for stations of power in excess of fifty kilowatts; and

"Be It Further Resolved, That the Managing Director of this organization be instructed to furnish a certified copy of this resolution to each of the members of the Federal Communications Commission with request that they and each of them refuse to grant any other or further such permits or licenses."

The majority opinion of the Resolutions Committee voted to make no recommendation on this resolution.

CHAIRMAN HEDGES: The Chair will receive a motion for the adoption of this resolution.

T. W. SYMONS, JR. (KFPY, Spokane, Washington): Mr. Chairman, I move the adoption of this resolution.

E. B. CRANEY (KGIR, Butte, Montana): Seconded.

MR. HUBBARD: I think I know how most of the members feel about fifty kilowatts. We have had many issues in this convention that threatened to split us in past years, and I think the question of extreme high power is one that should not be brought before this convention. We are represented by clear channel, regional and local stations. As a matter of fairness to all, I move that this resolution be tabled.

CHAIRMAN HEDGES: Is there a second to Mr. Hubbard's motion?

MR. MYERS: I second that motion.

CHAIRMAN HEDGES: A motion has been made to table the resolution. Is there any further discussion?

This reminds me somewhat of the 1924 conference held in Washington by the then Secretary of Commerce, Mr. Hoover, when broadcasters spent a lot of time condemning high power—and the high power they were discussing at that time was 5,000 watts. They decided at that time that broadcasters would be very injurious to the art if 5,000 watts was established as super power.

I merely recite that as a historical reference, not in any way attempting to persuade you one way or the other. It is improper for The Chair to participate in the discussion.

MR. MYERS: I want to explain why I seconded that motion.

The NAB has never taken any part in allocation or any way of telling the Federal Communications Commission how to conduct their business at Washington. I am a regional channel and never expect to be anything more than a regional channel but I do not believe this convention should go on record in favor of regional channel or 100 watt or 500 watt or any other class of broadcaster, and that is why I seconded the motion to table Mr. Symon's resolution.

I don't want to be misunderstood. I don't want anybody to believe I seconded that motion because I am not in favor of fifty kilowatt broadcasting stations—I am just not in favor of this convention going on record in accordance with Mr. Symon's resolution.

Thank you.

CHAIRMAN HEDGES: I might also take the liberty of pointing out to you that the hearing held by the Commission in October will give every broadcaster an opportunity to express his views there.

Are you ready for the motion to table the resolution?

THE CONVENTION: Question!

(The motion was put to vote, and was carried.)

CHAIRMAN HEDGES: The motion is carried and the resolution is tabled.

MR. GILLIN: "Resolved, That the National Association of Broadcasters sincerely thanks the Hon. Judge Eugene Octave Sykes, Chairman of the Broadcast Division, Federal Communications Commission, for the information, practicability and usefulness of his message delivered at its Fourteenth Annual Convention, and that the membership believes that his message will serve as a potent aid in assisting the licensees of American broadcasting stations to cooperate with the Federal Communications Commission."

Your committee moves the adoption of this resolution.

MR. CHURCH: Seconded.

CHAIRMAN HEDGES: Is there any discussion?

(The motion was put to vote, and was carried.)

MR. GILLIN: "Resolved, That the National Association of Broadcasters hereby expresses its sincere thanks to Dr. C. H. Sandage for his contribution to the interest and value of the Fourteenth Annual Convention of this Association."

Your Resolutions Committee moves its adoption.

CHAIRMAN HEDGES: Is there a second?

MR. SYMONS: Seconded.

CHAIRMAN HEDGES: I don't believe this calls for discussion. (The motion was put to vote, and was carried.)

MR. GILLIN: "Resolved, That the National Association of Broadcasters hereby extends its hearty thanks to Mr. Glenn Snyder, Mr. Ralph L. Atlass, Mr. H. Leslie Atlass, Mr. H. C. Crowell, Mr. Gene T. Dyer, Mr. W. E. Hutchinson, Mr. Quin A. Ryan, Mr. F. A. Sanford, Mr. Niles Trammel and Mr. Clinton R. White of the Local Convention Committee for their admirable services in making the Fourteenth Annual Convention of the National Association of Broadcasters an outstanding success."

The committee moves its adoption.

EARL J. GLADE (KSL, St. Lake City, Utah): Seconded.

(The motion was put to vote, and was carried.)

MR. GILLIN: "Resolved, That the National Association of Broadcasters hereby extends its hearty thanks to the management of the Stevens Hotel and to Mr. William P. Hennessy, Director of Conventions, Chicago Association of Commerce, for their splendid service in making the Fourteenth Annual Convention of this Association an outstanding success; also to the management of the Stevens Hotel and other hotels for their courtesies in accommodating so many of our guests."

Your committee recommends its adoption.

MR. GEDGE: Seconded.

(The motion was put to vote, and was carried.)

MR. GILLIN: "Resolved, That the official acts of the Managing Director since the Thirteenth Annual Convention be and the same are hereby approved."

Your committee moves the adoption of this resolution.

E. P. SHUTZ (WIL, St. Louis, Missouri): Seconded.

CHAIRMAN HEDGES: Is there any discussion?

THE CONVENTION: Question!

(The motion was put to vote, and was carried.)

MR. GILLIN: "Resolved, That the Managing Director be and he hereby is authorized to take such steps as may be necessary adequately to represent the best interests of the broadcasting industry in the forthcoming conferences preparatory to the fourth meeting of the CCIR, scheduled for the spring of 1937, and in the meeting of the CCIR."

The committee moves the adoption of this resolution.

CHAIRMAN HEDGES: Is there a second?

MR. SYMONS: I'll second it.

CHAIRMAN HEDGES: Any discussion?

(The motion was put to vote, and was carried.)

MR. GILLIN: "Resolved, That the President be and he hereby is authorized and directed to appoint a committee of three, one of whom shall be the Managing Director, to determine the procedure for most effective presentation of the United States position and proposals to the next administrative international conference scheduled to be held in Cairo early in 1938."

Your committee moves the adoption.

MR. CURTIS: Seconded.

CHAIRMAN HEDGES: Is there any discussion?

(The motion was put to vote, and was carried.)

MR. GILLIN: "Resolved, That the Managing Director be instructed to proceed immediately with the creation of a bureau of agency recognition in accordance with the plan approved and recommended by the Commercial Committee, with the understanding that the said bureau will be finally established only if the cost of its first year of operation is underwritten by the stations proposing to avail themselves of its service."

Your committee moves the adoption of this resolution.

CHAIRMAN HEDGES: Is there a second?

MR. SHUTZ: Seconded.

CHAIRMAN HEDGES: Is there any discussion?

MR. CHURCH: I did not know this resolution was to be brought before the body at this time. I would like to have the mover, the first mover of this resolution, support it to the convention before we vote on it, if possible.

CHAIRMAN HEDGES: Do you mean by that that you wish to have the arguments in behalf of this resolution presented at this time?

MR. CHURCH: Yes.

CHAIRMAN HEDGES: Who proposed this?

MR. GILLIN: This is proposed by your Resolutions Committee.

The reason for your committee placing this resolution before you this morning is simply because of the fact that an agency recognition bureau is something this industry needs; especially for the smaller stations that are being milked each year by certain people who are not recognized agencies. That is the main reason for this resolution.

MR. CHURCH: Mr. Chairman, I, too, am for this resolution. However, I didn't know that it was to be brought before the body this morning and I am not sure that it is in proper form for us to act upon at this time.

You will recall that a year ago this body passed a similar resolution. I voted for the resolution but I was not in favor of the wording of the resolution which represented the approval of the majority of the members of the Commercial Committee at that time. The strings tied to the resolution caused the failure of the formation of a recognition bureau during the past year. It was my feeling that I expressed to the Commercial Committee that this bureau should be financed not by individual subscriptions but by the Association and that the benefits of the bureau should accrue to all the members of this Association.

I might just as well make the little speech now that I hadn't intended to make until later. This Association has undertaken various projects which have failed largely because we didn't have finances to carry them through. Your Managing Director lives within his budget. The dues from this Association are for the benefit of every member. The dues of this Association today are not large enough to give the benefits to you and to me that we would like to have from the Association.

Later a resolution will be offered you whereby you will vote on an amendment which would increase your dues fifty per cent.

That increase sounds like a lot of money. Actually, in dollars and cents for each of us, it is a small amount of money compared to the amount we lose by not having an agency recognition bureau and some of the other things that we should be supporting at the present time. We are foolish if we don't pass the amendment.

Your Bureau of Radio Research almost automatically requires the increasing of your dues. An agency recognition bureau requires the increasing of your dues. We can't do these things without the money. All of my income is in the broadcasting business and I happen to have been close enough to the various projects we have worked on to believe in them 100 per cent and I am glad to pay my part of the increase in dues.

Now, getting back to this resolution, I propose to amend this resolution. Pardon me, may I see the resolution? I move to amend this resolution by striking out the words "with the understanding that the said bureau will be finally established only if the cost of its first year of operation is underwritten by the stations proposing to avail themselves of its service" and substituting "with the understanding that the said bureau will be established when, in the opinion of the Board of Directors, the financial condition of the Association will permit."

Now, if that motion has a second and it passes, it means you will have a recognition bureau if you increase your dues and won't have one if you don't increase your dues.

CHAIRMAN HEDGES: Is there a second to Mr. Church's amendment?

MR. CARPENTER: I'll second it.

CHAIRMAN HEDGES: Is there any discussion?

MR. BORTON: I object to the amendment on the ground that it imposes the cost of that service on the entire membership while the benefits will result only for a few.

CHAIRMAN HEDGES: Are there any further remarks? Are you ready to vote on the amendment?

(The amendment was put to vote, and was lost.)

CHAIRMAN HEDGES: The amendment is lost. Now we will vote on the resolution as originally presented. Is there any discussion on that?

THE CONVENTION: Question!

(The motion was put to vote, and was carried.)

MR. GILLIN: "Resolved, That the Board of Directors of the NAB consider the continuance of the establishment of one or more annual NAB awards for conspicuous examples of public service rendered by American broadcasting stations."

Your committee recommends the adoption of this resolution.

CHAIRMAN HEDGES: Is there a second?

MR. SYMONS: Seconded.

CHAIRMAN HEDGES: Is there any discussion?

MR. PRITCHARD: Where is the money coming from?

MR. CHAMBERLIN: I would like to ask a couple of questions on that. What will the awards be? What will they cost? And, how will the awards be made?

And, why wouldn't the awards probably go to those that happen to have the best station promotion departments or that happen to be closer to the seat of activities than those out in the far reaches of the country!

MR. GILLIN: Mallory, I'd like to call your attention to the resolution, which states specifically that "the Board consider the continuance of the establishment." It doesn't say it specifically acts, according to what the recommendation was last year of this Association. It just says "consider the continuance of the establishment of one or more annual NAB awards."

MR. PRITCHARD: Is it necessary to have a resolution to go on considering something they are already considering?

MR. GILLIN: Captain, the only reason for the resolution is because we want to continue the spirit which started this particular resolution in the first place, and I would like to have Lambdin Kay, who is chairman of that committee for the NAB, tell just why we are anxious that this be continued and a more healthy attitude be taken by NAB, RMA and other parties who are really helpful in considering this matter. Is Lambdin Kay here?

LAMBIDIN KAY (WSB, Atlanta, Georgia): Yes.

MR. GILLIN: Lambdin, will you come down here to the speakers' table?

MR. KAY: I consider that the matter of a national award is extremely important. We investigated it to some extent last year and there is a possibility it can be put into effect but this past year was a bad year to concentrate the attention of NAB on matters of that type. I believe it can be followed through. The RMA are interested and want a report from the NAB as to their interest, and I suggest that the matter be left standing or at the discretion of the Board, to consult with RMA to see if anything can be worked out.

CHAIRMAN HEDGES: Is there any further discussion on that resolution?

THE CONVENTION: Question!

(The motion was put to vote, and was carried.)

MR. GILLIN: "Resolved, That the NAB continue to cooperate with the Federal Communications Commission and educational groups in all practical efforts to study the application of education to radio."

Your committee moves the adoption of this resolution.

MR. SHUTZ: Seconded.

CHAIRMAN HEDGES: It has been moved and seconded that this resolution be adopted. Is there any discussion?

(The motion was put to vote, and was carried.)

MR. GILLIN: "Resolved, That the NAB go on record as favoring the issuance of radio station licenses for a term of at least three years."

The committee moves the adoption.

MR. GLADE: Seconded.

(The motion was put to vote, and was carried unanimously.)

CHAIRMAN HEDGES: It's unanimous! (Laughter.)

MR. GILLIN: Thank you for your cooperation. (Laughter.)

This next resolution was presented to the Committee on Resolutions by Meff Runyon, Treasurer of the Columbia Broadcasting System.

"WHEREAS, experience has demonstrated that trade associations function most effectively in the interest of members where the primary purpose is to promote the economic stability of the industry among those who contribute to its welfare and where other association activities are confined to fields where there exists substantial unanimity of opinion, and

"WHEREAS, the National Association of Broadcasters has during the years of its existence performed many services of great benefit to its members in fields where broadcasters as a whole have common problems and common viewpoints, and

"WHEREAS, the National Association of Broadcasters is not so constituted as to be able to bind any of its members to any prescribed course of action either in contracting for the materials used or in fixing fees for which services will be sold,

"Be It Resolved, That it is the consensus of this convention that this Association shall confine its activities in the development of the industry and the protection of members to fields as to which substantial unanimity of opinion exists and that the officers and directors are hereby so advised and instructed."

The majority of the Resolutions Committee disapproves the adoption of this resolution.

CHAIRMAN HEDGES: A motion is in order.

MR. GILLIN: The majority of the committee disapproves the adoption of this resolution.

CHAIRMAN HEDGES: Just a minute, Mr. Gillin offers the disapproval of the Resolutions Committee as a motion.

FRED J. HART (KGMB, Honolulu, Hawaii): Seconded.

CHAIRMAN HEDGES: It has been moved and seconded that this resolution be disapproved. Is there any discussion?

HARRY C. BUTCHER (WJSV, Washington, D. C.): I'd like to say a few words about that.

I would like to explain the motives behind the resolution offered and read, and whether or not the NAB convention approves the resolution, I think that we in Columbia will be just as content, even if voted down, if each and every one of you will carry away from here a recognition of the extent to which a trade association should or should not engage in controversial issues which affect favorably or unfavorably certain elements of the industry.

A trade association, I think, attempts to commit suicide when it engages in activities favorable to the majority, unfavorable to the minority, no matter how small that minority might be. There are so many things that this industry needs to do and that the NAB can do and in the past has done very successfully where there has been almost unanimous support behind the NAB and its efforts were for the entire industry.

Now, coming particularly to what is in your minds, under this resolution, what would happen on copyright? As I see it, under copyright, legislation which has been supported unanimously by the industry, at least our attempts to get that legislation as expressed in the Duffy Copyright Bill, our efforts on copyright legislation are general industry matters in which we have had substantial backing in the industry and so the NAB can work successfully on that type of thing. I would say copyright legislation should be a NAB function as a trade association activity.

Now, as to the Bureau of Copyright's function, I think that is in general agreement and support by the industry and, therefore, should be handled by the NAB.

As to copyright negotiation wherein the NAB attempts to negotiate contracts for groups, for stations aligned with groups within the industry, it is in that field where I think we have made our great mistake in the NAB. I think I am a party to making that mistake. I think it first happened back in 1930 or '31 when we had the Plenary Committee and Negotiating Committee.

I think negotiation has to be handled with ASCAP by some one or some group outside of the NAB because whoever does it has to have your power of attorney with proxy so that he can go down to ASCAP and deal as Jim Baldwin dealt in his late negotiations but I don't believe it should be NAB itself handling those negotiations.

You have several groups on copyright—network affiliates, non-network stations, hundred watters, newspaper-owned stations that have a special type of contract—all those group interests are difficult to harmonize within the NAB.

So, I say, keep the NAB functioning on things on which there is virtually unanimous agreement. I mean by that copyright legislation. The Bureau of Copyright—I want to say so far as Columbia is concerned, we are going along on that. There are a few things we think are futile but the principle is right and we will assist as far as we are wanted and will put our shoulder to the wheel to assist because the principle is sound. But, negotiation—if you will consult with trade association history—has to be removed from association activity.

I can point out a case in my own experience. In fact, I got my fundamental training in radio working for the fertilizer association. (Laughter.)

In the fertilizer association, we had a problem somewhat parallel to the one you have here. Nitrate of soda, which is used in all fertilizers, comes from a Chilean government monopoly; potash from a German government monopoly. All the members were interested in acquiring the materials as cheaply as possible but there were group interests because of location of factories—some inland, some on rivers, some on the coasts—so it was not feasible for the association to engage in negotiation for those materials. The negotiation was handled by an individual company proposition or where several companies could get together and pool their orders. And, that association is one of the most successful service institutions in the United States. They recognize very clearly where you have a conflict of economic interest that trade associations cannot become involved in that, and leave that to the members themselves.

Why should we in the broadcasting industry with the tremendous future ahead—just stop and think; you have facsimile coming; you have television coming; you have a variety of news services that are going to tax the ability of every person here and we will need unitedly the strongest trade association we can have and there are many, many industry things in which the NAB can be of tremendous service—why should we tear ourselves apart and be utterly silly in working on matters which cause great conflict in the industry!

That is the way we feel about it. We want you to know our position and policy and we hope that some of you at least will agree with us on it.

As far as contracts, there will be no more contracts in the sense of new contracts for another four years. Most of us have five years. If this principle is recognized and the Managing Director of the Board will follow the principle, I think whether you act favorably or not, if you recognize this principle as fundamental to the future welfare of the industry and NAB, a great accomplishment will be achieved in this convention. (Applause.)

MR. CRANEY: I am very sorry I didn't belong to the fertilizer organization along with Harry—I might have known something about this.

In an industry such as ours where copyright is so fundamental with all of us and affects all of us as it does today, I don't see how we are going to sidetrack it. We could very easily sidetrack it if the networks wanted to hold all the stations on the networks free of liability in all the numbers that the networks originate. I think that would probably do it because it would put the liability of each copyrighted number at the source playing the number. We all recognize the fact that we should pay for copyrighted music and we would be paying for it then as we use it.

I can't see that we should take copyright out of this Association's business when you can have, as you have today and have had two times in the past, deals made by the networks which affected all of us.

You can't get along without the music that is popular on your station and I think that you will find that Warner music is not popular today as it was when we were all playing it. I know in

my town the music stores report to me that they are shipping it back to them every month because the people won't buy it.

But, inasmuch as one group in this industry can practically dictate what the rest of us must do, I, for one, think that we have to keep copyright before NAB until we get some plan worked out that is equitable to all of us and that plan certainly hasn't been worked out yet and I am very much in favor of turning this resolution down.

Thank you. (Applause.)

CHAIRMAN HEDGES: Is there any further discussion?

MR. BUTCHER: I just want to clarify the word "copyright" a little bit. Ed says, "Keep copyright in NAB." I divided it up. I say copyright legislation, the Bureau of Copyright, is of general interest. I only separated the matter of negotiation of contract, which I think has been the one thing that has split this business.

MR. CRANEY: I don't believe that we should take this business of negotiation out for the simple reason which I just got through stating—that if one group which makes a deal, makes one very much in its favor, it acts very much against the rest of us, as it already has—and I, for one, want to see this resolution killed. I think it would be a very big mistake to adopt it.

MR. HART: As the one who seconded the motion, I don't agree with my friend Butcher, even though he started in the fertilizer business.

The reason I am opposed to the resolution is because it doesn't accomplish anything. Who is going to explain what "unanimity" is. I am not going to agree with you a lot of times and a lot of times you won't agree with me and we'll just come back with the same old issue every time it comes before us.

I think we are more and more of the opinion we should deal more and more with things of the industry we are agreed on. But, here is the copyright question. Certainly it is the function of this organization to organize a separate department, if necessary, to carry on these negotiations. Maybe that is the mistake we made in not organizing such a department.

But, I don't believe the motion will do a thing except confuse us every time we do something. I do think the presentation of the motion will accomplish one thing in getting us to be serious and consider the action of the convention on things we are agreed on but I don't believe we should bind ourselves so that somebody can say, "You can't act because we don't have unanimity of opinion."

CHAIRMAN HEDGES: I wish to call attention that it says "substantial unanimity of opinion." We don't expect this Association to ever become a group of yes-men. We expect you to express your views openly and liberally.

As I interpret this, the effect of the resolution would be to have the hundred watters, who have a common problem, get together and carry on negotiations. The regionals who do have a common problem, the network affiliates who have a common problem, the newspaper-owned stations who do have a common problem would probably get together on negotiations.

I also want to point out the fact that regardless of whether we talk negotiation and keep negotiation as an Association function, this Association cannot make anybody in the organization accept anything that any negotiating committee does unless you give that committee a power of attorney. Some of you have done that in the past. There is no reason why you can't do that in the future.

I merely want to bring those points up for the purpose of clarifying the resolution and discussion. Is there any further discussion? I believe you are ready for the question.

THE CONVENTION: Read it!

CHAIRMAN HEDGES: The motion, I am reminded, is disapproval and if you vote "aye," that means that this resolution will fail of passage. I will read the resolution.

(Chairman Hedges re-read the resolution.)

CHAIRMAN HEDGES: The Resolutions Committee by a vote of three to two urges the disapproval of this resolution.

(The motion was put to vote, and was carried.)

CHAIRMAN HEDGES: The motion is carried and the resolution is lost.

MR. GILLIN: "Resolved, That the Committee on Radio Research for the year 1936-37 consist of seven members appointed by the President so as to represent the following groups in addition to the Managing Director: (1) each major network contributing to the project (2) local stations; (3) regional stations and (4) clear channel or high powered stations.

"Be It Further Resolved, That the committee be empowered to select five of its membership to represent the broadcasting industry on the Joint Committee on Radio Research.

"Resolved, That this convention approve the activities of the NAB Radio Research Committee during the past year and that it

commend the excellent progress made by the Joint Committee on Radio Research sponsored by the National Association of Broadcasters, Association of National Advertisers and American Association of Advertising Agencies.

"Resolved, That the Board of Directors of the National Association of Broadcasters be empowered to devote for exploratory purposes upon recommendation of the NAB Radio Research Committee the sum of \$10,000.00, and that additional funds be devoted to the project if necessary, and if, in the opinion of the Board, this can be done without impairing the financial position of the Association."

Your Resolutions Committee moves the adoption of the resolution as read.

MR. CRANEY: Seconded.

CHAIRMAN HEDGES: Is there any discussion?

(The motion was put to vote, and was carried.)

MR. GILLIN: "Resolved, That the President of the NAB shall appoint a committee of not less than five nor more than seven members whose specific responsibility it shall be to explore, during the convention year 1936-37, the possibilities to the broadcasting industry of a bureau for radio promotion, and to report its findings and recommendations at the 1937 convention."

Your Resolutions Committee thought that this resolution has for its object a laudable objective but the committee doubted that funds would be available to carry out this resolution and, therefore, recommends its disapproval.

CHAIRMAN HEDGES: Is there a second to the motion to disapprove?

MR. SHUTZ: I second it.

CHAIRMAN HEDGES: Is there any discussion?

MR. CHURCH: I am extremely sorry that all of this group could not have attended the meeting yesterday afternoon so that the majority of you who will vote on the resolution could be fully informed concerning the resolution. We have a lot of things to do. Rather than make a speech against the findings of the Resolutions Committee and its motion, I move a substitute that this matter be referred to the Board of Directors with power to act.

MR. HUBBARD: Seconded.

CHAIRMAN HEDGES: Does the Resolutions Committee accept the substitute?

MR. GILLIN: Yes.

CHAIRMAN HEDGES: The maker of the motion will accept the substitute.

Is there any discussion?

(The motion was put to vote, and was carried.)

MR. GILLIN: "Resolved, That the Board of Directors of the NAB be directed and are instructed to carry on negotiations with copyright owners to the end that a per piece or measured service plan may be obtained."

Your committee moves the adoption of this resolution.

MR. CRANEY: Seconded.

CHAIRMAN HEDGES: You have heard the resolution. It has been seconded. Is there any discussion? In view of the discussion on the previous resolution which presented the opposite side, perhaps it is unnecessary to call for discussion. Or, if anyone wants to speak, let's hear from you now.

(The motion was put to viva voce vote. The Chair was in doubt as to the result of the vote and called for the vote by show of hands. The motion was carried.)

CHAIRMAN HEDGES: The resolution is carried.

MR. GILLIN: "Resolved, That the Board of Directors of the NAB be directed to solicit the cooperative assistance of the Radio Manufacturers Association and all others interested in the advancement of the radio art to foster a national educational campaign furthering a public appreciation of radio. We recommend that if the necessary cooperation and funds can be obtained that the Directors consider the employment of a competent person to direct this program."

Your Resolutions Committee moves the adoption of this resolution.

HERBERT E. STUDEBAKER (KUJ-KRLC, Walla Walla, Washington): Seconded.

CHAIRMAN HEDGES: You have heard the resolution and the second. Is there any discussion?

(The motion was put to vote, and was carried.)

MR. GILLIN: "Resolved, That the NAB approves of the action taken by the Board of Directors in respect to the Bureau of Copyright and urges the wholehearted support by all members of the program which has been described in the reports made to the membership."

Your committee moves its adoption.

MR. SHUTZ: Seconded.

CHAIRMAN HEDGES: Is there any discussion?

GERALD KING (KFWB, Hollywood, California): I would like to have the Managing Director explain what it is proposed to do with the Bureau of Copyright for the next year. I think that the scope of the work, which is broad, should be narrowed.

THE CONVENTION: Out of order!

MR. CHURCH: I call for a re-reading of the resolution, please, (Chairman Hedges re-read the resolution.)

CHAIRMAN HEDGES: The committee moved its adoption and it was seconded.

MR. HUBBARD: Can we hear from Mr. Baldwin? I move the unanimous consent of the convention to hear Mr. Baldwin.

CHAIRMAN HEDGES: It is not necessary for a motion to have Mr. Baldwin speak.

MANAGING DIRECTOR BALDWIN: I endeavored in my report to cover the activities of the Bureau of Copyright. Moreover, all activities of the Bureau of Copyright were specifically set forth in a report which was approved by the Board of Directors at a meeting held here April 27. I do not believe you would have me go through that entire report here. It is entirely too lengthy but I believe I can very briefly describe it to you so that you may be refreshed in your memory as to what we propose to do, subject to constant study and consideration by your Board of Directors.

You will recall that the activities were divided into three parts. The first part has to do with the compilation of an index of those musical selections that are actively used—an index that will show to you as broadcasters the title of the composition, the name of the publisher, the name of the owner of the copyright, and so forth.

The second part of the program has to do with the compilation of music that is in the public domain, arrangements of such music and the proposition of making that music available to all stations that want it in order that they might have on their shelves a sufficient amount of raw material of their own to tide them over in periods of emergency and to give them some power to bargain with the owners of copyrighted music.

The third phase has to do with continuing the efforts of the Association to obtain a per piece plan of compensating the owners of copyright.

The Bureau of Copyright, as it is functioning today, has restricted its efforts to the first two phases, namely, the preparation of an index of music that is copyrighted, and, second, the compilation of public domain music to the end that you may have the raw material that I have referred to. Part three necessarily being deferred until progress can be made on projects one and two.

I believe that will describe the thing sufficiently.

MR. KING: Mr. Chairman, I am heartily in favor of the work outlined by Mr. Baldwin.

My understanding, however, has been that the NAB is going to continue or wish to continue the work of the old Radio Program Foundation.

CHAIRMAN HEDGES: No, the Radio Program Foundation is no longer in existence.

MR. KING: But another set-up. I wish to go on record and state that I know about the futility of that arrangement from my experience not only as a radio station operator but from being a part of Warner Brothers I have been drawn into some copyright discussion and also from the fact I am in the transcription business and know more about copyright than 99 per cent of the men here.

However, I want to say I am heartily in favor of research work under items one and two. I think it is the most valuable work the NAB can do.

THE CONVENTION: Question!

(The motion was put to vote, and was carried.)

MR. GILLIN:

"WHEREAS, it is the sense of the convention that the interests of those attending are becoming more and more varied; and

"WHEREAS, there has been an ever increasing tendency toward the formation of smaller groups within the Association; and

"WHEREAS, experience has proven this to be a healthy development, tending to interest a greater number of individuals in the work of the Association; and

"WHEREAS, the sales promotion problems of the industry and individual stations both are becoming increasingly important; now therefore be it

"Resolved, That

1. This Association favors that formation of a Sales Managers Section of the NAB to be affiliated with the Commercial Committee.
2. This Association recommends to the Board of Directors their approval of this project and recommends that the Board authorize the Managing Director to pay such incidental expenses as are necessary for postage, printing and similar items out of funds of the Association."

The Resolutions Committee has no comment to offer.

CHAIRMAN HEDGES: The Chair will entertain a motion for adoption.

MR. BORTON: Mr. Chairman, I would like to ask whether there is any limitation on funds to be expended for that purpose.

CHAIRMAN HEDGES: The limitations would be within the judgment of the Board of Directors. It refers to "incidental" expenses.

MR. CHURCH: I move its adoption.

MR. MYERS: Seconded.

CHAIRMAN HEDGES: Is there any discussion?

(The motion was put to vote, and was carried.)

MR. GILLIN: "Be It Resolved, by the National Association of Broadcasters that an effort be made to entertain all ladies who attend the conventions of the National Association of Broadcasters and that during their attendance thereof an effort be made to entertain these ladies who cannot be with us in the meetings held in the interests of our problems."

The Resolutions Committee has no comment to offer.

CHAIRMAN HEDGES: The Chair will entertain a motion to adopt—and keep the ladies happy. Is there a motion?

EARL H. GAMMONS (WCCO, Minneapolis, Minnesota): I so move. (Laughter.)

MR. CHAMBERLIN: Seconded.

Chairman Hedges: Any discussion?

(The motion was put to vote, and was carried.)

CHAIRMAN HEDGES: There was one man who had the nerve to say "no" but it is carried. (Laughter.)

MR. GILLIN: "Be It Resolved herewith that the National Association of Broadcasters appreciates the interest in their problems; and

"Whereas, one who is known to us as 'Jim' Hughes of Rock Island, Illinois, and who has attended many of our meetings in the past and who would be in Chicago today were it not for the fact that health has presented a problem for him, and that as he is now in a Rock Island Sanitarium endeavoring to regain his health, we trust that before another NAB convention is held, Jim will be able to be with us.

Your committee moves the adoption of this resolution.

EDWARD A. ALLEN (WLVA, Lynchburg, Virginia): I second that motion.

(The motion was put to vote, and was carried.)

MR. CHURCH: I know there is no motion before us but in connection with the resolution just passed, I find that the Resolutions Committee does not have a similar resolution for Ed Spence. All of us know him and love him but I don't believe very many of us know he is in the hospital in Baltimore. Some of us have already wired him but I am sure he would greatly appreciate it if a similar resolution were sent to him.

MR. CRANEY: I second that.

CHAIRMAN HEDGES: I'll ask the unanimous consent of the membership to depart from the rules of order so that Mr. Church's resolution may be presented. Are there any dissenters? Hearing none, are you ready for the motion?

(The motion was put to vote, and was carried.)

(The Resolutions Committee drew up the following resolution for Mr. Spence:

"WHEREAS, it has come to the attention of this convention that Edwin Spence of Baltimore, who has served the NAB for a number of years in a very splendid manner as Chairman of the Convention Committee, is ill

"Therefore Be It Resolved, That this convention in session sends greetings and wishes for a very speedy recovery."

MR. GILLIN: The next resolution deals with regional and state units of NAB.

"WHEREAS, as the radio broadcasting industry continues to grow in size it becomes more and more apparent that if broadcasters are to handle their state, regional and national programs intelligently, they must be organized in state, regional and

national units. Such organizations will also serve to keep the rank and file better informed and give the numerous broadcasters more of a voice in the affairs of the industry.

"Now Therefore Be It Resolved, the Board of Directors of the NAB be and are hereby instructed to bend every effort during the year 1936-37 to foster such organizations as chapters of the NAB."

The Resolutions Committee recommends the adoption of this resolution.

MR. CRANEY: Seconded.

CHAIRMAN HEDGES: Is there any discussion?

THE CONVENTION: Question!

(The motion was put to vote, and was carried.)

MR. GILLIN: If you will bear with me, I have two very long resolutions and then we are all through.

"WHEREAS, as the radio industry is now recognized as a billion dollar industry; and

"WHEREAS, radio broadcasting as it is generally known is the heart and soul of the radio industry; and

"WHEREAS, political regulation of the radio industry has grown even more rapidly than the industry itself with practically no attention being given to such growth from the standpoint of its effect on the radio industry as a whole; and

"WHEREAS, many regulatory practices have grown up that are not only injurious to the industry but deprive the public of proper consideration in the granting of and use of radio facilities; and

"WHEREAS, many times regulations of merit have been carried out in an ill-advised manner, consequently resulting in retarding radio broadcasting and causing great unnecessary expense to legitimate broadcasters; and

"WHEREAS, present regulations and procedures of the Federal Communications Commission subject the radio industry to a growing legal danger, the extent of which at the present means that in many cases the expense of securing a new license, changing the old license, in any manner installing modern equipment, or transferring or issuing stock, costs more than the new equipment or the expense of making the changes desired.

"Now Therefore Be It Resolved, That the Board of Directors of the NAB be and are hereby instructed to set up within the organization a legal and legislative department, the duties of which shall be to cooperate with the Federal Communications Commission to the end that regulations and practices by and before that body shall be simplified and clear and to the further end that matters before the Commission may be given speedy consideration without unnecessary delay or the incurring of unnecessary legal expense.

"Be It Further Resolved, That the legal and legislative department shall be composed of one member of the Board from each zone and shall be appointed by the Board of Directors of the NAB, the term of office to be three years and the members to be so appointed that the term of office of no more than two shall expire in any given year. Failure of a member to be reelected shall automatically remove such member from the administrative board of the legal and legislative department unless the convention in annual meeting shall otherwise rule.

"Be It Further Resolved, That the legal and legislative department shall study the needs of the industry and introduce changes of legislation or amendments to existing legislation as shall be for the good of the radio industry and shall oppose harmful legislation.

"Be It Further Resolved, That the legal and legislative department shall endeavor to secure such legislation as will remove the Federal Communications Commission as far as possible from political pressure to the end that the future granting of radio facilities shall be based on the rule of public service, convenience and necessity, rather than political expediency.

"Be It Further Resolved, That the legal and legislative department shall endeavor to have the commission act so amended as to define the duties to the Federal Communications Commission as it relates to radio broadcasting in such a manner as to establish the Commission not only as a court of equity but as a body whose duty is to ascertain by its own investigations the facts regarding the needs of a given community for new or better radio service.

"Be It Further Resolved, That the legal and legislative department work for new regulations or legislation that will protect existing stations from the unnecessary expenses caused by unqualified and unjustified application for present or new frequencies.

"Be It Further Resolved, That the Federal Communications Commission and the former Radio Commission be, and are, hereby commended for the excellent work they have done in assisting the radio industry to date and that this resolution is not to be

interpreted as an attack on the Commission, its actions, or upon Congress, but merely as a matter of business of the NAB, through which this convention expresses its wishes to its Board of Directors."

Your Resolutions Committee has no comments to make.

CHAIRMAN HEDGES: The Chair will entertain a motion from the floor.

MR. HART: As the introducer of the resolution, now that it has been read before the house, I move that it be referred to the Board of Directors for their consideration the coming year.

MR. BORTON: Seconded.

CHAIRMAN HEDGES: Is there any further discussion? (The motion was put to vote, and was carried.)

CHAIRMAN HEDGES: It will be referred to the Board.

MR. GILLIN: "WHEREAS, those organizations controlling copyright music have come to realize that while their music is a vital part and necessary to a first class radio program and that the radio advertisers should pay for the use thereof, but that if the charge therefor be too excessive the net returns to the copyright owners will diminish rather than increase; and

"WHEREAS, these organizations now realize that only by full and frank cooperation with the broadcasting industry can a solution to this problem be attained; and

"WHEREAS, these organizations realize that their music is used by the advertiser for his gain and, therefore, any charge for such use should be a charge against the advertiser rather than the station; and

"WHEREAS, radio stations are the only ones in a position to collect such charges; and

"WHEREAS, radio broadcasters now realize that owners of copyright music are entitled to a fair return for the use of their music; and

"WHEREAS, for various reasons no satisfactory solution to the copyright problem has yet been agreed upon; and

"WHEREAS, present contracts and conditions are unfair and unworkable and involve a large expense on the part of the broadcaster to comply with them, in addition to the copyright fee; and

"WHEREAS, broadcasters recognize copyright charges as a charge that should be borne by the advertiser in the same manner as if he purchased a subscribed program of talent through the broadcaster; and

"WHEREAS, the copyright contract should carry a provision that the copyright charge must be collected by the radio station from the advertiser in addition to all other charges in the same manner as a sales tax;

"Now Therefore Be It Resolved, That the radio industry called upon ASCAP, SESAC, AMP and Warner Brothers to appoint a committee of five to represent them in copyright negotiations; and

"Be It Further Resolved, That the Board of Directors of NAB be, and are, hereby instructed immediately to create a copyright department, this department to be directed by a board made up as follows: one representative from the chain systems, two representatives from the stations affiliated with the chains but not controlled by the chains, three representatives from independent stations, two of which shall be regional and one local 100 watt, it being understood that no members of this copyright department shall be a member of the Board of Directors of NAB.

"Be It Further Resolved, That this copyright department shall be guided by the following:

First—Make as simple as possible whatever procedure is adopted, making a flat percentage charge on all revenue received by every station for the sale of station time.

Second—Abolish such clauses in copyright contracts that require the keeping of expensive records; as an example, Clause Six Warner Brothers contract.

Third—Abolish unfair discriminations as between newspaper- and non-newspaper-owned stations.

Fourth—Insert a clause in every copyright contract that charges must be collected by the advertiser in addition to all other charges, in the same manner as sales taxes are now being collected. That failure on the part of a broadcaster to so collect copyright charges from advertisers shall be a breach of contract.

Fifth—That nothing expressed or implied shall be included in the contract which shall in any manner restrain the individual broadcasters or the NAB from endeavoring to secure by legislation or in any other manner, the elimination of any of the present unfair provisions in existing copyright legislation.

Sixth—It is understood that this department shall be able to speak with authority on the terms and conditions of

the copyright contract to be submitted to the stations but that the entering into and carrying out of the provisions of such contracts shall, and do rest, solely with the individual stations.

"Be It Further Resolved, That this copyright department shall be maintained as a separate department and financed by a special copyright fee, such fee shall be set by the Board of Directors of the NAB and based on a percentage of NAB dues. A member of NAB may or may not subscribe to this department and the failure of a member of NAB to pay his dues to this department shall in no manner affect his NAB standing.

"Be It Further Resolved, That this department shall be responsible only to those stations subscribing to its copyright fund."

Your Resolutions Committee has no comments to offer on this resolution.

CHAIRMAN HEDGES: The Chair will entertain a motion for the adoption of this resolution, or other motions that may be presented.

MR. MYERS: I move that the resolution be tabled.

MR. SHUTZ: Seconded.

CHAIRMAN HEDGES: Is there any discussion?

(One of the delegates, without rising to be recognized by the Chair, called out, "Whose resolution is it?")

MR. HART: I presented the resolution and you have already acted on the contents because you have already approved the action of the Board. It is proper to table the resolution. I presented it because I wanted to present my sentiments to this convention on this matter.

(The motion was put to vote, and was carried.)

CHAIRMAN HEDGES: The motion is carried and the resolution is tabled.

MR. GILLIN: That is the end of the Resolutions Committee report, and I want to thank you.

CHAIRMAN HEDGES: We have here a ticket called the Independent Ticket which departs in a few particulars from the Nominating Committee's report on nominations.

This ticket is presented in proper form, being signed by more than ten members of the Association.

I will read the ticket.

For President—C. W. Myers, KOIN, Portland, Oregon.

For First Vice President—John Elmer, which is the same.

For Second Vice President—Gardner Cowles, Jr., which is the same.

For Treasurer—Harold Hough, which is the same as the Nominating Committee's report.

For Directors for the three-year term—Edward A. Allen, Arthur B. Church, Eugene P. O'Fallon and L. B. Wilson, which are the same as those in the Nominating Committee's report, and H. K. Carpenter of Cleveland.

For Director for the two-year term, one name—Frank M. Russell, WRC, Washington, D. C.

I might state that the mimeographed copies which will be distributed list "Herbert Hollister, KANS, Wichita, Kansas (Vice Craig)." The gentlemen who presented this independent ticket ask that that be stricken out in view of the fact they have substituted the name of Myers for Craig and, therefore, Craig's term of office as a member of the Board of Directors, in event of the election of Myers, would continue for the two-year term.

Therefore; we have no division of opinion in respect to First Vice President, Second Vice President, Treasurer and the Director for the two-year term. In order to facilitate matters, I would like to propose the following method: first, that where we have no differences of opinion between the report of the Nominating Committee and the Independent Ticket, namely for the office of First Vice President, Second Vice President, Treasurer and Director for the two-year term, that those people be declared elected by acclamation.

Now, I want to explain this: it will be impossible for us at this time to have the four men nominated on both tickets for the three-year term elected by acclamation in view of the fact it is conceivable that any one of those four men on either one of the tickets might lose and Carpenter and Patt could both be elected.

Now, with that explanation, I will entertain a motion that John Elmer for First Vice President, Gardner Cowles for Second Vice President, Harold Hough for Treasurer, and Frank M. Russell for Director for the two-year term be declared elected by acclamation.

MR. CHAMBERLIN: I so move.

MR. SHUTZ: Seconded.

MR. SYMONS: Mr. Chairman, I rise to a point of order. There are two constitutional amendments. According to our order of business, they come before the election of officers.

CHAIRMAN HEDGES: It is my understanding that Mr. Craney, who proposed those amendments, has consented to postpone them until after the election with the idea that in the event they are adopted, they will become in full force and effect at next year's convention. In the interest of speeding up the termination of this convention and enabling people to make their trains, Mr. Craney has consented to the postponement of the amendments.

MR. CRANEY: That's the first time I heard that one! (Laughter)

CHAIRMAN HEDGES: Well, speak for yourself.

MR. CRANEY: That wasn't my understanding. I think the one amendment to be voted on about zones should be voted on while the members are here from the various places. I think also your dues proposition should be settled.

Of course, if we can do it all at this meeting, it is all right with me. If we are going to eat and finish the meeting afterwards, that is a different thing. It is all right to postpone it until after the election provided we are not going to come back for another session this afternoon.

CHAIRMAN HEDGES: We are going to run right through the business this morning.

MR. CRANEY: All right, then.

CHAIRMAN HEDGES: Do you withdraw your point of order?

MR. SYMONS: Yes, I only arose for information.

MR. CHURCH: One of those amendments was moved by me and I am quite in favor of the order of business suggested.

CHAIRMAN HEDGES: All right, thank you.

MR. MYERS: I am terribly sorry to have to do over again what I had tried hard so sincerely and seriously to do last year. I hardly know how to say this because I certainly appreciate the support of such good friends as have insisted on placing me on the ticket for the presidency of the organization. It is an honor which I shall never forget.

Last year I made a speech and I hope this is the speech to end all speeches by me requesting that my name be withdrawn from the nomination for the presidency. I thank you for the honor but I am way out there in the Northwest, about the farthest away from the seat of activities that anyone can get. There are men who are nearer the scene of action and who are much more capable, I am sure. With my utmost sincere appreciation of the honor you have done me, I request that my name be withdrawn from the presidential ballot, and I thank you. (Applause)

MR. CHURCH: Mr. Chairman . . .

CHAIRMAN HEDGES: Mr. Church.

MR. CHURCH: Mr. Chairman, I believe that both Mr. Myers and I are out of order.

CHAIRMAN HEDGES: I was just going to point out that you were not addressing your remarks to the motion presented.

I believe we can proceed with the motion relative to the election of John Elmer for First Vice President, Gardner Cowles for Second Vice President, Harold Hough for Treasurer, and Frank Russell for Director for the two-year term by acclamation. Is there any discussion on that?

(The motion was put to vote, and was carried unanimously.)

CHAIRMAN HEDGES: Now we come to the question of election of President. It will be necessary, unless Mr. Myers is permitted to be sustained in his position, to have a ballot on the President before you can ballot on the Directors for the three-year term, and for that reason, I am going to permit Mr. Church to speak although there is no motion to which he is addressing himself at this time but is now addressing himself to the remarks of Mr. Myers who has expressed the desire of withdrawing as a candidate for President.

MR. CHURCH: I understand, however, Mr. Chairman, that the next regular order of business is the election of the President and I am entirely agreeable to waiting until the question is put provided it is understood we have two names before us.

CHAIRMAN HEDGES: It will be necessary that we have a motion from the floor prescribing the method by which the candidates for President will be voted on.

There are two ways in which it can be done. It can be done by secret ballot and in that event, you will vote by roll call. Let me warn you, gentlemen, that that will take considerable time with all these stations represented. There is one other way that it can be done and that is by a viva voce vote. Am I correct in that?

JOSEPH O. MALAND (WHO, Des Moines, Iowa): I move that the election be held by ballot.

MR. ALLEN: Seconded.

CHAIRMAN HEDGES: Before we proceed to take the vote on the question of conducting the election by ballot, Mr. Church will endeavor to state his position and to keep his candidate before the convention. I recognize Mr. Church.

MR. CHURCH: I know how difficult is the work of a Nominating Committee. I am sure that the Nominating Committee did the best job they knew how with all the problems that confronted them. In general, I think the slate is excellent. I think the slate, in general, shows that they have considered practically all the problems involved in an attempt to give us good representation.

I feel, however, that possibly the Nominating Committee has overlooked one or two important points, which I bring to your attention in connection with this election.

First, you have four officers on the Nominating Committee's slate, two of which would represent high power stations, one would represent a regional and one would represent a local station. But, the Executive Committee of this Association consists of the President, the Treasurer and the Managing Director. If this slate goes through, you will have excellent men on your Executive Committee but I do not believe it is as representative of the membership of this Association as to classification of stations as it should be. I really feel that the Nominating Committee has overlooked this one important point. Certainly, if the NAB is to go forward with the greatest possible degree of unanimity, the various classes of stations must feel that they are properly represented not only on the Board but also on the Executive Committee. That is one of the reasons I subscribe to the independent slate.

The other reason is that I have been campaigning for a man as President of your Association for the next year who, in my opinion, is the logical man for this post. I consider it an honor to have sponsored Charles Myers to his first appointment on the Board of Directors. Since that time, I have seen him go up the ladder and in addition to that, he has become a very dear friend. The latter point is not important to this convention but it is important that you recall the fact that his work to date represents a soundness of mind, a consistency that makes him a logical candidate for the office of President.

He is in line for the office. He has gone up the ladder, as I say. During the last year he has been First Vice President, and as such he has been closely associated with the work of the Board and with the officers. He is thoroughly familiar with the duties he would assume when he is elected as President; he is competent from every standpoint.

Charles Myers to me represents the average broadcaster of this country. He is not a high-power station man; he is not a low-power station man; he is an average station man. He represents ownership of his station. He has no other interest than broadcasting. He has made a success of it. He has made that success due to sound policies resulting from his long experience in the advertising field.

To me, Charles Myers epitomizes the type of man we want as President of this Association. I feel that if necessary, we should draft him. I am for Charles Myers. I hope every one of you will support him. (Applause)

MR. CAMPBELL: I simply want to correct a statement made by Arthur with reference to the membership of the Executive Committee.

He says there will be two high-powered men. They will be high-powered, it is true (Laughter) but Harold Hough owns a 100 watt station—he simply runs a couple of others.

MR. GEDGE: I am mindful of the time when I come to this microphone. I know we are all getting impatient and I am going to make my remarks as quickly as I can.

Arthur has appealed to your logic and appealed to you for Charles Myers. I am going to speak to you about your own self interest and own selfishness. It has been my great privilege to have been associated with Mr. Myers for several years in the conduct of this Association and there is no man with whom I have ever come in contact who is more mindful of and more interested in the welfare of this Association as a whole than Charles Myers. There is no man who has made any greater personal sacrifices to attend to your business. He has flown from the Coast in the face of blinding blizzards to attend a meeting. All through those hectic days in New York, those grueling sessions, Charles Myers looked out for your interests. He did not receive long distance telephone calls that made it necessary for him to go back and attend to his personal affairs or, at least, if he did receive those long distance telephone calls, he sacrificed and subordinated

his personal affairs to yours! And, I want to add my voice and urge you to support—and as Arthur Church said, if necessary draft—Charles Myers for this office that he so justly has earned. (Applause)

CHAIRMAN HEDGES: Is there any further discussion on the motion to ballot?

MR. MALAND: Mr. Chairman, I withdraw my motion.

CHAIRMAN HEDGES: We have no motion before the house.

MR. HUBBARD: I move we proceed with the election.

CHAIRMAN HEDGES: By what method? By the strict interpretation of Roberts' Rules of Order, any nominee has the right to decline. The speeches you have heard relative to Mr. Myers should have been delivered to him in his room yesterday to make him consent. I believe if we are going to cast the vote here by ballot, it will be necessary for Mr. Myers to withdraw his previous withdrawal.

In other words, I am going to put Mr. Myers on the spot. I hate to do this but the interpretation has been given that Mr. Myers has not said that he would refuse to serve if elected.

MR. MYERS: Under these circumstances, I could not refuse to serve. I thank you. (Applause)

CHAIRMAN HEDGES: Mr. Myers is still on the ticket. We will proceed with the election for President. You have two candidates—Edwin W. Craig and Charles W. Myers.

MR. HUBBARD: I take it that Mr. Myers has been drafted. Is that correct?

CHAIRMAN HEDGES: That will be determined by the ballot.

I will ask the Elections Committee to come forward: Warren Williamson, Herb Hollister, Jack Storey, Lee Coulson, and Hugh Half.

Will the Credentials Committee please come forward: Dean Fitzner, Lambdin Kay, Martin Campbell, Walter Damm and Dale Robertson.

Walter Damm has been required to go to his home and in his place I will appoint John Fetzer on the Credentials Committee.

I am informed that two members of the Elections Committee are absent so I am going to ask Truman Ward to serve in the place of Hugh Half and Stanley Hubbard in the place of Jack Storey.

The convention will come to order and as the names are read by Mr. Baldwin, will you please come forward and cast your ballot in this box and then proceed out of this door, through the hall and back in again. We will want you immediately on the vote for Directors.

(Roll call casting of ballots.)

CHAIRMAN HEDGES: Your attention, please. There may be some station delegates or alternates whose call letters have not been announced here by Mr. Baldwin. In that event, will you come forward now and identify yourselves to the Credentials Committee.

The ballot on the election for President is now declared closed. The Elections Committee will proceed to count the ballot and will return to the floor as soon as they have completed their tabulations.

(Announcements.)

CHAIRMAN HEDGES: Now, on the election of Directors, there are six candidates for the three-year term. Are there any other nominations for the three-year term?

(Announcements.)

CHAIRMAN HEDGES: I am going to call Arthur Church to the platform to present an amendment to the Constitution and By-Laws which has been offered with respect to the dues.

MR. CHURCH: The amendment which the chairman has placed before you has to do with the increasing of dues and is an amendment of By-Law number one. This amendment which is proposed to the By-Laws, technically speaking, would strike out all of the first paragraph and would insert the following in lieu thereof:

"Effective September 1, 1936, bi-monthly dues of active members shall be payable January 1, March 1, May 1, July 1, September 1 and November 1, on the following basis:" and actually what this means is that if passed, this amendment will cause you to send in the same sized checks you have been sending in to the NAB office but you are going to send them in oftener; instead of sending them in four times a year, you will send them in six times a year. In other words, your dues will be increased 50 per cent.

None of us likes to dig down into our pockets and increase our expenses. I don't like to do it any more than you do. If this Association is successful in accomplishing the projects already laid out and approved by you and if we do a decent job of it, it will

cost more than we can get from our present dues unless we continue to have special assessments as we have been doing. For one, I don't like special assessments. They throw my budget out. Special assessments are not very happy with the majority of people and we don't have complete representative payments. In other words, a relatively small number of men carry the special assessments. All of us ought to pay the bill. I am sure all of us want to.

A year ago we entered our fiscal year with just a few dollars balance in the treasury. Do you remember that? We just had a few dollars. That was no reflection on the management of the Association. It simply meant that our dues were not great enough even with our large membership, to take care of our expenses and leave a reasonable reserve.

This year we have a larger balance but remember that we have had a special assessment. Were it not for that special assessment, we wouldn't have a substantial balance.

If this Association is to go forward and do what we as members want it to do, it has to do a job for us and that job is going to cost money.

I figure that the increase in dues is an investment which will pay great returns to me. I am heartily in favor of the amendment to increase our dues 50 per cent and I hope that all of you will vote for it.

CHAIRMAN HEDGES: I would like advice from the floor as to how you wish to vote on the proposed amendment. Do you wish to handle this by ballot, which will require the same process as for President, or do you wish a viva voce vote?

MR. CARPENTER: Mr. Chairman, it seems to me that this amendment is sufficiently important and affects all of our pocket-books to such an extent that we shouldn't run the danger of somebody saying it was not voted on properly. There seem to be two objections to a rising vote or a show of hands. First, there are a number of men here from the same stations which might make that vote not truly representative and, second, on account of the confusion which we seem to be unable to overcome, some of them may not be able to know what they are voting on.

However, in order to bring the point to focus, I move that we vote on this amendment in the same way that we are voting on officers.

CHAIRMAN HEDGES: And may I also suggest that it be done at the same time as you vote for Directors.

MR. CARPENTER: I'll accept that amendment.

CHAIRMAN HEDGES: Is there a second?

MR. GEDGE: Seconded.

CHAIRMAN HEDGES: Is there any further discussion?

(The motion was put to vote, and was carried.)

CHAIRMAN HEDGES: The motion has carried and the voting will be by ballot and will be done at the same time you vote for Directors.

I will now call for the report of the Elections Committee.

WARREN WILLIAMSON, JR. (Chairman, Elections Committee; WKBN, Youngstown, Ohio): There were 183 votes cast, of which four were void:

Myers 107

Craig 72 (Applause)

CHAIRMAN HEDGES: Mr. Myers is drafted.

MR. HUBBARD: I make a motion that it be unanimous.

MR. BUTCHER: Seconded.

CHAIRMAN HEDGES: There will be no discussion. I will call for a rising vote.

(The motion was put to a rising vote, and was carried.) (Applause)

CHAIRMAN HEDGES: The election of Mr. Myers is now declared unanimous.

Mr. MYERS: Ladies and gentlemen, I want to say I had fully expected to step to this microphone and congratulate Ed Craig whom I admire and respect and who, I assure you, would have made you a better President, no matter how hard I try, but I will try.

I thank you.

CHAIRMAN HEDGES: We will proceed immediately with the election of Directors.

You have six candidates for the offices of Directors for the three-year term. Are there any further nominations? In the absence of any further nominations, I declare the nominations closed.

The six nominees are:

Edward A. Allen

Arthur B. Church

John F. Patt

H. K. Carpenter

Eugene P. O'Fallon

L. B. Wilson.

Five of the six will be elected for the three-year term. There will be no election for the two-year term inasmuch as Mr. Craig will remain on the Board and there is no additional vacancy on the Board for the two-year term.

You can vote for any number of directors you desire up to five and the five receiving the highest votes will be elected. If it has the consent of this body, I would like to receive a motion to that effect.

MR. SHUTZ: I make a motion to that effect.

MR. WILLIAMSON: Seconded.

(The motion was put to vote, and was carried.)

CHAIRMAN HEDGES: We will proceed with the roll call. You will put on your ballot the names of those Directors whom you desire to elect and you will write "yes" or "no," referring to the amendment which has been offered to increase the dues 50 per cent.

My attention has been called to the fact that it is possible that some candidate for Director, although being higher than the lowest candidate, may not have a majority and in that case it will be necessary to re-ballot for the candidates who have not received a majority. Those who have received a majority will be elected.

(Roll call casting of ballots.)

CHAIRMAN HEDGES: In order to expedite the counting of the ballots, we are expanding the Elections Committee to include Lambdin Kay and Mr. Bliss. Arthur, will you serve? And Hollaway, will you serve?

Are there any other stations that have not cast their ballot? We are going to close the ballot box in two shakes of a lamh's tail. The hallot box is now closed. The Elections Committee will count the hallots.

Now, while the Elections Committee is counting the hallots—incidentally, I have substituted Mr. Thompson for Mr. Bliss as an assistant to the committee—we will take up the amendments which have been submitted.

(Announcements.)

CHAIRMAN HEDGES: I will recognize Mr. Butcher.

MR. BUTCHER: Mr. Chairman, we have two additional amendments to consider but owing to the lateness of time and the fact that most of the delegates have gone, I think it would be well to postpone the action on these two amendments until the next convention.

One amendment relates to the selection of Directors according to zones as prescribed by the Davis Amendment. The Davis Amendment has now been abolished by Congress so I think the whole question of voting on that should be left open to further study.

The other amendment is relative to the 5 per cent allocation of time for non-profit groups. I think that should also be left for further study.

Therefore, I move that the action on both these resolutions be postponed until the next convention, and that the resolution relating to the election of Directors be considered at the next convention but not be effective until the convention after the next, in other words, two years hence.

MR. LOUNSBERRY: Seconded.

(The motion was put to vote, and was carried.)

CHAIRMAN HEDGES: Now, there are a few announcements. I have here a document that would take about an hour and a half to read but I am not going to read it. I am simply going to say that it is a very cordial invitation from Kansas City to hold the next convention in that city. I don't know what months they suggest. (Laughter)

I have also here a document that would take about two and a half hours to read but I am not going to read it. It is a cordial invitation from the city of Baltimore to hold our 1937 convention in that city. The month is not mentioned.

All of these invitations from the various cities will accordingly be referred to the Board of Directors who make the decision as to the city and likewise as to the month and the days when the convention will be held.

We have likewise an invitation from the city of Cleveland, submitted by the Cleveland broadcasters.

San Antonio has likewise submitted an invitation.

St. Paul likewise submitted an invitation.

The Governor of Texas would like to have us hold the next convention any place in Texas.

The Mayor of Los Angeles would welcome the Association for a convention there.

The city of St. Petershurg would like to have the 1937 convention there.

(Announcements.)

CHAIRMAN HEDGES: At our next convention, Mr. Church will probably offer an amendment to the Constitution which would require the election of the outgoing President to the directorate. I think I can say without being accused of prejudice that that is a very good thing to do. I believe we have wasted a lot of valuable experience and education by having our Ex-Presidents go off the Board of Directors. In every case I know of when that has happened, we have lost a very valuable man who has devoted a great deal of time to the welfare of the industry, who has worked hard and conscientiously, and then he is dropped and relegated to the role of a has-been. I don't believe the Association is profiting at all by failing to take advantage of the experience which has been accumulated in one year of intensive effort as President of this Association.

I think such an amendment would be adopted unanimously and I believe it should be an amendment so it would be mandatory upon the body to continue the outgoing President as a member of the Board of Directors.

This year I am going off the Board of Directors and it is high time. I think I have been a member of the Board of Directors longer than any other broadcaster. I think I have served three terms as Director and two terms as President and that is a long time.

(Announcements.)

CHAIRMAN HEDGES: The convention will now come to order and hear the report of the Elections Committee.

MR. WILLIAMSON: In the tahulation of ballots, there were 111 ballots cast:

| | |
|-----------|----|
| O'Fallon | 92 |
| Wilson | 90 |
| Allen | 89 |
| Church | 87 |
| Patt | 60 |
| Carpenter | 59 |

That means, of course, that the first five names were elected as Directors for the three-year term: O'Fallon, Wilson, Allen, Church and Patt.

With respect to the increase in dues, the vote was: 55 in favor and 46 against.

CHAIRMAN HEDGES: The increase must be approved, as any amendment must be approved, by a two-thirds vote of the qualified members present at any meeting. Did I understand you to say that 111 hallots were cast?

MR. WILLIAMSON: Yes.

CHAIRMAN HEDGES: That would mean that an affirmative vote of 74 would be required so that amendment is lost.

MR. HUBBARD: I move that the Secretary send out a mail ballot on the dues.

(The motion was not seconded.)

CHAIRMAN HEDGES: Our increase in income this year will have to come in the nature of special assessments, because our By-Laws provide: "These By-Laws may be amended by a vote of two-thirds of the active members in good standing present or duly represented, at any duly called meeting, provided that notice of such proposed amendment or amendments shall have been mailed to each member in good standing at least fifteen days prior to the date of the meeting at which such proposed amendment or amendments are to be considered."

Those requirements were complied with in this particular case and the members who favored it should have made certain that they had mustered enough votes to put it across.

It is obvious that some of the work that has been outlined by the Association will necessitate special assessments.

Now that we have the final report of the Elections Committee, I would like to ask the following gentlemen to come up here to be installed as Officers and Directors of the Association:

President—C. W. Myers
First Vice President—John Elmer
Second Vice President—Gardner Cowles, Jr.
Treasurer—Harold Hough
Directors for three-year term—Edward A. Allen, Arthur B. Church, Eugene P. O'Fallon, John F. Patt, L. B. Wilson.
Director for two-year term—Frank M. Russell

The ceremony of installation of officers of NAB is an extremely simple one. Each of you know the men who are here on the platform. You have expressed your confidence in them by your vote, particularly your confidence in the man who heads the adminis-

trafion of the NAB, and without further ado, I turn the chair over to my good friend Chuck Myers. (Applause)

(President Myers took the chair.) (Applause)

CHAIRMAN MYERS: Ladies and gentlemen, the speech of acceptance will be very brief. You will probably hear altogether too much in the next year. (Laughter)

All I can say is that I am willing to do my best to carry on the good work which is already under way under the previous administration. The most serious problems have been solved. There isn't anything particularly vital at this time. We are going ahead in every way that we can and try to complete some of the projects which the previous administration has worked out, especially by the Board of Directors, not only this past year but previous years—I could name over some of them but you all know them better than I do.

I just want to take the time right now to introduce my team. First Vice President John Elmer. (Applause)

(Mr. Elmer arose and acknowledged the applause.)

CHAIRMAN MYERS: Is Gardner Cowles here? You all know Gardner Cowles of Des Moines, our Second Vice President, who is not here.

Is Harold Hough, our Treasurer, here? He's gone, too.

And now, the Directors. Edward A. Allen—he put me on his ticket. (Applause)

(Mr. Allen arose and acknowledged the applause.)

CHAIRMAN MYERS: Arthur Church, my campaign manager. (Applause)

(Mr. Church arose and acknowledged the applause.)

CHAIRMAN MYERS: How did I skip over to Arthur? You all know Mr. Wilson. (Applause)

L. B. WILSON (WCKY, Covington, Kentucky): I don't have to stand up; I'm the same size. (Laughter and applause)

CHAIRMAN MYERS: Gene O'Fallon—who had the most votes—the wild Irishman from Denver. (Applause)

(Mr. O'Fallon arose and acknowledged the applause.)

CHAIRMAN MYERS: And Mr. Patt of Mr. Fitzpatrick's organization, our previous President, and I am sure you will be able to help us a lot with Leo's ideas. (Applause)

(Mr. Patt arose and acknowledged the applause.)

CHAIRMAN MYERS: Mr. Russell. (Applause)

(Mr. Russell arose and acknowledged the applause.)

CHAIRMAN MYERS: Is there anything further to come before this meeting before we adjourn?

(Announcements.)

MR. CRANEY: I move we adjourn.

MR. HOLLIWAY: Seconded.

(The meeting adjourned at 3:30 o'clock.)

Adjournment sine die

The National Association of Broadcasters

NATIONAL PRESS BUILDING * * * * * WASHINGTON, D. C.
 JAMES W. BALDWIN, Managing Director

NAB REPORTS

Vol. 4 - - No. 48
 SEPT. 24, 1936

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NAB BOARD MEETS OCTOBER 2

President Myers has called a meeting of the Board of Directors of the NAB for October 2 at the Mayflower Hotel, Washington, D. C.

APPEARANCES AND SUGGESTIONS FILED WITH FCC FOR OCTOBER 5 HEARING

More than thirty persons have filed appearances with the Federal Communications Commission representing many of the broadcasting stations of the country in connection with the October 5 allocation hearing. In many instances recommendations and suggestions were filed with the appearances. They are as follows:

Ben S. Fisher has filed an appearance for KEX, The Oregonian Publishing Company; KJR, Fisher's Blend Station, Inc.; KSL, Radio Service Corporation of Utah; KWKH, International Broadcasting Corporation; and KFVD, Standard Broadcasting Company. In connection with these appearances, Mr. Fisher says: "A witness will appear on behalf of each of these licensees who will testify to matters pertaining to the use of clear channels, their service areas and matters pertaining to Rules and Regulations governing clear channels."

John C. Kendall and Ben S. Fisher have filed appearances on behalf of KGW, Oregonian Publishing Company; KHQ and KGA, Louis Wasmer; KVI, Puget Sound Broadcasting Company. In connection with these appearances it is stated that: "A witness will appear on behalf of each of these licensees who will testify to matters pertaining to the use of regional facilities and matters pertaining to Rules and Regulations for the governing of regional frequencies."

Mr. Fisher has also entered appearances for the following: KFXM, Lee Brothers Broadcasting Co.; KGFG, Oklahoma Broadcasting Co.; KGFJ, Ben S. McGlashan; KIT, Carl E. Haymond; KGFW, Central Nebraska Broadcasting Corporation; KSLM, Oregon Radio, Inc.; KXL, KXL Broadcasters; WSGN, Birmingham News Company; KRNR, Roseburg News-Review; KELD, T. H. Barton; KORE, Frank L. Hill & C. G. Phillips, d/h as Eugene Broadcasting Station; WLBC, Donald A. Burton; WJBC, Kaskaskia Broadcasting Company; WCBS, WCBS, Incorporated; WCMI, The Ashland Broadcasting Company; and WSOC, WSOC, Incorporated. In connection with these stations Mr. Fisher states that: "A witness will appear on behalf of each of these licensees who will testify to matters pertaining to the use of local frequencies and facilities and matters pertaining to the Rules and Regulations for the governing of local frequencies and stations."

Mr. Fisher will also represent the following: KFOX, Nichols & Warinner, Inc.; KFVB, Warner Brothers Broadcasting Corporation; KIEM, Redwood Broadcasting Company, Inc.; KMED, Mrs. W. J. Virgin; KOMO, Fisher's Blend Station, Inc.; KPRC, Houston Printing Company; KRKD, Radio Broadcasters, Inc.; KTBS, Tri-State Broadcasting System, Inc.; KTRH, KTRH KXYZ, Harris County Broadcast Company; KGMB, Honolulu Broadcasting Company; KVOD, Colorado Radio Corporation; Broadcasting Company, Ltd.; WCOP, Massachusetts Broadcasting

Corp.; WELL, City Broadcasting Corp.; WNBC, State Broadcasting Corp.; WPHR, WLBG, Inc.; KARK, Arkansas Radio & Equipment Co.; KLS, Warner Brothers; KOOS, H. H. Hanseth, Inc.; WORC, Alfred Frank Kleindienst, and WTFI, Liberty Broadcasting Co.

In regard to these stations Mr. Fisher says that: "A witness will appear on behalf of each of these licensees who will testify to matters pertaining to the use of regional facilities and stations and all matters pertaining to Rules and Regulations for the governing of regional frequencies."

George O. Sutton has filed appearances on behalf of the following stations: KWTO, Springfield, Mo.; KGBX, Springfield, Mo.; KFRU, Columbia, Mo.; KCMO, Kansas City, Mo.; WEEU, Reading, Pa.; WRAW, Reading, Pa.; WCHS, Charleston, W. Va.; WSAZ, Huntington, W. Va.; WLVA, Lynchburg, Va.; WMBG, Richmond, Va.; WJAS, Pittsburg, Pa.; KQV, Pittsburgh, Pa.; WTMV, East St. Louis, Ill.; W1XBS, Waterbury, Conn.; WDGY, Minneapolis, Minn.; WDNC, Durham, N. C.; WHJB, Greensburg, Pa.; WTOC, Savannah, Ga.; Mason Dixon Radio Group, Inc., operators of Stations WDEL, Wilmington, Del.; WILM, Wilmington, Del.; WEST, Easton, Pa.; WAZL, Hazelton, Pa.; WORK, York, Pa.; and WGAL, Lancaster, Pa.

In a communication to the Commission Mr. Sutton states on behalf of these stations that it is not contemplated that more than two witnesses will appear.

Paul D. P. Spearman has filed appearance on behalf of the National Association of Regional Broadcast Stations. He states that the Association will have between two and four witnesses.

In filing the appearance Mr. Spearman submitted to the Commission on behalf of the Association a proposed draft of two sets of amendments to the Commission's Rules and Regulations, one of which would permit regional broadcast stations to operate with 5 KW power at night and the other would permit the simultaneous operation of more than one broadcast station on the frequencies commonly referred to as clear channels. The Association, Mr. Spearman says, favors a retention of the present limit of 50 KW power for broadcast stations operating on clear channels and therefore offers no draft of an amendment in this respect.

Following is the proposed draft of amendments to Rules and Regulations submitted by Mr. Spearman:

I.

Amendments with Respect to Clear Channel Frequencies

A. Amend paragraph 116 of the Rules and Regulations of the Commission so as to read as follows:

"116. The following frequencies are designated as high-power channels."

and follow with a list of the frequencies now set out in Rule 116 leaving out reference to zones.

B. Amend paragraph 117 of said Rules and Regulations so that said paragraph when amended will read as follows:

"117. The authorized power of a high-power channel station shall not be less than 5 kilowatts nor more than 50 kilowatts."

C. Delete paragraph 118 of said Rules and Regulations.

D. Delete paragraph (a) of classification A as set out in Rule 109 of said Rules and Regulations.

E. Amend paragraph 72 of said Rules and Regulations so as to read as follows:

"72. The term 'high-power channel station' means a station licensed to operate on a frequency designated as a high-power channel."

II.

Amendments Proposed Affecting Regional Stations

A. Amend the last paragraph of Section 120 of the Commission's Rules and Regulations (referring to that portion of said rule imme-

diately following the list of frequencies therein set out), so that as amended the last paragraph of said Rule 120 will read as follows:

"That operating power of such a station shall not be less than 250 watts, nor during nighttime or daytime greater than 5,000 watts."

B. Amend paragraph 123 of the Rules and Regulations so as to delete therefrom all that portion thereof which follows the listing of frequencies in said paragraph.

NOTE: The purposes of the amendment proposed to Paragraph 120 of the Rules and Regulations are (1) to authorize the operation of regional stations with not more than 5,000 watts power both day and night, and (2) to delete the reference in Paragraph 120 of the present rules to Canadian shared frequencies.

The purpose in proposing the amendment to Rule 123 is to delete the present provision in Paragraph 123 which precludes the operation of regional stations located less than 500 miles from the Canadian border with more than 250 watts power at night and precludes their operating with more than 500 watts during daytime. The proposed amendment would not prevent the operation of regional stations operating on Canadian shared frequencies with the minimum powers which they are now held to.

Paul M. Segal states that WOW "Woodmen of the World Life Insurance Association desires to be heard upon the subject of methods of computing the power of radio broadcasting stations."

Mr. Segal also says that "a joint presentation will be made at the hearing on behalf of KOIN, Inc., WAVE, Inc., The Congress Square Hotel Company (WCSH) and WDAY, Inc. This presentation will relate to the question of so-called horizontal power increases on certain of the frequencies assigned for the use of regional stations."

Horace L. Lohnes has filed an appearance on behalf of Westinghouse Electric & Manufacturing Company stating that three witnesses will appear.

Louis G. Caldwell has notified the Commission that Earle C. Anthony, Inc., owner and licensee of broadcast station KECA will have one witness.

Reed T. Rollo has notified the Commission that Dr. Herbert L. Wilson, consulting engineer for WBNX, requests an opportunity to appear and testify at the hearing. He desires to present testimony regarding broadcast conditions in and about New York City.

Bond Geddes, Secretary of the Radio Manufacturers Association, has filed intention to appear stating that the Association will be represented by James M. Skinner of Philadelphia, Chairman of the Special Allocation Committee, and L. C. F. Horle of New York, representing the Engineering Committee. The representatives desire to present data in connection with the general problems schedules for the hearing and in particular in Section 2 of the agenda, paragraph (e) "Practicable standards of receiver selectivity," and paragraph (f) "Practicable standards of receiver fidelity."

Louis G. Caldwell has also notified the Commission that the Clear Channel Group wishes to present testimony. This group is composed of the owners and licensees of the following independently owned and operated clear channel broadcast stations: KFI, WBAP, WFAA, WGN, WHAM, WHAS, WHO, WLS, WLW, WOAI, WSB, WSM, and WWL.

Edgar H. Felix has also asked to be heard to present matter dealing with paragraphs 5 and 7 of Section I and paragraphs 6 and 7 of Section II of the agenda. In connection with his application, Mr. Felix says: "The data to be submitted is a summary of approximately 100,000 field intensity measurements in approximately 20 states which show the type of service rendered under the present allocation system to cities and communities of every class. These measurements have been collected as the foundation for Radio Coverage Reports used by leading advertising agencies in the selection of radio stations."

Melvin D. Hildreth, counsel for WORL, Boston, has filed appearance for that station. He states that he probably will not make any statement but will participate as an observer.

Littlepage and Littlepage has filed an appearance on behalf of Hearst Radio, Inc., who desires "To introduce testimony on the engineering matters to be considered as well as certain testimony with respect to social and economic questions involved."

Duke M. Patrick filed appearance on behalf of the Columbia Broadcasting System, Inc. He states that the testimony will be offered by five witnesses.

Horace L. Lohnes, Ben S. Fisher and John Kendall have notified the Commission "on behalf of a number of stations occupying part-time assignments on clear channels of their desire to appear and testify." The notice states that not more than two witnesses will speak for this group of interested stations.

James W. Baldwin, Managing Director of the National Association of Broadcasters, notified the Commission of its intention to appear. He states that the Association will be represented "by C. W. Myers, President, and James W. Baldwin, Managing Director.

Frank D. Scott has filed appearance on behalf of the following: Buffalo Broadcasting Corporation, Midland Broadcasting Company, First National Television, Inc., McClatchy Broadcasting Company and WNAX Broadcasting Company.

Duke M. Patrick also filed appearance for the Crosley Radio Corporation stating that four witnesses will appear.

P. J. Hennessey, Jr., filed appearance on behalf of the National Broadcasting Company, Inc., stating that it will be represented by four witnesses.

Mr. Patrick also filed an appearance for WTIC, Travelers Broadcasting Service Corporation stating that two witnesses will appear.

Edward A. Allen, President of the National Independent Broadcasters "a group of more than 100 low powered stations with principal offices in Lynchburg, Virginia, wishes to appear." He states that the Association will be represented either by counsel or some officer of the Association with not more than two witnesses.

John V. L. Hogan, President, Interstate Broadcasting Company, has also asked to be heard.

William B. Way, General Manager, Lawrence W. Stinson, in charge of technical operation, and David R. Milsten, counsel for station KVOO, filed appearances.

R. C. Higgy, Director of WOSU, Ohio State University broadcasting station, has filed appearance, stating that the University desires to present information to the Commission "which it believes will be of value in making assignments to state owned and operated radio stations."

Glen Litten, Manager of KFSD, San Diego, California, filed an appearance.

R. Morris Pierce, Chief Engineer of WGAR, Cleveland, filed an appearance on behalf of himself and Prof. John F. Byrne of Ohio State University, both of whom will appear for WGAR.

S. Howard Evans filed an application for appearance on behalf of the National Committee on Education by Radio.

Frank B. Falknor, Chief Engineer of WBBM, Chicago, asked for appearance of four witnesses.

Harold A. LaFount has asked for an opportunity to address the Commission without stating whom he represents.

Harold P. Westman, Secretary of the Institute of Radio Engineers, asked for time for one witness.

Garland Powell, Director of WRUF, Gainesville, Florida, states that he wants to set forth "the broadcasting conditions of Florida and why this state should be more or less an exception to the rule of the allotment of facilities. It is likewise our intention to show the great public service rendered by this station to the people of Florida and to the various Governmental agencies with whom we are cooperating at all times to give better and more efficient service to the people of the Nation."

E. N. Nockels, General Manager of WCFL-W9XAA and Secretary of Chicago Federation of Labor, filed an appearance.

FCC AUTHORIZES EIGHT NEW STATIONS

The Broadcast Division of the Federal Communications Commission at its meeting this week authorized the construction of six new broadcast stations as follows:

Authorized A. Stanart Graham, E. V. Baxter and Norman Baxter, d/b Pittsburgh Broadcasting Company, Pittsburgh, Kans., to construct a new station to operate on 790 kilocycles, 1,000 watts daytime.

Authorized the Star-Chronicle Publishing Company, St. Louis, Mo., to construct a new station to operate on 1250 kilocycles, 1,000 watts power unlimited time.

Authorized the Sioux Falls Broadcast Association, Inc., Sioux Falls, S. D., to construct a new station to operate on 1200 kilocycles, 100 watts power, unlimited time.

Authorized the Black River Valley Broadcasts, Inc., Watertown, N. Y., to construct a new station to operate on 1420 kilocycles, 100 watts night and 250 watts LS unlimited time.

Authorized Harold Johnson and Leland M. Perry, d/b as Johnson and Perry, Cedar City, Utah, to construct a new station to use 1310 kilocycles, 100 watts and unlimited time.

Authorized Hammond-Calumet Broadcasting Corporation, Hammond, Ind., to construct new station using 1480 kilocycles, 5,000 watts and daytime operation.

Authorized R. J. Laubengayer, Salina, Kans., to construct new station using 1500 kilocycles, 100 watts power, unlimited time.

Authorized Tribune Printing Company, Jefferson City, Mo., to construct new station using 1310 kilocycles, 100 watts power daytime operation.

The Commission also authorized the Portland, Me., Broadcasting System, Inc., to proceed with the construction of a new station to operate on 640 kilocycles, 500 watts limited to KFI subject to whatever action the U. S. Court of Appeals for D. C. may take upon pending appeals of Congress Square Hotel Company and the Eastland Company. This action follows the dismissal of the appeal of the Palmer Broadcasting Syndicate and dissolution of its stay order.

COMMITTEES NAMED

President Myers has authorized announcement of the personnel of the Commercial Committee and the Committee of Five as follows:

Commercial Section

H. K. Carpenter, WHK, Cleveland, Ohio, Chairman,

COMMITTEE ON RADIO RESEARCH

Arthur B. Church, KMBC, Kansas City, Missouri; Chairman; Roy Witmer, NBC, New York, N. Y.; H. K. Boice, CBS, New York, N. Y.; Theodore C. Streibert, WOR, New York, N. Y.; J. O. Maland, WHO, Des Moines, Iowa; John Elmer, WCBM, Baltimore, Maryland; William J. Scripps, WWJ, Detroit, Michigan.

COMMITTEE ON RADIO PROMOTION

John J. Gillin, Jr., WOW, Omaha, Nebraska, Chairman; Gardner Cowles, Jr., KSO-WMT-KRNT, Des Moines, Iowa; John E. Fetzer, WKZO, Kalamazoo, Michigan; Harrison Holliday, KFI-KECA, Los Angeles, California; Donald Withycomb, WFIL, Philadelphia, Pennsylvania; Don Searle, WIBW, Topeka, Kansas; Edgar T. Bell, WKY, Oklahoma City, Oklahoma.

COMMITTEE ON NATIONAL SALES METHODS AND COSTS

John F. Patt, WGAR, Cleveland, Ohio, Chairman; C. M. Everson, WHKC, Columbus, Ohio; J. H. Ryan, WSPD, Toledo, Ohio; Edwin M. Spence, WBAL, Baltimore, Maryland; E. B. Craney, KGIR, Butte, Montana; Dale Robertson, WIBX, Utica, New York; Rev. James A. Wagner, WHBY, Green Bay, Wisconsin.

COMMITTEE ON STANDARDIZATION OF SALES FORMS

Martin B. Campbell, WFAA, Dallas, Texas, Chairman; Barry Bingham, WHAS, Louisville, Kentucky; I. R. Lounsbury, WGR-WKBW, Buffalo, N. Y.; William S. Hedges, NBC, New York, N. Y.; John J. Karol, CBS, New York, N. Y.; Harry Stone, WSM, Nashville, Tennessee; Earle J. Glade, KSL, Salt Lake City, Utah.

DIVISION OF SALES MANAGERS

Beryl Lottridge, KFAB-KOIN, Lincoln, Nebraska, Chairman; L. H. Avery, WGR, Buffalo, N. Y.; Hale Bondurant, WHO, Des Moines, Iowa; J. Leslie Fox, KMBC, Kansas City, Missouri; H. M. Feltis, KOMO-KJR, Seattle, Washington; John W. New, WTAR, Norfolk, Virginia; Edward A. Allen, WLVA, Lynchburg, Virginia.

Committee of Five

Arthur B. Church, KMBC, Kansas City, Missouri, Chairman; H. K. Boice, CBS, New York, N. Y.; Roy Witmer, NBC, New York, N. Y.; J. O. Maland, WHO, Des Moines, Iowa; James W. Baldwin, Managing Director, National Association of Broadcasters, Washington, D. C.

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act:

- K. Taylor Distilling Company, Inc., Frankfort, Ky. (2-2451, Form A-1)
- Barium Stainless Steel Corporation, Canton, Ohio (2-2452, Form A-1)
- Van Norman Machine Tool Company, Springfield, Mass. (2-2453, Form A-2)
- Williams Stores Company, New York City (2-2455, Form A-1)
- United Stockyards Corp., Chicago, Ill. (2-2456, Form A-1)
- Doehler Die Casting Company, Toledo, Ohio (2-2457, Form A-2)

- Rochester Gas & Electric Corp., Rochester, N. Y. (2-2458, Form A-2)
- Hollywood Famous Pictures, Inc., Los Angeles, Cal. (2-2459, Form A-1)
- Mergraf Oil Products Corporation, Detroit, Mich. (2-2384, Form A-1—refiling)
- Maclou Corporation, Long Beach, Cal. (2-2460, Form A-1)
- Willson Products, Inc., Reading, Pa. (2-2461, Form A-2)
- Waverly Oil Works Company, Pittsburgh, Pa. (2-2462, Form A-2)
- Warren Refining & Chemical Company, Cleveland, Ohio (2-2463, Form A-2)
- Nu-Enamel Corporation, Chicago, Ill. (2-2465, Form A-1)
- World Digest Association, Inc., New York City (2-2466, Form A-1)
- East Side Associates, Inc., New York City (2-2467, Form A-1)
- Penn Electric Switch Company, Des Moines, Iowa (2-2468, Form A-2)
- Committee for John R. Adams bonds, New Orleans, La. (2-2469, Form D-1)
- Yumuri Jute Mills Company, Havana, Cuba (2-2470, Form A-1)
- Missouri Telephone Company, Columbia, Mo. (2-2471, Form A-1)
- Troxel Manufacturing Co., Elyria, Ohio (2-2472, Form A-2)
- Detroit Harvester Company, Detroit, Mich. (2-2473, Form A-2)
- Motor Finance Corporation, Newark, N. J. (2-2474, Form A-2)
- All Metal Products Company, Wyandotte, Mich. (2-2475, Form A-2)
- Western Auto Supply Company, Kansas City, Mo. (2-2476, Form A-2)

RECOMMENDS NEW MICHIGAN STATION

The Saginaw Broadcasting Company applied to the Federal Communications Commission for a construction permit for the erection of a new station at Saginaw, Mich., to use 1200 kilocycles, 100 watts and 250 watts LS and specified hours of operation. Also, Harold F. Gross and Edmund C. Shields applied to the Commission to erect a station at the same place to use 950 kilocycles, 500 watts power and daytime operation.

Examiner Melvin H. Dalberg, in Report No. I-289, recommends that the application of Harold F. Gross and Edmund C. Shields be denied but that the application of the Saginaw Broadcasting Company be granted.

The Examiner found that there is need for additional radio service at Saginaw. He states that the difficulty with the granting of the application of Messrs. Gross and Shields "would be the objectionable interference which it would cause to Station WWJ at Detroit, as the actual separation in this case would be about 44 miles less than that recommended for the assignment requested, which, according to the opinion of the Commission Engineer, would cause objectionable interference to within the .5 millivolt per meter contour of WWJ in the vicinity of Saginaw, and therefore it is thought that the granting of this application would be highly impractical."

LINE CHARGE REDUCTIONS REDUCE BROADCAST BILL BY \$250,000

The Telephone Division of the Federal Communications Commission announced the receipt by the Commission of a new schedule of the American Telephone and Telegraph Company, Long Lines Department, governing the furnishing of program transmission channels used in connection with radio broadcasting.

Filed to become effective November 1, 1936, the new schedule contains revisions and adjustments which, according to the statement of the telephone Company, will result in a saving of some \$250,000.00 per year to radio broadcast channel service customers.

The adjustments, although voluntarily filed by the telephone company, follow closely, and in a large measure remedy the complaints concerning rate practices voiced by radio broadcast station licensees in their responses to a questionnaire recently circulated among them by the Commission in connection with its special investigation and study of the American Telephone and Telegraph Company. It should be understood, however, that the new schedule does not purport to effect a general reduction in rates.

The following are the principal changes proposed to be made in rates and rate practices:

1. Computation of interexchange channel charges will be on the basis of airline instead of the present circuit or route distances.

2. The connection charge for receiving programs at stations connected to Schedule A channels will be reduced from \$4,000.00 per year to \$175.00 per month.
3. The highest grade continuous service may be contracted for on a monthly instead of an annual basis.
4. Amplifying equipment provided by the customer at his studio may be used to interconnect channels.
5. All classes of channel facilities furnished by the company may be interconnected. Previously, music programs could not be fed from an inferior to a high grade channel.
6. Charges for reversal in direction of channels will be slightly increased.

In addition to the foregoing, a number of other adjustments in rates and practices of advantage to the customer have been included in the new schedule.

In connection with this proposed reduction in charges the telephone company filed the following letter and tariff memorandum with the Commission:

"The Long Lines Department of this Company is filing a new tariff with the Commission today, covering channels for program transmission furnished chiefly in connection with radio broadcasting. The new tariff is numbered F.C.C. 198, effective November 1, 1936, and cancels tariff F.C.C. 139.

"This Company has been furnishing channels for program transmission for a number of years. As the Commission knows, the service had a small beginning and its growth has continued as the number of broadcasting stations and the use of networks have increased. During this period there have been many technical developments and improvements in the plant and equipment used in furnishing this service to meet the frequent changes in operating requirements of the broadcasting industry. From time to time we have also made a number of changes in our rates and practices to meet changing conditions.

"For some time we have had in mind the desirability of a complete review of our rates and practices for program transmission channels and since around the first of this year, have been actively engaged in such a review. The principal purpose of this review has been to liberalize our practices and modify our rates so as better to meet the requirements of our customers. Wherever possible we also wished to meet, through such modifications, criticisms made from time to time either by our customers (the chains) or proprietors of individual stations who in turn received service from the principal chains and networks via our facilities. We also desired to improve the administrative features of the tariff covering these services.

"We believe the new tariff filed today accomplishes the purposes above recited. For convenience I am attaching an explanatory statement and table showing the principal changes in rates and practices and I am listing below a few of the more outstanding changes being made.

- "1. Interexchange channels will be charged for on an air-line basis of measurement instead of generally route line as at present. The new rate for our high quality continuous channels (Schedule A) will be \$8.00 per air-line mile per month which equates to slightly less than the present charge (\$84.00 per route mile per year or the equivalent of \$7.00 per mile per month), taking into account the fact that the route line miles charged are, on the average, 20 per cent more than air-line miles.
- "2. The connection charge for receiving programs at stations connected to Schedule A channels is reduced from \$4,000 per year to \$175 per month.
- "3. The contractual arrangement with the customer for our highest grade continuous service is changed from an annual to a monthly basis.
- "4. Amplifying equipment provided by the customer at his studio may now be used to interconnect channels.
- "5. Existing rules which do not permit interconnection of certain classes of interexchange channels offered in the present tariff have been eliminated; all classes of line facilities offered in the new tariff may now be interconnected.
- "6. Charges for reversals of channels requested by the customer have been increased based on our experience as to the labor involved in such work.

"A substantial additional number of improvements in rates and practices of advantage to the customer have been included.

"This revision of program transmission rates and practices is not intended as a reduction in rates but the adjustments made result in savings of some \$250,000 per year to Long Lines' customers.

In no instance is the bill now being paid by any existing customer increased.

"We expect to recommend to the various Associated Bell Telephone Companies similar revisions in their tariffs covering these services."

Principal Changes Proposed for Program Transmission Services by the American Telephone and Telegraph Company

1. Proposed: All interexchange schedules are measured on an air-line mile basis.
Present: All interexchange schedules are measured on a route mile basis except Schedule E (speech only channels) which is now on an air-line mile basis.
Effect: Improvement in administration; reduction in charges as to this item in average case; increase in certain cases as to this item.
2. Proposed: Schedule A (high quality, continuous use) facilities are furnished on a monthly basis.
Present: Schedule A facilities are furnished on an annual basis.
Effect: Liberalization of practice.
3. Proposed: Schedule A Minus facilities are discontinued.
Present: Schedule A Minus facilities are furnished as an extension of a Schedule A network to one additional station through the use of the same grade of facilities as Schedule A but with limited special operation and supervision.
Effect: Schedule no longer necessary under new tariff.
4. Proposed: The maximum charge for Schedule B facilities (high quality, occasional use) for any month will not exceed the Schedule A charges for similar items of service.
Present: Similar maximum charges are not in effect.
Effect: Reduction in charges in certain cases, liberalization of practice.
5. Proposed: The maximum charge for Schedule D facilities (medium quality, occasional use) shall not exceed the Schedule C (medium quality, continuous use) charges for similar items.
Present: Similar maximum charges are not in effect.
Effect: Reduction in charges in certain cases, liberalization of practices.
6. Proposed: Charges for reversals of line facilities requested by the customer are increased based on experience as to the amount of labor required.
Present: Unit charge per route mile including restoral to normal.
Effect: Increase in charges to customers requiring this service.
7. Proposed: All local channels are provided at Associated Company local channel rates.
Present: Local channels are included in Schedules A and B. Local channels in connection with Schedules C, D, and E are furnished at Associated Company local channel rates.
Effect: Reduction in charges generally when Associated Companies file revised tariffs.
8. Proposed: Line facilities furnished under any schedule in the tariff may be interconnected for transmission in both directions.
Present: Schedule C and D line facilities when interconnected with Schedule A or B facilities cannot be used to transmit music inward to the Schedule A or B networks.
Effect: Liberalization of practice.
9. Proposed: First period of Schedule E is one hour at a rate of \$0.10 per air-line mile and each additional consecutive 15-minute period at \$0.025 per air-line mile.
Present: First period of Schedule E is 15 minutes at a rate of \$0.10 per air-line mile and each additional consecutive 15-minute period at \$0.03 per air-line mile.
Effect: Reduction in charges and liberalization of practice.
10. Proposed: Customers may use their own amplifiers in their studios between sections of interexchange channels.
Present: Tariff does not cover the use of the customer's amplifiers.
Effect: Reduction in charges and liberalization of practice.
11. Proposed: In cases (generally short distances) where receiving and transmitting connections are not required to effect high quality transmission over Schedule A or B facilities between stations, the channels may be furnished without such connections.
Present: Transmitting and receiving connections (at a substantial charge) are furnished in all cases with Schedule A and B facilities.
Effect: Reduction in charges and liberalization of practice.

Principal Rate Changes Proposed for Program Transmission Services by the American Telephone and Telegraph Company

| | <i>Proposed Tariff F.C.C. No. 198</i> | <i>Present Tariff F.C.C. No. 139</i> |
|---|---|--|
| I. Schedule A | | |
| Channel | \$8 per air-line miles per month (ratio of route billing mileage to air-line mileage is 1.2 to 1). | \$84 per route mile per year. |
| Receiving Connection | \$175 per month. | \$4000 per year. |
| Transmitting Connection | \$80 per month. | \$1000 per year. |
| Channel Reversals | \$.04 per air-line mile including restoral to normal (which experience shows more closely approximates the labor involved). | \$.023 per route mile, including restoral to normal. |
| Switches | \$1.25 per switch (restoral to normal considered another switch). | \$2.50 per switch, including restoral to normal. |
| II. Schedule A Minus | Schedule discontinued. | |
| Channel (Extensions from Schedule A networks) | | \$72 per route mile per year. |
| Connections | | \$2000 per year. |
| III. Schedule B | | |
| Channel | \$.20 per air-line mile per hour. The Schedule A charge will be the maximum charge. \$.03 extra per air-line mile per hour for Morse channel, if desired. | \$.40 to \$.15 (latter rate effective after 155 hours' use) per route mile per hour including Morse channel. |
| Receiving Connection | \$80 per month plus \$2.50 per hour of use. The Schedule A charge will be the maximum charge. | \$100 for first two weeks and \$100 for each additional month plus \$2.50 for each hour of use. |
| Transmitting Connection | \$80 per month. | Same as receiving connection. |
| IV. Schedule C | | |
| Channel | \$5.20 per air-line mile per month. \$4.25 per air-line mile for two weeks. | \$5 per route mile per month. \$4 per route mile for two weeks. |
| Connections | \$60 per month or \$50 for two weeks, when furnished. (Not required when customer furnishes own amplifiers.) | \$75 per month, or \$60 for two weeks for connections in excess of two per network. |
| Channel Reversals | \$.025 per air-line mile, including restoral to normal. | \$.015 per route mile, including restoral to normal. |
| Switches | \$.60 per switch (restoral to normal considered as another switch). | \$1.25 per switch including restoral to normal. |
| Setting up Charge | None. | \$12.50 per exchange connected. |
| V. Schedule D | | |
| Channel | \$.15 per air-line mile per hour. The Schedule C charge will be the maximum charge. | \$.125 per route mile per hour. |
| Connections | \$1.25 per hour with a minimum charge of \$40 per month when furnished. The Schedule C charge will be the maximum charge. | \$50 per month plus \$1.25 per hour of use for connections in excess of two per network. |
| Setting up Charge | None. | \$12.50 per exchange for first occasion. \$5 per exchange for each additional occasion. |
| VI. Schedule E | | |
| Channel | \$.10 per air-line mile for the first hour. \$.025 per air-line mile for each additional consecutive 15 minutes. | \$.10 for first 15 minutes per air-line mile. \$.03 per air-line mile for each additional consecutive 15 minutes. |
| Connections | \$1 per hour with a minimum charge of \$25 per month, when furnished. | \$50 per month and \$1 per hour of operation, or \$25 per occasion, for connections in excess of two per network. |

FEDERAL TRADE COMMISSION ACTION

Complaints

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

No. 2655. Allegedly engaged in a scheme that deceives the purchasing public and injures competitors, an eastern group of manufacturers of and dealers in radio sets, tubes and appliances are charged with unfair methods of competition in an amended and

supplemental complaint. Also included as respondents are six corporations manufacturing and selling name plates and escutcheons for use on radio sets.

Without authority or consent of the legal owners, the respondents, the amended and supplemental complaint charges, have adopted for use on their radio sets the names, brands and symbols of corporations and individuals well known and long established in the radio and kindred industries. The complaint lists the following names, brands and symbols as among those used by the respondents on their radio sets and appliances:

Marconi, Marconi International, Marconi Radio Corporation; Edison, Edison International, Edison-Bell, Edison with

a representation of a bell; **Edison Radio Stores, Inc.**; Bell, Bell with a representation of a bell; **Victor, Victor International**; **Majestic, Majestic International, Majestic Radio Corporation**; **Brunswick** (Brunswick, a colorable imitation of the name Brunswick); **RCA** and **(RCI, RSA, colorable imitations of the letters RCA)**; **EB** (a colorable imitation of the letters GE) standing alone or stamped upon the representation of a bell.

According to the amended and supplemental complaint, the practices of the respondents give to their products a salability they would not otherwise have, give the respondents an advantage over competitors who do not similarly misrepresent the origin of their goods, and result in the appropriation of the reputation and good will built up by competitors.

In December, 1935, the original complaint was issued in this case against **King Trading Corporation**, 51 Vesey St., New York City. In the amended and supplemental complaint, besides **King Trading Corporation**, the other respondent manufacturers and assemblers of radio products, and their officers, are: **Royal Radio Company, Inc.**, 168 Washington St.; **Metro Manufacturing Company, Inc.**, 142 Liberty St.; **Metro Radio Corporation**, 217 West 125th St.; **Metro Sales Company, Inc.**, 122 Cypress St., and **Pyramid Distributors, Inc.**, 125 Prince St., all of New York City, and their officers, **Murray Auerbach**, **Regina Gadol**, **George Levine**, **A. M. Frank**, **Max Scafford**, and **David Morrison**.

Dealers in radio products, and their officers, listed as respondents, are: **Harvard Radio Tube Testing Stations of Pennsylvania, Inc.**, 208 North Broad St., Philadelphia, and **Julius M. Schoenberg**, president; **Ross Distributing Company**, 2020 Chancellor St., Philadelphia, and **Larry B. Ross**, president; **Sun Radio and Service Supply Corporation**, 938 F St., and **Emanuel Rosensweig**, president, (this respondent has entered into a stipulation with the Commission to discontinue use of the word "Majestic," either alone or with the word "International," on the radio sets it sells, in advertising matter or in any manner to imply that its radio sets so marked are manufactured by **Grigsby-Grunow Company**, when such is not the fact); **Schiller Brothers, Inc.**, 922 F St., and **Louis S. Schiller**, president; **Peter Robbins**, 940 F St., trading as **Robbins Radio Company** and **Ambassador Radio Company**, and **F. C. Scruggs**, 636 H St., N. E., trading as **Call Radio Company**, all of Washington, D. C.

The respondent corporations, and their officers, who are engaged in the manufacture and sale of name plates and escutcheons for use on the radio products sold by the other respondents, are: **Metal Etching Corporation**, 1001 Essex St., Brooklyn, N. Y., and **M. Hermann**, president; **Etched Products Corporation**, 3901 Queens Blvd., Long Island City, N. Y., and **Albert Nierenberg** and **Walter H. Miller**, officers; **Electro Chemical and Engraving Company**, 1100 Brook Ave., Bronx, New York City, and **F. E. Switzer**, N. L. **Jacobus**, **Robert Schlesinger**, **Julius Erdoes** and **L. S. Southwick**, officers; **Premier Metal Etching Company**, 2103 44th Ave., Long Island City, N. Y., and **Herbert Pape**, **Carl J. Johnson**, **Ernest A. Rottach** and **Hugo Lehrfeld**, officers; **Crowe Nameplate and Manufacturing Company**, 1749 Grace St., Chicago, and **E. C. Coolidge** and **I. Robinson Smith**, officers; **American Emblem Company**, 22 East 40th St., New York City, and **Paul B. Williams**, **Clarence S. C. Williams**, **James Eels**, **Fred B. King**, and **Edgar Denton, Jr.**, all of Utica, N. Y., officers.

No. 2920. Unfair competition through use of a lottery scheme to promote the sale of candy is alleged in a complaint issued against **Jerome C. Claeys**, trading as **J. C. Claeys**, 510 Leland Ave., **South Bend, Ind.**

According to the complaints, sales of the respondent's candy to the public are made by means of a push card, and whether a purchaser receives one or more bars of candy or a box of candy for the price of 5 cents is determined wholly by lot or chance.

No. 2921. Selling ribbons and narrow fabrics in interstate commerce, **Samuel Steckenberg** and **Abraham M. Fynke**, trading as **Colonial Ribbon Mills**, 95 Madison Ave., **New York City**, are named respondents in a complaint charging them with unfair methods of competition through use of the word "Mills" in their firm name.

The respondents are said to display their firm name conspicuously on invoices, letterheads, and other business literature, and, the complaint alleges, the word "Mills," when so used, serves as a representation to the buying public that the respondents own or operate mills where their products are manufactured.

According to the complaint, the respondents do not own or operate mills for the manufacture of ribbons and narrow fabrics, nor are they manufacturers as the term is understood generally by the trade and the purchasing public, but are engaged solely in distributing and selling products made from raw materials by others.

No. 2922. Charging unfair competition in the sale of silk and rayon piece goods, a complaint has been issued against the **Group Sales Corporation**, 215 W. 39th St., **New York City**.

This company is alleged to have sold products as "name goods," meaning materials of generally recognized merit and quality, made and nationally advertised by manufacturing concerns of well established reputation, when in fact a substantial part of this merchandise consisted of material other than "name goods." The complaint also charges that a substantial portion of the respondent company's merchandise was not obtained direct from manufacturers but from other jobbers and garment makers.

According to the complaint, material was advertised by the respondent company as new, up-to-the-minute, stylish, and seasonable, when in fact a substantial part of it was composed of "seconds" or "left-overs" from garment manufacturers' goods.

No. 2923. Unfair competition in the sale of felt caps is alleged in complaint against **M. & J. Becker, Inc.**, 2961 Atlantic Ave., **Brooklyn, N. Y.**

According to the complaint, baseball caps made from second-hand or discarded felts were renovated by the respondent company or others and refitted with new sweat bands and trimmings, then sold to wholesalers for ultimate distribution to the public. These caps are said to have had the appearance of caps which had never been worn, and were not labeled so as to indicate that they were, in fact, second-hand caps made over.

This practice is alleged to have had a tendency of deceiving buyers into believing that in purchasing such caps they were obtaining new and unused caps made from new felt.

No. 2924. Misrepresentation of the nature, merit and value of cleaning fluids is alleged in a complaint issued against **Joseph Lewin**, trading as **Leev-No-Ring Chemical Co.**, 207 W. 17th, **New York City**.

On labels and in advertising circulars and folders, the respondent allegedly features the words "Leev-No-Ring" and makes representations having the tendency to cause purchasers to believe that his products can be used safely and will remove all grease spots instantly without injury to the most delicate fabrics, and that they will not leave a ring in any instance.

The complaint charges that the respondent's cleaning fluids, when used on fabrics dyed with non-fast or fugitive dyes, do affect the colors, causing them to run, and do leave rings.

Stipulations and Orders

The Commission has issued the following cease and desist orders and stipulations:

No. 01447. A. T. Allen, 1318 W. Nora Ave., Spokane, Wash., trading as **A-1 Remedies Company**, stipulates that he will cease advertising that his "A-1 Remedy" is a competent treatment for rheumatism, neuritis, sciatica, or arthritis, unless such representations are limited to the relief of pain resulting from the conditions referred to, and that permanent results may be expected from the use of his preparation.

No. 01448. Health Products Corporation, 113 N. 13th St., Newark, N. J., engaged in the sale of a poultry medicine designated "Clo-Trate," will cease making claims that poultry needs more vitamin A than is supplied by certain vegetables or that the average poultry ration needs an addition of vitamin A, unless such representations are limited to poultry raised in strict confinement, semi-confinement or under seasonal, climatic or other conditions that would prevent poultry from obtaining food containing a sufficient amount of vitamin A.

Other claims the respondent corporation will discontinue are that its product is beneficial in treating colds, roup, bronchitis and other poultry ailments, unless it is clearly represented that the benefits claimed will obtain only when there is a sub-optimal supply of vitamin A, and that the product will remain stable in vitamin A in all types of feed for long periods of time. The respondent corporation also will stop representing, by use of photographs, charts, or graphs, that the benefits indicated by the results of experimental tests may be expected from use of the product, unless in the tests the experimental groups and the control groups are each fed a normal or average poultry ration.

No. 01451. Sharp and Dohme, Philadelphia, agrees that in the sale of "Digitol" it will discontinue representing that the product is an instrument of precision for the digitalization of patients, that it is more free of inert matter than tincture of digitalis U.S.P. X, and that with "Digitol" "you can standardize your digitalis expectation."

No. 01452. Whitney's, Inc., 12th and G Sts., N. W., Washington, D. C., agrees to discontinue describing the furs from which its women's coats and collars are made in any way other

than by using the correct name of the fur as the last word of the descriptive phrase in the advertising matter. The stipulation provides that when any dye or blend is used in simulating another fur, the true name of the fur appearing as the last word of the description shall be preceded immediately by the word "dyed" or "blended," compounded with the name of the simulated fur. The respondent also will stop use of any geographic term to describe a fur, unless such fur comes from the region indicated.

No. 01453. George E. Hartley, P. O. Box 152, Centralia, Ill., engaged in the sale of a recipe alleged to constitute a cure for appendicitis, will stop representing in advertising matter or otherwise that his recipe constitutes an effective remedy for appendicitis, that it will cure any case, that it is guaranteed to give satisfaction, and that the regular price is \$1, or that an offer to sell it for 25 cents is a "special offer."

No. 01454. Foley & Company, 945 W. George St., Chicago, agrees to cease and desist from representing that "Foley's Rectal Salve" is a "new prescription that 'almost instantly' stops pain and soreness; that it prevents infection and restores vigor and health, and that relief is guaranteed. As to 'Foley's Honey and Tar Cough Syrup,' the company will stop advertising that the product can be safely relied upon for 'quickest results'; that it stops coughs and helps correct the cause of coughs, insures sleep free from coughing, and 'works double quick.'"

No. 01455. W. M. and J. H. Roth, W. University Ave., Des Moines, Iowa, trading as the Norma-Lite Company, entered into a stipulation to cease representations that their medicinal preparation designated "Norma-Lite" is a natural method of reducing weight or that it improves or restores nature's method of reducing weight; that it is safe and contains no harmful drugs; that it is the most reliable remedy in America for obesity, that physicians prescribe it generally for use in reducing weight or that it acts as a doctor would prescribe in every case, and that it contains 7 valuable elements or any ingredients in addition to boric acid and thyroid extract desiccated.

No. 01457. Herman White, trading as White Company, Northampton, Mass., selling a folio of instructions for obtaining employment in the mailing and addressing of circulars for mail order houses, stipulates that he will stop representing, by placing advertisements in the "Help Wanted" columns of newspapers or magazines that he has employment to offer; that details of his plan will be furnished for a price less than that actually charged; that prospective purchasers can earn amounts in excess of the average amounts earned by former purchasers of his folio; that any mail order houses are paying people each week for mailing circulars, or that a mail order house wants persons to do addressing and mailing of literature, unless this is a fact.

No. 01458. Santo Ceribelli, 121 Varick St., New York City, trading as G. Ceribelli & Co. and selling a preparation designated "Brioschi," will discontinue claims that the product corrects any condition of the stomach, restores a normal alkaline condition, is a remedy for stomach acid or indigestion, and prevents colds. Among the other representations that will be stopped are that the preparation is manufactured in Italy and that by its use foods can be eaten with the user suffering any stomach ailment. Ceribelli admitted that the therapeutic value of his product is limited to its anti-acid effect in relieving temporary conditions of the stomach due to hyperacidity.

No. 01459. R. M. McLain, D. C., 1513½ Park St., Alameda, Calif., in the sale of "Dr. McLain's Vitamin Food," agrees to stop representing that his product can be depended upon to prevent, or is an effective remedy for, any of the 260 diseases and physical, nervous and mental conditions specified in his advertising matter. Other representations he will discontinue are that one cannot get the necessary vitamins from the ordinary diet and that users of his product are giving the body that which it needs; that his product strengthens the digestive system and raises the blood pressure; that it is a nerve builder, and that its addition to the diet constitutes a competent treatment for improperly functioning glands.

No. 1747. International Cellucotton Products Company, 919 North Michigan Ave., Chicago, agrees to cease making the claim in advertising matter that its "Kleenex" disposable tissue handkerchief imprisons 99 per cent of the germs that touch it, or any other exaggerated representation in reference to the germ-collecting or germ-retaining properties of the product. Other practices that will be discontinued are disparagement of cotton or linen handkerchiefs, and representations concerning such handkerchiefs which may be misleading to the purchasing public; claims that use of "Kleenex" prevents self-infection during colds, without proper qualification, and other claims respecting the bene-

fits derived from the use of "Kleenex" which are exaggerated and impossible of accomplishment.

No. 1751. Roscoe D. Hogue, P. O. Box 163, Atlanta, Ga., trading as Pioneer Medicine Company and as Pioneer Drug Company, stipulates that in the sale of "Old Pioneer Indian Tonic," offered as a liver and kidney remedy, he will discontinue the use in advertising matter of representations respecting the therapeutic properties of his product which are exaggerated and impossible of accomplishment, and cease using the word "Indian" as a part of the name of his product or in any manner to imply that it either was originated or used by the Indians.

No. 1752. Benjamin and Rose Eidinger, 651 East 164th St., Bronx, New York City, trading as Lion Cross Products Company and as Lic-Pharmacy, signed an agreement to cease and desist from use in advertisements of representations implying that "Lion Cross Herb Tea" is a cure or remedy for high blood pressure, rheumatism, bladder disorders, stomach troubles, kidney disorders, arthritis and other diseases, and that it brings health, happiness and long life to users. They agree to discontinue representing that the product is always "safe for children" or "harmless in every respect," and will stop use of the phrases "Made by Nature" or "Natural Remedy," or other similar statements which do not properly describe the product.

They also will cease use of the word "laboratory" to imply that they operate a place devoted to experimental study and to the application of scientific principles in testing and analysis, or in the preparation of their product, when such is not the fact.

No. 1753. The De Pree Company, 130 Central Ave., Holland, Mich., stipulates that in selling its "Nurse Brand" aspirin tablets it will cease use of the words "No After Effects" in advertisements, and particularly on the containers in which the product is sold.

No. 1767. Benjamin and Solomon Cohen, trading as S. Cohen & Sons, Porter and Swansen Sts., Philadelphia, signed an agreement to stop selling baseball caps manufactured from materials obtained from second-hand, old, worn or discarded felt hats, unless there are stamped upon or affixed to the caps in a conspicuous place words clearly indicating that they are not manufactured from new and unused felt or other materials, but from felt or other materials obtained from second-hand, old, worn or discarded hats.

No. 1770. Sun Radio Service & Supply Corporation, 839 F St., N. W., Washington, D. C., stipulates that in the sale of radio receiving sets it will cease use of the word "Majestic," alone or with the word "International," or in any manner in advertising matter, or as a trade name or brand so as to imply that its radio sets are manufactured by Grigsby-Grunow Company, when such is not the fact. According to the stipulation, Grigsby-Grunow Company is an Illinois corporation which has spent large sums of money in advertising and promoting the sale of radio receiving sets under the trade name "Majestic," with the result that the corporation has built up and acquired valuable good will in the word "Majestic" as applied to its product.

No. 1774. Roddis Plywood Company, 630 West 28th St., New York City, wholesalers of plywood and veneers, agree to discontinue use of the word "walnut," independently or with the words "Oriental" or "Canadian," or with any other words which may have the tendency to mislead purchasers into the belief that its products are made of wood from trees of the walnut or juglandaceae family, when such is not the fact. The company also will stop using the words "white pine," either alone or with any other words which may have a capacity to deceive purchasers into the belief that the products are made from wood derived from trees of the species *pinus strobus*, *pinus lambertiana*, or *pinus monticola*, when such is not the fact.

No. 1775. James Good, Inc., Susquehanna Ave. and Martha St., Philadelphia, in the sale of "Keystone Saddle Soap," will cease and desist from representations on labels affixed to its saddle soap containers that such product conforms to Government specifications.

No. 2149. Radumac Mineral Co., 9425 W. Pico St., Los Angeles, and A. Yoder, trading as Radumac Mineral Co., have been ordered to stop representing that the preparation "Radumac" is capable of preventing or curing a long list of diseases, including anemia, arthritis, hemorrhage, malnutrition, kidney trouble, and others.

The respondents are also directed to cease asserting that the preparation does wonders or is a health tonic that will prevent diseases, and that it contains the essential mineral elements for building new body tissues.

No. 2499. Aborn Hat Manufacturing Co., 117 North Wells

St., Chicago, has been ordered to discontinue selling men's old, worn, used, and discarded felt hats which have been cleaned and fitted with new ribbons, sweatbands and linings, unless there is stamped upon or attached to such hats in a conspicuous place words clearly indicating that the hats are not new but are used and worn and have been cleaned and made over.

The findings are that the respondent company purchased old and discarded hats at prices ranging from \$1 to \$1.75 a dozen and sold them, when cleaned and made over, for from \$6 to \$13 a dozen, depending upon their quality and condition.

No. 2544. Repair Parts and Replacement Company, Inc., 812 North Wells St., Chicago, has been ordered to discontinue improper use of the word "Hoover" on dust bags it manufactures for use on vacuum cleaners made by the Hoover Company of North Canton, O.

The respondent corporation is engaged in the sale of vacuum cleaners and parts and in the repairing and rebuilding of such cleaners. The Commission found that the respondent repaired certain Hoover cleaners to which it attached its dust bags, similar in size, shape and color to those of the Hoover Company, and conspicuously marked with the name "Hoover," together with the words "Mfr'd by R. P. & R. Co." in much smaller type, with the result that the attention of prospective purchasers was attracted only to the word "Hoover."

Specifically, the order to cease and desist prohibits the respondent corporation from representing in advertising matter, circulars or otherwise that the dust bags it manufactures and sells are the products of the Hoover Company, and from using the name "Hoover," alone or with other words, on such bags when they are not manufactured by the Hoover Company.

No. 2666. Prohibiting unfair competition in the sale of filters for use in tobacco pipes, an order to cease and desist has been ordered against **S. M. Frank & Co.,** 133 5th Ave., New York City.

The order directs the respondent to cease representing or advertising that the Frank absorbent filter sold for use in its "Medico" pipe, is the only filter in the world that really filters.

Representation that there are no pipe filters other than Frank absorbent filters which will efficiently accomplish the ends and serve the purposes for which the respondent company's article is designed, is also barred by the order.

No. 2691. Angelo Cataldo, trading as **Liberty Chocolate Company** and as **Arcadia Chocolate Company,** 114 Commercial St., Boston, has been ordered to discontinue selling and distributing to dealers candy so packed and assembled that sales to the general public are to be made, or are designed to be made, by means of a lottery, gaming device, or gift enterprise. The respondent admitted the material allegations of the Commission's complaint to be true and waived further proceedings.

No. 2805. Charles A. Saretsky, 246 West 38th St., New York City, engaged in the sale of interlinings and filling materials for use in the manufacture of clothing, has been ordered to cease misrepresenting in any manner the character and quality of his products.

The order directs Saretsky to discontinue attaching to interlinings and filling material tags or labels which misrepresent the amount, the kind or the quality of wool content of such products, and prohibits him from furnishing his customers, who are manufacturers of finished garments, with tags or labels bearing such misrepresentations.

Findings are that Saretsky made such representations as "this garment is interlined with lamb's wool filling," and "this garment is interlined with 100 per cent wool filling," when, in fact, his products were composed in part of wool or reworked wool, adulterated with a large percentage of cotton, and the cloth to which the filling material was attached was composed entirely of cotton.

FTC CLOSES CASE

No. 2494. The Federal Trade Commission has closed its case against **Distillers' Products Corporation,** Harborside Terminal, Unit No. 1, Exchange Place, Jersey City, N. J. The complaint alleged unfair competition in the sale of alcoholic beverages through improper use of the word "Distillers" in the company's corporate name.

Closing of the case was ordered after the Commission ascertained that the respondent's corporate existence appeared to have been terminated by dissolution, and that the company ceased to operate as of June 30, 1935. The physical assets were disposed of, and it is deemed unlikely that the company will resume its corporate existence.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, September 28

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—John C. Loonef, d/b as High Fidelity Broadcasting Service, Milton, Mass.—C. P., 1570 kc., 1 KW, unlimited and variable.

NEW—Dr. F. P. Corniglia, Monroe, La.—C. P., 1500 kc., 100 watts, unlimited time.

Wednesday, September 30

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—The Pottsville Broadcasting Co., Pottsville, Pa.—C. P., 580 kc., 250 watts, daytime.

Thursday, October 1

HEARING BEFORE AN EXAMINER

(Broadcast)

XXL—KXL Broadcasters, Portland, Ore.—Renewal of license, 1420 kc., 100 watts, 250 watts LS, shares with KEPS.

XXL—KXL Broadcasters, Portland, Ore.—Consent to transfer control of Corporation; 1420 kc., 100 watts, 250 watts LS, shares with KEPS.

NEW—The News Press Publishing Co., Santa Barbara, Calif.—C. P., 1220 kc., 500 watts, unlimited time.

Thursday, October 1

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-213:

NEW—Edwin A. Kraft, Fairbanks, Alaska.—C. P., 950 kc., 250 watts, unlimited time.

NEW—John A. Stump, Fairbanks, Alaska.—C. P., 1210 kc., 100 watts, 250 watts LS, unlimited time.

Examiner's Report No. I-219:

NEW—J. Laurance Martin, Tucumcari, N. Mex.—C. P., 1200 kc., 100 watts, unlimited time.

Examiner's Report No. I-221:

KLO—Interstate Broadcasting Corp., Ogden, Utah.—C. P., 1400 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1400 kc., 500 watts, unlimited time.

Examiner's Report No. I-227:

KGDM—E. F. Feffer, Stockton, Calif.—Modification of license, 1100 kc., 1 KW, limited time; 1100 kc., 1 KW, daytime.

Friday, October 2

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Earle Yates, Las Cruces, N. Mex.—C. P., 930 kc., 1 KW, daytime.

KIT—Carl E. Haymond, Yakima, Wash.—C. P., 1250 kc., 250 watts, 500 watts LS, unlimited time. Present assignment: 1310 kc., 100 watts, 250 watts LS, unlimited time.

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Authority to transfer control of Corporation to WJR, The Goodwill Station; 1450 kc., 500 watts, 1 KW LS, unlimited time.

The Broadcast Division has taken the following action:

APPLICATIONS GRANTED

KRGV—KRGV, Inc., Weslaco, Tex.—Granted C. P. to make changes in equipment, install vertical radiator, and increase power from 500 watts to 1 KW; 1260 kc., unlimited time.

- WMFG—Head of the Lakes Broadcasting Co., Hibbing, Minn.—Granted C. P. to make changes in equipment and increase daytime power from 100 watts to 250 watts.
- WMIN—Edward Hoffman, St. Paul, Minn.—Granted C. P. to make changes in equipment and increase day power from 100 to 250 watts.
- WLBI—State of Wisconsin, Department of Agriculture and Markets, Stevens Point, Wis.—Granted C. P. to make changes in equipment, increase power from 2½ KW to 5 KW, increase hours of operation from specified hours to daytime to daytime, and move station from approximately 8½ miles northwest of Stevens Point to approximately 25 miles west northwest of Stevens Point.
- KVOA—Arizona Broadcasting Co., Inc., Tucson, Ariz.—Granted modification of C. P. approving transmitter site at West Lee at 10th Street, change in equipment, installation of vertical radiator, and increase in power from 500 watts to 1 KW.
- KDNC—Democrat-News Co., Inc., Lewistown, Mont.—Granted modification of C. P. to move transmitter to site to be determined subject to Commission approval, install new equipment, and increase day power from 100 to 250 watts.
- KCMO—Lester E. Cox, Thomas L. Evans, and C. C. Payne, Kansas City, Mo.—Granted license to cover C. P., 1370 kc., 100 watts, specified hours.
- NEW—Scranton Broadcasters, Inc., Portable-Mobile (Scranton, Pa.)—Granted C. P. for new relay broadcast station on an experimental basis under the provisions of Rules 1000, 1001(b) and 1003(d); frequencies 31100, 34600, 37600 and 40600 kc., 5 watts. Also granted license covering same.
- NEW—Peoria Broadcasting Co., Portable-Mobile, Peoria, Ill.—Granted C. P. for new relay broadcast station on an experimental basis under the provisions of Rules 1000, 1001(b) and 1003(d); frequencies 31100, 34600, 37600 and 40600 kc., 25 watts. Also granted license covering same.
- KERN—McClatchy Broadcasting Co., Bakersfield, Calif.—Granted license to cover C. P., 1370 kc., 100 watts, unlimited time.
- KERN—Bee Bakersfield Broadcasting Co., Bakersfield, Calif.—Granted assignment of C. P. from the Bee Bakersfield Broadcasting Co. to McClatchy Broadcasting Co.
- WOWO—The Main Auto Supply Co., Fort Wayne, Ind.—Granted modification of license to change name from The Main Auto Supply Co. to Westinghouse Radio Station, Inc.
- KOIL—Central States Broadcasting Co., Council Bluffs, Iowa.—Granted modification of license to change studio location from Council Bluffs, Iowa, to Omaha, Nebr.; 1260 kc., 1 KW night, 2½ KW day, unlimited.
- W8XIQ—The WGAR Broadcasting Co., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., 35 watts.
- W8XIR—The WGAR Broadcasting Co., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600 and 40600 kc., 100 watts, unlimited.
- W8XIP—The WGAR Broadcasting Co., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600 and 40600 kc., 3 watts power.
- WXYZ—Kunsky-Trendle Broadcasting Corp., Detroit, Mich.—Granted modification of license to change name from Kunsky-Trendle Broadcasting Corp. to King-Trendle Broadcasting Corp.
- WOOD—Kunsky-Trendle Broadcasting Corp., Grand Rapids, Mich.—Granted modification of license to change name from Kunsky-Trendle Broadcasting Corp. to King-Trendle Broadcasting Corp.
- WASH—Kunsky-Trendle Broadcasting Corp., Grand Rapids, Mich.—Granted modification of license to change name from Kunsky-Trendle Broadcasting Corp. to King-Trendle Broadcasting Corp.
- WMMN—A. M. Rowe, Inc., Fairmont, W. Va.—Granted modification of license to change name from A. M. Rowe, Inc., to Monongahela Valley Broadcasting Co.
- WJSV—Old Dominion Broadcasting Co., Alexandria, Va.—Granted modification of license to change location of main studio from Alexandria to the Earle Bldg., Washington, D. C.
- WHBI—May Radio Broadcast Corp., Newark, N. J.—Granted modification of license to use auxiliary transmitter as main transmitter, so as to comply with Rules 131, 132 and 139.
- W8XAL—The Crosley Radio Corp., Mason, Ohio.—Granted modification of license to add frequency 9590 kc.
- NEW—KFNF, Inc., Portable-Mobile (Pack) (Shenandoah, Iowa).—Granted C. P. for a new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600 and 40600 kc., 5 watts.
- NEW—KFNF, Inc., Portable-Mobile (Pack) (Shenandoah, Iowa).—Granted license to cover C. P. above.
- NEW—KFNF, Inc., Portable-Mobile (Pack) (Shenandoah, Iowa).—Granted C. P. and license same as above except for a normal period.
- KYOS—Merced Star Publishing Co., Inc., Merced, Calif.—Granted modification of C. P. to install new equipment.
- WEEI—The Edison Electric Illuminating Co. of Boston, Mass.—Granted voluntary assignment of C. P. to WEEI Broadcasting Co.; 590 kc., 1 KW night, 1 KW (C. P., 5 KW day, unlimited time).
- W3XAU—WCAU Broadcasting Co., Philadelphia, Pa.—Granted modification of C. P. extending completion date for period of 60 days.
- KPDN—Pampa Daily News, Inc., Pampa, Tex.—Granted voluntary assignment of license from the Pampa Daily News, Inc., to R. C. Hoiles.
- KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Granted authority to determine operating power by direct measurement of antenna input.
- KXA—American Radio Tel. Co., Seattle, Wash.—Granted authority to make changes in automatic frequency control equipment.
- WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Granted C. P. (amended) approving transmitter site, installing new equipment, and vertical radiator.
- W9XJI—The Reynolds Radio Co., Portable-Mobile (Denver, Colo.).—Granted modification of license to change corporate name from The Reynolds Radio Co. to KLZ Broadcasting Co.
- KECA—Earle C. Anthony, Inc., Los Angeles, Calif.—Granted license to cover C. P., frequency 1430 kc., 1 KW night, 5 KW day, unlimited.
- W9XJL—Head of the Lakes Broadcasting Co., Superior, Wis.—Granted license to cover C. P. for new high frequency broadcast station on an experimental basis; frequencies 31600, 35600, 38600 and 41000 kc., 80 watts.
- WAML—New Laurel Radio Station, Inc., Laurel, Miss.—Granted C. P. approving transmitter site and new transmitter.
- WMAL—National Broadcasting Co., Inc., Washington, D. C.—Granted modification of license to change operating power of auxiliary transmitter from 250 watts night, 500 watts day, to 250 watts night and day.
- WEOA—Evansville on the Air, Inc., Evansville, Ind.—Granted C. P. to make changes in equipment and increase day power from 100 to 250 watts.
- WOCL—A. E. Newton, Jamestown, N. Y.—Granted C. P. to install new equipment.
- W8XHJ—The Evening News Assn., Inc., Mobile (Detroit, Mich.).—Granted license to cover C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600 and 40600 kc., 5 watts.
- W8XIG—The Evening News Assn., Inc., Mobile (Detroit, Mich.).—Granted license to cover C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600 and 40600 kc., 3 watts.
- W8XIL—The Crosley Radio Corp., Mobile (Cincinnati, Ohio).—Granted license to cover C. P. for general experimental broadcast pickup station, 31100, 34600, 37600, 40600 kc., 30 watts, unlimited.
- W1XEQ—E. Anthony & Sons, Inc., New Bedford, Mass.—Granted license to cover C. P. for new high frequency broadcast station on an experimental basis; frequencies 31600, 35600, 38600 and 41000 kc., 100 watts.
- W9XJI—The Reynolds Radio Co., Inc., Denver, Colo., Mobile.—Granted license to cover C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600 and 40600 kc., 1 watt.
- W8XBW—Pittsburgh Radio Supply House, Pittsburgh, Pa., Mobile.—Granted license to cover C. P. for general experimental broadcast pickup station; frequencies 31100, 34600, 37600, 40600 kc., on an experimental basis, 5 watts.
- W3XES—Monumental Radio Co., Baltimore, Md.—Granted license to cover C. P. for new high frequency broadcasting station on an experimental basis; frequencies 31600, 35600, 38600 and 41000 kc., 300 watts.
- W2XMK—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted license to cover C. P. for new relay broadcast

- station on an experimental basis; frequencies 31100, 34600, 37600 and 40600 kc., 2 watts.
- W2XMJ—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted license to cover C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600 and 40600 kc., 2 watts.
- W2XMI—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted license to cover C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600 and 40600 kc., 2 watts.
- W8XIK—The Crosley Radio Corp., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600, 40600 kc., 30 watts.
- W4XBS—Memphis Commercial Appeal, Inc., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600, 40600 kc., 5 watts.
- W6XKK—Don Lee Broadcasting System, Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600, 40600 kc., 100 watts.
- W8XIH—WJR, The Goodwill Station, Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600, 40600 kc., 40 watts.
- W3XEO—WCAU Broadcasting Co., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600, 40600 kc., 50 watts.
- W8XFQ—Scranton Broadcasters, Inc., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600, 40600 kc., 100 watts.
- W6XKL—Nichols & Warinner, Inc., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600, 40600 kc., 30 watts.
- W2XIN—Standard-Cahill Co., Inc., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station on an experimental basis; frequencies 31100, 34600, 37600, 40600 kc., 5 watts.
- W4XBW—WDOD Broadcasting Corp., Brainerd Community, Chattanooga, Tenn.—Granted license to cover C. P. for new high frequency broadcast station on an experimental basis; frequencies 31600, 35600, 38600, 41000 kc., 100 watts.
- W3XEY—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted license to cover C. P. for new high frequency broadcast station on an experimental basis; frequencies 31600, 35600, 38600, 41000 kc., 100 watts.
- W4XCA—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Granted license to cover C. P. for new high frequency broadcast station on an experimental basis; frequencies 31600, 35600, 38600, 41000 kc., 250 watts.
- NEW—WJR, The Goodwill Station, Detroit, Mich., Portable-Mobile.—Granted C. P. for a new broadcast pickup station on an experimental basis; frequencies 31100, 34600, 37600 and 40600 kc., 2 watts.
- KMLB—Liner's Broadcasting Station, Inc., Monroe, La.—Granted authority to amend C. P. already in bearing docket for change in equipment and increase in day power from 100 to 250 watts.
- NEW—Standard Radio, Inc., Hollywood, Calif.—Granted authority to transmit programs to a foreign country: CJRC, Winnipeg, Manitoba, Canada, and other Canadian stations.
- WCHV—Community Broadcasting Corp., Charlottesville, Va.—Granted authority to transfer control of the Community Broadcasting Corp., licensee of station WCHV, from W. B. Brown to present stockholders of licensee corporation.
- WEBC—Head of the Lakes Broadcasting Co., Superior, Wis.—Granted modification of license to move studio to Spaulding Hotel, Duluth, Minn.
- WSGN—Birmingham News Co., Birmingham, Ala.—Granted C. P. to install new equipment.
- WNAD—University of Oklahoma, Norman, Okla.—Granted authority to make changes in automatic frequency control.
- WSOC—WSOC, Inc., Charlotte, N. C.—Granted authority to make changes in automatic frequency control.
- WSBT—South Bend Tribune, South Bend, Ind.—Granted C. P. for new transmitter.
- KCMC—KCMC, Inc., Texarkana, Ark.—Granted C. P. to install new transmitter and vertical antenna.
- WQAM—Miami Broadcasting Co., Miami, Fla.—Granted authority to make changes in automatic frequency control of auxiliary transmitter.
- KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—Granted amended C. P. to authorize installation of new vertical radiator and move transmitter and studio locally.
- WMBC—Michigan Broadcasting Co., Detroit, Mich.—Granted modification of C. P. to make changes in authorized equipment and extend commencement date from March 14, 1936, to date of grant, and completion date from September 14 to 90 days thereafter.
- WJAR—The Outlet Co., Providence, R. I.—Granted C. P. to move old W. E. transmitter to site of present transmitter for auxiliary purposes.
- KGFI—Eagle Broadcasting Co., Inc., Corpus Christi, Tex.—Granted amended C. P. approving transmitter site and installation of vertical antenna.
- KFJM—University of North Dakota, Grand Forks, N. Dak.—Granted modification of C. P. to make changes in equipment, move transmitter and approve vertical antenna.
- KUOA—KUOA, Inc., Fayetteville, Ark.—Granted modification of license to change studio location from Fayetteville, Ark., to campus of John Brown University, Siloam Springs, Ark.
- WCLO—Gazette Printing Co., Janesville, Wis.—Granted license to cover C. P. authorizing move of transmitter and installation of new antenna.
- WKRC—WKRC, Inc., Cincinnati, Ohio.—Granted modification of C. P. approving new equipment.
- KPQ—Westcoast Broadcasting Co., Wenatchee, Wash.—Granted C. P. to make changes in equipment.
- KGVO—Mosby's, Inc., Missoula, Mont.—Granted C. P. to make changes in equipment.
- KFH—The Radio Station KFH Co., Wichita, Kans.—Granted authority to determine operating power by direct measurement of antenna input.
- WGR—Buffalo Broadcasting Corp., Buffalo, N. Y.—Granted C. P. to install a vertical radiator at present site, install new equipment and increase day power from 1 KW to 5 KW.
- WABG—Memphis Commercial Appeal, Inc., Portable-Mobile.—Granted license to cover C. P. for new relay station; frequencies 1606, 2022, 2102, 2758 kc., 35 watts.
- WDRC—WDRC, Inc., Bloomfield, Conn.—Granted authority to determine operating power by direct measurement of antenna input.
- KABJ—Central States Broadcasting Co., Lincoln, Nebr., Portable.—Granted license to cover C. P. for new relay broadcast station in accordance with Rules 1000 and 1001(b); frequencies 1606, 2022, 2102 and 2758 kc., 30 watts.
- KPLT—The North Texas Broadcasting Co., Paris, Texas.—Granted modification of C. P. approving transmitter and studio sites, new equipment and vertical radiator.
- KHUB—F. W. Atkinson, Watsonville, Calif.—Granted modification of C. P. approving transmitter and studio sites and vertical radiator.
- WAPI—WAPI Broadcasting Corp., Birmingham, Ala.—Granted authority to install automatic frequency control.
- WGY—General Electric Co., Schenectady, N. Y.—Granted authority to install automatic frequency control equipment for main transmitter, and to install automatic frequency control equipment for auxiliary transmitter.
- WAVE—WAVE, Inc., Louisville, Ky.—Granted license to cover C. P., 940 kc., 1 KW, unlimited time, for new transmitter.
- WDAE—Tampa Times Co., Tampa, Fla.—Granted license to cover C. P., 1220 kc., 1 KW night, 5 KW day, unlimited.
- WGST—Georgia School of Technology, Atlanta, Ga.—Granted C. P. to install new equipment, new antenna, move transmitter to site to be determined, increase day power from 1 KW to 5 KW; 890 kc.
- WILL—University of Illinois, Urbana, Ill.—Granted C. P. to move station locally to south of Champaign, Ill.; install directional antenna system in accordance with provisions of modified license which authorized change in assignment from 890 kc., 250 watts, 1 KW day, S-KUSD and KFNF, to 580 kc., 1 KW, daytime only.
- KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted modification of C. P. approving transmitter site at Jackson Blvd., North Little Rock; installation of new equipment and vertical radiator.
- WQAM—Miami Broadcasting Co., Miami, Fla.—Granted change in automatic frequency control of main transmitter.
- NEW—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Granted amended C. P. for new station authorizing opera-

tion on 1480 kc., 5 KW, day time only, using directional antenna.

WJZ—National Broadcasting Co., Inc., New York City—Granted special temporary authority to use auxiliary antenna for period September 15 to November 15, 1936, pending erection of new vertical antenna.

WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate from 1:30 to 6:15 p. m., EST, September 26; from 1:30 to 5:15 p. m., EST, October 3, 1936; and from 1:30 to 5:15 p. m., EST, October 24, 1936, to broadcast football games.

KALB—Alexandria Broadcasting Co., Inc., Alexandria, Va.—Granted special temporary authority to remain on air until 11 p. m. Saturday night, September 26, 1936, in order to broadcast football game.

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted special temporary authority to remain silent September 25 from 8 to 10 p. m., EST, and September 26 from 3 to 9 p. m., EST, in order to observe Hebrew high holiday.

WTAW—Agr. and Mech. College of Texas, College Station, Texas—Granted special temporary authority to operate from 2:55 to 6 p. m., CST, September 26, in order to broadcast football game.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Granted extension of special temporary authority to operate with temporary antenna for the period September 23 to October 22, 1936.

WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Granted extension of special temporary authority to operate with a temporary antenna pending rebuilding of towers, for the period September 26 to October 25, 1936.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with WGBF from 7 to 9:30 p. m., CST, September 23, in order to broadcast speech by Senator Barkley.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Same as above except to operate simultaneously with KFRU.

KNEL—G. L. Burns, Brady, Texas—Granted special temporary authority to operate unlimited time on October 2, 9, 16, 23 and 30, 1936, in order to broadcast football games.

KNET—Palestine Broadcasting Assn., Palestine, Texas—Granted special temporary authority to operate from 8 p. m. to not later than 10:30 p. m., CST, September 25, 1936, October 2, 9 and 23, in order to broadcast football games.

WEST—Association Broadcasters, Inc., Easton, Pa.—Granted extension of special temporary authority to operate simultaneously with WKBO from 10 to 11 a. m. and 5 to 6 p. m., EST, for the period September 24 to September 30, 1936, pending agreement on division of time due to adoption of daylight saving time in Easton, Pa.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted extension of special temporary authority to operate with additional power of 750 watts at night for the period September 28 to October 27, 1936.

WMBG—Havens & Martin, Inc., Richmond, Va.—Granted extension of special temporary authority to operate from 5:30 to 7 p. m., EST, on Sundays, for the period October 1 to October 31, 1936 (provided WBBL remains silent), in order to broadcast special programs.

KDLR—KDLR, Inc., Devils Lake, N. Dak.—Granted special temporary authority to operate without an approved frequency monitor for a period not to exceed 10 days.

WNBH—E. Anthony & Sons, Inc., New Bedford, Mass.—Granted special temporary authority to operate without an approved frequency monitor for a period not to exceed 10 days.

WOW—Woodmen of the World Life Ins. Assn., Omaha, Neb.—Granted extension of special temporary authority to operate with power of 5 KW at night for the period September 29 and ending no later than October 28, 1936.

WFBG—The Gable Broadcasting Co. (Lessee), Altoona, Pa.—Granted special temporary authority to operate simultaneously with WJAC from 9:15 to 10:30 p. m., EST, October 31, 1936, in order to broadcast a democratic rally.

WJAC—WJAC, Inc., Johnstown, Pa.—Granted special temporary authority to operate simultaneously with WFBG from 8:30 to 9:15 p. m., EST, October 31, in order to broadcast a democratic rally.

KPDN—Pampa Daily News, Inc., Pampa, Texas—Granted special temporary authority to operate from 8 to 10:30 p. m., CST, October 2, November 11, 20 and 26, 1936, in order to broadcast night football games.

KWSC—State College of Washington, Pullman, Wash.—Granted special temporary authority to operate from 1:30 to 10 p. m., PST, September 26, 1936, in order to broadcast a football game.

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Granted extension of special temporary authority to operate on 560 kc., with 1 KW at night, during month of October, 1936, pending filing of and action on license application to cover this authority.

APPLICATIONS DENIED

WDEV—Mary M. Whitehill, Executrix of the Estate of Harry C. Whitehill, Waterbury, Vt.—Denied special temporary authority to operate on frequency 680 kc., using 500 watts, during period from 1:30 to 4 p. m., EST, daily except Friday and Saturday, and on Friday from 1:45 to 4 p. m., EST, and on Saturday from 3 to 4 p. m., EST, for a period of 15 days in order to obtain data which will make a possible comparison between results obtained from 680 and 550 kc.

KSOO—Sioux Falls Broadcasting Assn., Inc., Sioux Falls, S. Dak.—Denied special temporary authority to operate station with 500 watts, 2½ KW, LS, unlimited time sunset for September, 6:45 p. m., October 5:45 p. m., November 5 p. m., for period September 1 to November 6, 1936.

WELI—City Broadcasting Corp., New Haven, Conn.—Denied special temporary authority to operate from LS to 8 p. m., EST, from September 23, 1936, to November 4, 1936, using power of 250 watts, to broadcast political and sponsored programs.

The following applications, heretofore set for hearing, were denied as in cases of default for failure to file an appearance and statement of facts in accordance with Rule 104.6(c):

WDNC—Durham Radio Corp., Durham, N. C.—Applied for C. P., 590 kc., 1 KW, unlimited.

WHBI—May Radio Broadcast Corp., Newark, N. J.—Applied for modification of license, 1250 kc., 1 KW, 5 KW LS, shares WNEW.

NEW—Orrin P. Kilbourn, Albany, N. Y.—Applied for C. P., 1240 kc., 250 watts, unlimited.

NEW—C. F. Gaarenstroom, Fairmont, Minn.—Applied for C. P., 1420 kc., 100 watts, 250 watts LS, unlimited.

APPLICATIONS DISMISSED

The following cases, heretofore set for hearing were dismissed at the requests of applicants:

WTAG—Worcester Teleg. Pub. Co., Inc., Worcester, Mass.—Application for special experimental authority, 580 kc., 1 KW, unlimited.

KPRC—Houston Printing Co., Houston, Tex.—Application for S. A., 920 kc., 5 KW, unlimited.

WORC—Alfred Frank Kleindienst, Worcester, Mass.—Application for S. A., 1280 kc., 1 KW, unlimited.

NEW—J. W. Birdwell, Johnson City, Tenn.—Application for C. P., 1370 kc., 100 watts, unlimited.

NEW—The Press Co., Inc., Schenectady, N. Y.—Application for C. P., 1210 kc., 100 watts, daytime.

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Application for C. P., 1450 kc., 1 KW, unlimited.

KGEK—Elmer G. Beehler, Sterling, Colo.—Application for modification of license, 1200 kc., 100 watts, S.H.

NEW—Pemberton Gordon, d/b as Mid-Missouri Broadcasting Service, Jefferson City, Mo.—Application for C. P., 1210 kc., 100 watts, daytime.

NEW—I. L. G. W. Radio Corp., New York City.—Application for C. P., 970 kc., 1 KW, unlimited.

NEW—Maxwell, Sancken & Lorick, Augusta, Ga.—Application for C. P., 610 kc., 250 watts, 500 watts LS, unlimited.

NEW—Harry J. Grant, Milwaukee, Wis.—Application for C. P., 1010 kc., 250 watts, 500 watts LS, unlimited.

NEW—Thos. L. Evans and J. L. Milligan, Jefferson City, Mo.—Application for C. P., 920 kc., 500 watts, daytime.

NEW—The Constitution Pub. Co., Atlanta, Ga.—Application for C. P., 590 kc., 1 KW, unlimited.

NEW—Ventura Broadcasting Co., Ventura, Calif.—Application for C. P., 1210 kc., 100 watts, daytime.

NEW—Harry C. Kipke, Ann Arbor, Mich.—Application for C. P., 630 kc., 500 watts, daytime.

The following application, heretofore set for hearing, was dismissed from the hearing docket and retired to the files inasmuch

as the time requested for transmittal of programs, specified therein, has expired.

Peoples Pulpit Assn., New York City—Requested authority to transmit program of Judge Rutherford from 12 noon to 1 p. m. PST, February 23, 1936, from Shrine Temple, Los Angeles, to station XENT, Nuevo Larado, Mexico, through the facilities of the A. T. and T.

The following application, heretofore set for hearing, was dismissed for failure of applicant to answer the form letter, adopted by the Broadcast Division, requiring applicants to signify their desire to be heard within 10 days after receipt of said letter:

NEW—Dixie Broadcasting System, Stokes Gresham, Jr., Pres., Valdosta, Ga.—Applied for C. P., 1500 kc., 100 watts, daytime.

SET FOR HEARING

NEW—Howard A. Miller, Custer Hotel, Galesburg, Ill.—Application for C. P. for new broadcast station at Galesburg, Ill., to authorize operation on 1500 kc., 100 watts, specified hours.

NEW—Pee Dee Broadcasting Co., James A. Bradley, President, 308 W. Evans Street, Florence, S. C.—Application for C. P. for new broadcast station at Florence, S. C., to authorize operation on 950 kc., 1 KW, daytime only, site to be determined.

NEW—Curtis P. Ritchie, Trinidad, Colo.—Application for C. P. for new broadcast station at Trinidad, Colo., to authorize operation on 1310 kc., 100 watts, unlimited time.

NEW—Associated Arkansas Newspapers, Inc., 912 Central Avenue, Hot Springs, Ark.—Application for C. P. for new broadcast station at Hot Springs, Ark., to authorize operation on 1310 kc., 100 watts, unlimited time.

NEW—Homer D. Banta, Burlington, Iowa.—Application for C. P. for new broadcast station at Burlington, Iowa, to authorize operation on 1310 kc., 100 watts, unlimited time.

NEW—George M. Haskins, Hyannis, Mass.—Application for C. P. for new broadcast station at Hyannis, Mass., to authorize operation on 1210 kc., 100 watts night, 250 watts day, unlimited time, site to be determined.

NEW—Sioux City Broadcasting Co., Sioux City, Iowa.—Application for C. P. for new broadcast station at Sioux City, Iowa, to authorize operation on 1420 kc., 250 watts day, 100 watts night, unlimited time, site to be determined.

NEW—Clarence C. Dill, Washington, D. C.—Application for C. P. for new broadcast station at Washington, D. C., to authorize operation on 1310 kc., 100 watts, unlimited time, site to be determined. Requests facilities of WOL if and when WOL is granted 1230 kc. Consideration under Rule 307 (b).

NEW—Ernest Edward Ruehlen, Great Bend, Kans.—Amended application for C. P. for new broadcast station at Great Bend, Kans., to authorize operation on 1370 kc., 100 watts, unlimited time, site to be determined.

NEW—Continental Radio Company, Washington, D. C.—Amended application for C. P. for new broadcast station at Washington, D. C., to authorize operation on 1230 kc., 1 KW, unlimited time, directional antenna day and night, transmitter site to be located approximately one mile northwest of north corner of District of Columbia, Montgomery County, Maryland.

NEW—Loyal K. King, d/b as Radio & Television Research Co., Los Angeles, Calif.—Application for new special broadcast station on an experimental basis to be located at Los Angeles, Calif., to authorize operation on 1530 kc., 1 KW, unlimited time.

NEW—C. W. Corkhill, Sioux City, Iowa.—Amended application for C. P. for new broadcast station at Sioux City, Iowa, to authorize operation on 1420 kc., 100 watts, unlimited time, site to be determined.

NEW—Chauncey W. Hammond, Oakland, Calif.—Amended application for C. P. for new broadcast station at Oakland, Calif., to authorize operation on 1280 kc., 1 KW, unlimited time, site to be determined.

NEW—John E. Fetzer, Benton Harbor, Mich.—Amended application for C. P. for new broadcast station at Benton Harbor, Mich., to authorize operation on 1500 kc., 100 watts, daytime only, site to be approved.

NEW—The Courier-Post Publishing Co., Hannibal, Mo.—Amended application for C. P. for new broadcast station at Hannibal, Mo., to authorize operation on 1310 kc., 100 watts night, 250 watts day, unlimited time, site to be approved.

WBNO—The Coliseum Place Baptist Church, New Orleans, La.—Application for voluntary assignment of license of Station WBNO, New Orleans, La. (1200 kc., 100 watts day, and night share WJBW), from the Coliseum Place Baptist Church to J. E. Richards, John R. Maddox, and Edward R. Musso, t/a the Pelican State Broadcasting Company.

WHAS—The Courier-Journal Co. and The Louisville Times Co., Louisville, Ky.—Amended application for C. P. to increase power from 50 KW to 500 KW, unlimited time, site to be approved; type of antenna and type of equipment to be determined with Commission's approval; frequency 820 kc.

WCOL—WCOL, Inc., Columbus, Ohio.—Application for C. P. to authorize changes in equipment and increase day power from 100 watts to 250 watts. Present assignment, 1210 kc., 100 watts, unlimited time.

NEW—United States Broadcasting Co., Toledo, Ohio.—Application for C. P. for new broadcast station at Toledo, Ohio, to authorize operation on 1200 kc., 100 watts day, daytime only, site to be approved.

NEW—Radio Enterprises, partnership of R. Lacy and J. R. Curtis, Lufkin, Tex.—Application for C. P. for new broadcast station at Lufkin, Tex., to authorize operation on 1310 kc., 100 watts, daytime only, exact transmitter and studio sites to be determined with Commission's approval.

NEW—Loyal K. King, Pasadena, Calif.—Application for C. P. for new broadcast station at Pasadena, Calif., to authorize operation on 1480 kc., 250 watts, daytime only.

WBAX—John H. Senger, Jr., Wilkes-Barre, Pa.—Application for modification of license which expires December 1, 1936, to authorize change in hours of operation from specific to unlimited time.

NEW—Columbia Radio Co., Inc., Columbia, S. C.—Application for C. P. for new broadcast station at Columbia, S. C., to authorize operation on 1200 kc., 100 watts, unlimited time, transmitter and studio sites to be approved.

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Application for special experimental authority to authorize increase in night time power from 500 watts to 1 KW for period of three months.

NEW—Bay State Broadcasting Corp., Providence, R. I.—Application for C. P. for new broadcast station at Providence, R. I., to authorize operation on 720 kc., 1 KW day, limited time.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Application for C. P. to authorize installation of new equipment and to change the assignment from 1370 kc., 100 watts night, 250 watts day, unlimited time, to 1120 kc., 1 KW, unlimited time.

KNX—Western Broadcast Co., Los Angeles, Calif.—Amended application for C. P. to authorize moving studio locally, to make changes in equipment, and increase power from 50 KW to 500 KW.

KGFV—Central Nebraska Broadcasting Corp., Kearney, Neb.—Amended application for C. P. to move transmitter and studio locations to Omaha, Neb., sites to be determined with Commission's approval, and to install new equipment.

WLAC—WLAC, Inc., Nashville, Tenn.—Application for C. P. to install new equipment and vertical radiator at present site and to increase power from 5 KW to 50 KW.

WBZA—Westinghouse Electric & Manufacturing Co., Boston, Mass.—Application for C. P. to move transmitter locally approximately 8 miles and studio from Boston to Springfield; install new equipment and directional antenna system; change frequency from 990 kc. to 550 kc.; and change time of operation from 1 KW night and day when synchronized with WBZ to unlimited time.

WOAI—Southland Industries, Inc., San Antonio, Texas—Application for C. P. to move transmitter, install new antenna system and increase power from 50 KW to 500 KW. Site and type of antenna to be determined.

KFBB—Buttrely Broadcast, Inc., Great Falls, Mont.—Application for renewal of license which expires 10-1-36; 1280 kc., 1 KW, 2½ KW LS, unlimited time.

KRLH—Clarence Scharbauer, Midland, Tex.—Application for modification of license to change frequency from 1420 kc. to 1210 kc.

KOL—Seattle Broadcasting Co., Seattle, Wash.—Application for modification of license to change frequency from 1270 kc. to 1040 kc., and increase power from 1 KW night, 5 KW day, unlimited time, to 5 KW, unlimited time. Before Commission en banc.

WELI—City Broadcasting Corp., New Haven, Conn.—Application for modification of license to change frequency from 900 kc. to 930 kc., to install directional antenna, to change time of operation from daytime to unlimited with 250 watts night, 500 watts day.

WAWZ—Pillar of Fire, Zarephath, N. J.—Application for modification of license to increase night power from 500 watts to 1 KW.

WHBL—Press Publishing Co., Sheboygan, Wis.—Application for C. P. to install new transmitter and increase day power from 250 watts to 1 KW.

NEW—Harold Thomas, Pittsfield, Mass.—Application for C. P. for new broadcast station at Pittsfield, Mass., to authorize operation on 1310 kc., 100 watts night, 250 watts day, unlimited time, site to be approved.

NEW—United States Broadcasting Co., Columbus, Ohio.—Application for C. P. for new broadcast station at Columbus, Ohio, for authority to operate on 1310 kc., unlimited time, with 100 watts. Exact transmitter site and antenna ground to be determined.

KSLM—Oregon Radio, Inc., Salem, Ore.—Application for C. P. to authorize installation of new equipment, increase height of vertical radiator, change frequency from 1370 kc. to 1240 kc., and increase power from 100 watts to 250 watts.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Application for modification of C. P. to move studio locally, install new equipment, change frequency from 1420 kc. to 1200 kc., and change power and time of operation from 100 watts daytime to 100 watts night, 250 watts day, unlimited time.

W1XBS—American-Republican, Inc., Waterbury, Conn.—Applications for construction permits for special broadcast stations to be used as new booster stations, one to be located at New Haven, Conn., and other at Bridgeport, Conn., to operate synchronously with W1XBS at Waterbury. Booster stations request same facilities, 1530 kc., 100 watts, unlimited time, sites to be approved.

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Amended application for modification of license requesting authority to change frequency from 1420 kc. to 1210 kc., increase power from 100 watts daytime to 100 watts unlimited time.

NEW—Auburn Publishing Company, Auburn, N. Y.—Application for C. P., already in hearing docket, amended so as to request change in transmitter site to York Street, Auburn, N. Y.; 1420 kc., 100 watts, unlimited time.

APPLICATION RETIRED TO CLOSED FILES

WJAY—Cleveland Radio Broadcasting Corp., Cleveland, Ohio—Application for C. P. requesting authority to install new equipment and move transmitter, granted October 1, 1935, expired June 1, 1936, and was retired to closed files for want of prosecution.

RATIFICATIONS

The Broadcast Division ratified the following acts authorized on the dates shown:

W4XBS-W4XCA—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Granted authority to extend service tests for a period of 30 days from September 16, 1936. (Action taken September 15.)

KNEC-W7XBK—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Granted authority to operate as licensed on September 20 to 27 inclusive. (Action taken September 17.)

WJJD—WJJD, Inc., Chicago, Ill.—Granted special temporary authority to operate without antenna ammeter for the period September 12 to 26, 1936. (Action taken September 15.)

WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Granted special temporary authority to operate without an approved frequency monitor for the period September 15 to 25, 1936. (Action taken September 15.)

WSVS—Elmer S. Pierce, Principal, Seneca Vocational H. S., Buffalo, N. Y.—Granted special temporary authority to operate from 8:30 to 10 a. m. and 2 to 3 p. m., EDST, instead of EST as licensed, for the period September 15 to 27, 1936. (Action taken September 15.)

WHAS—The Courier Journal Co. & the Louisville Times Co., Louisville, Ky.—Granted extension of special temporary authority to operate a 50 watt portable test transmitter from September 17 to October 16, 1936. (Action taken September 17.)

WCBD—WCBD, Inc., Waukegan, Ill.—Granted extension of special temporary authority to use studio located at Zion, Ill., as main studio, pending action on application to move studio to Chicago, for period September 21 to October 20, 1936. (Action taken September 10.)

KPAC—Port Arthur College, Port Arthur, Texas—Granted special temporary authority to operate from 6:15 p. m. to 12 midnight, CST, on September 18 and 25, 1936. (Action taken September 18.)

WFBL—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Granted special temporary authority to use Weston Model ammeter No. 5760 instead of Weston Tyle 400, for period September 16 to October 15, 1936. (Action taken September 18.)

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Granted extension of special temporary authority to operate station without antenna ammeter for the period September 17 to September 26, 1936. (Action taken September 18.)

KOY—Nielson Radio & Sporting Goods Co., Phoenix, Ariz.—Granted special temporary authority to operate a 50-watt portable transmitter on 1390 kc., in vicinity of Phoenix, for the period not to exceed 3 weeks. (Action taken September 18.)

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 2 to 3 p. m., EST, on September 19, 26, and October 3, 10 and 17, 1936; and from 8:30 to 10:30 p. m. and 2 to 3 p. m., EST, on September 20, 27 and October 4, 11, and 18, 1936. (Action taken September 18.)

WOKO—WOKO, Inc., Albany, N. Y.—Granted special temporary authority to rebroadcast time signals from Naval Radio Station NAA, for period ending no later than November 1, 1936. (Action taken September 18.)

WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Granted special temporary authority to operate simultaneously with WLBC from 7:30 to 10 p. m., CST, on September 18 and 25, 1936. (Action taken September 18.)

WKBV—Knox Radio Corp., Richmond, Ind.—Granted special temporary authority to operate from 1 to 5:30 p. m., CST, on September 18 and 26. (Action taken September 18.)

KALB—Alexandria Broadcasting Co., Inc., Alexandria, La.—Granted special temporary authority to operate from local sunset to 12 midnight, CST, on September 21, to broadcast activities of first anniversary; from LS to 10 p. m., CST, on September 24, 1936, to broadcast open house night of Montgomery Ward & Co. (Action taken September 18.)

WFRO—Voice of Longview, Longview, Texas—Granted special temporary authority to operate from LS to 12 midnight, CST, September 18, 25, October 2, 9, 16, 1936. (Action taken September 18.)

KFDY—South Dakota State College, Brookings, S. D.—Granted special temporary authority to operate from 2 to 5 p. m., CST, October 10 and 31, November 7, 1936. (Action taken September 18.)

WGST—Georgia School of Technology, Atlanta, Ga.—Granted special temporary authority to operate a 100-watt portable test transmitter on 890 kc. between 12 midnight and 6 a. m., EST, for period not to exceed 10 days. (Action taken September 19.)

WTRC—The Truth Publishing Co., Elkhart, Ind.—Granted special temporary authority to operate simultaneously with WLBC from 7:30 p. m. to 11 p. m., CST, the night of September 21 or September 28, for the purpose of broadcasting programs in observance of WTRC's increased power. (Action taken September 19.)

W8XIN—Radio Air Service Corp., Cleveland, Ohio—Granted special temporary authority to operate high frequency relay broadcast transmitting apparatus on September 21 to 24, inclusive. (Action taken September 19.)

WSMK—WSMK, Inc., Dayton, Ohio—Granted special temporary authority to operate simultaneously with KQV from 9 to 10 p. m., EST, on September 17 and 24. (Action taken September 17.)

WIOD-WMBF—Isle of Dreams Broadcasting, Corp., Miami, Fla.—Granted C. P. approving transmitter site and vertical radiator. (Action taken September 16.)

King-Trendle Broadcasting Corp., Detroit, Mich.—Granted extension of authority to transmit sustaining programs from WXYZ to stations of the Canadian Broadcasting Corp. for period of 30 days, conditionally. (Action taken September 15.)

The Broadcast Division, upon consideration of the requests of applicants for dismissal of the following applications, directed that the applications be dismissed with prejudice, and that an order be entered accordingly and forwarded to all interested parties. (Action taken September 14):

Ex. Rep. No. 1-214 in part, applications of Winona Broadcasting Co., Winona, Minn.; Mankato Broadcasting Co., Mankato, Minn.; Fort Dodge Broadcasting Co., Fort Dodge, Iowa; Clinton Broadcasting Co., Clinton, Iowa; Hastings Broadcasting Co., Hastings, Neb.; Grand Isle Broadcasting Co., Grand Island, Neb.; Appleton Broadcasting Co., Appleton, Wis., and Wausau Broadcasting Co., Wausau, Wis., all for new stations.

RENEWAL OF LICENSES

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

KDYL, Intermountain Broadcasting Corp., Salt Lake City, Utah; KFIO, Spokane Broadcastsaing Corp., Spokane, Wash.; KFKU, The University of Kansas, Lawrence Kans.; KFOX, Nichols and Warinner, Inc., Long Beach, Calif.; KFSG, Echo Park Evangelistic Assn. (Maurice E. Kennedy, Agt.) and auxiliary, Los Angeles, Calif.; KFWB, Warner Bros. Broadcasting Corp., Hollywood, Calif.; KGCA, Charles Walter Greenley, Decorah, Iowa; KGGF, Hugh J. Powell and Stanley Platz, d/b as Powell & Platz, Coffeyville, Kans.; KGGM, New Mexico Broadcasting Co., Albuquerque, N. M.; KGVO, Mosby's Incorporated, Missoula, Mont.; KHSL, Golden Empire Broadcasting Co., Chico, Calif.; KLCN, Charles Leo Lintzenich, Blytheville, Ark.; KMBC, Midland Broadcasting Co., Kansas City, Mo.; KMBC (Auxiliary), Midland Broadcasting Co., Kansas City, Mo.; KOIN, KOIN, Inc., Portland, Ore.; KOL, Seattle Broadcasting Co., Seattle, Wash.; KPAC, Port Arthur College, Port Arthur, Texas; KQW, Agricultural Foundation, Ltd., San Jose, Calif.; KRGV, KRGV, Inc., Weslaco, Texas; KRKD, Radio Broadcasters, Inc., Los Angeles, Calif.; KRKD (Auxiliary), Radio Broadcasters, Inc., Los Angeles, Calif.; KROW, Educational Broadcasting Corp., Oakland, Calif.; KRSC, Radio Sales Corporation, Seattle, Wash.; KTRH, KTRH Broadcasting Co., Houston, Texas; KTW, The First Presbyterian Church of Seattle, Seattle, Wash.; KUOA, KUOA, Inc., Fayetteville, Ark.; KVOR, S. H. Patterson, Colorado Springs, Colo.; KWSC, State College of Washington, Pullman, Wash.; KYA, Hearst Radio, Inc., San Francisco, Calif.; WAAT, Bremer Broadcasting Corp., Jersey City, N. J.; WASH, Kunsky-Trendle Broadcasting Corp., Grand Rapids, Mich.; WAVE, WAVE, Inc., Louisville, Ky.; WMRC, Birmingham Broadcasting Co., Inc., Birmingham, Ala.; WCAD, St. Lawrence University, Canton, N. Y.; WCAM, City of Camden, Camden, N. J.; WCAP, Radio Industries, Broadcast Co., Asbury Park, N. J.; WCOP, Massachusetts Broadcasting Corp., Boston, Mass.; WDAE, Tampa Times Company, Tampa, Fla.; WDAY, WDAY, Inc., Fargo, N. D.; WDBJ, Times-World Corp., Roanoke, Va.; WDEL, WDEL, Inc., Wilmington, Del.; WDOD, WDOD Broadcasting Corp., Chattanooga, Tenn.; WDSU, WDSU, Inc., New Orleans, La.; WEBC, Head of the Lakes Broadcasting Co., Superior, Wis.; WEBC (Auxiliary), Head of the Lakes Broadcasting Co., Superior, Wis.; WFBR, The Baltimore Radio Show, Inc., Baltimore, Md.; WHN and Auxiliary, Marcus Loew Booking Agency, New York, N. Y.; WHA, University of Wisconsin, Madison, Wis.; WISN and Auxiliary, Hearst Radio, Inc., Milwaukee, Wis.; WJAS, Pittsburgh Radio Supply House, Pittsburgh, Pa.; WJDX, Lamar Life Insurance Co., Jackson, Miss.; WKAQ, Radio Corporation of Porto Rico, San Juan, Puerto Rico; WLB, University of Minnesota, Minneapolis, Minn.; WNAC, Shepard Broadcasting Service, Inc., Boston, Mass.; WNAD, University of Oklahoma, Norman, Okla.; WNBX, WNBX Broadcasting Corp., Springfield, Vt.; WNBZ, Earl J. Smith and William Mace, d/b as Smith and Mace, Saranac Lake, N. Y.; WNEL, Juan Piza, San Juan, Puerto Rico; WNEW, Wodaam Corp., Newark, N. J.; KNOX, Continental Radio Co., Knoxville, Tenn.; WOOD, Kunsky-Trendle Broadcasting Corp., Grand Rapids, Mich.; WRC and Auxiliary, National Broadcasting Co., Inc., Washington, D. C.; WREN, The WREN Broadcasting Co., Lawrence, Kan.; WRR, City of Dallas, Dallas, Texas; WTAW, Agricultural and Mechanical College of Texas, College Station, Texas; WTCN, Minnesota Broadcasting Corp., Minneapolis, Minn.; WTNJ, WOAX, Inc., Trenton, N. J.; WTOC, Savannah Broadcasting Co., Inc., Savannah, Ga.; WXYZ, Kunsky-Trendle Broadcasting Corp., Detroit, Mich.

The following stations were granted renewal of licenses for the period ending 9 a. m., EST, March 1, 1937:

KFRC and Auxiliary, Don Lee Broadcasting System, San Fran-

cisco, Calif.; KMJ, McClatchy Broadcasting Co., Fresno, Calif.; WMMN, A. M. Rowe, Inc., Fairmont, W. Va.

The present license of the following special experimental station in the experimental service was extended for a period of one month from September 23, 1936, at 3 a. m., EST, to 3 a. m., EST, October 23, 1936, on a temporary basis only, pending action on application for renewal of license:

W8XAR, Westinghouse Electric & Manufacturing Company, Saxonburg, Pa.

MISCELLANEOUS

WMEX—The Northern Corporation, Boston, Mass.—Reconsidered action of July 22, 1936, granting without hearing C. P. authorizing moving of transmitter, change of frequency to 1470 kc., and increasing power to 5 KW, and designated application for hearing because of protests of WNAC, WAAB, WCOP and WLAC.

WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y.—Granted modification of license authorizing operation on 570 kc., 1 KW, unlimited time, affirming grant of July 2, 1936, since stations WKBN, WICC, WFIL and WSYR-WSYU withdrew protests on September 19, 1936.

NEW—Escanaba Daily Press Co., Escanaba, Mich.—Granted request to take depositions in re application for new broadcast station to operate on 1500 kc., 100 watts, daytime.

NEW—R. J. Laubengayer, Salina, Kans.—Granted application for C. P. for new broadcast station to operate on 1500 kc., 100 watts, unlimited time; transmitter site to be determined with Commission approval.

NEW—The Journal Company, Milwaukee, Wis.—Granted petition to intervene in hearing on application of John C. Looney, d/b High Fidelity Broadcasting Service, Milton, Massachusetts, for C. P. to establish and operate broadcast station to operate on 1570 kc., 1 KW, unlimited time.

NEW—Continental Radio Co., Columbus and Toledo, Ohio.—Applications for C. P. to erect and operate broadcast stations at Columbus and Toledo, Ohio, to operate on frequencies of 1310 kc. and 1200 kc., 100 watts power, respectively, remanded to docket for additional testimony.

KUMA—Dr. Albert H. Schermann, Flagstaff, Ariz.—Granted renewal of license on regular basis.

WAAB—Bay State Broadcasting Corp., Boston, Mass.—Denied petition asking Commission to reconsider action of January 15, 1936, in designating for hearing application for modification of license to increase power from 500 watts to 1 KW, daytime.

KLZ Broadcasting Co., Denver, Colo.—Granted petition to intervene in hearing of application of Mile High Radio Corp., Denver, Colo., for C. P. to authorize establishment and operation of a new broadcast station at Denver, using 1420 kc., 100 watts, unlimited time.

NEW—Tribune Printing Company, Jefferson City, Mo.—Reconsidered and granted application for new broadcast station at Jefferson City, Mo., to operate on 1310 kc., 100 watts, daytime.

NEW—Advertiser Publishing Co., Ltd., Honolulu, T. H.—Granted petition to intervene at hearing of application of Fred J. Hart to erect and operate a new broadcast station at Honolulu to operate on 600 kc., 250 watts, unlimited time, to be heard on November 10, 1936.

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Denied petition asking Commission to reconsider and grant application to increase nighttime power from 250 watts to 1 KW on present frequency of 1120 kc. Also denied petition requesting oral argument before Broadcast Division as petitioner offers no new or additional evidence.

WGAM (formerly WSPG)—Portland Broadcasting System, Inc., Portland, Maine.—Denied motion to dismiss application of Palmer Broadcasting Syndicate, Inc., Portland, Maine, for C. P. to establish and operate a new broadcast station at Portland on 1310 kc., 100 watts.

WGAM (formerly WSPG)—Portland Broadcasting System, Inc., Portland, Maine.—Authorized to proceed with construction of new station to operate on 640 kc., 500 watts, limited to KFI, subject to whatever action the U. S. Court of Appeals for D. C. may take upon pending appeals of Congress Square Hotel Company and the Eastland Company. This action follows dismissal of appeal of Palmer Broadcasting Syndicate, Inc., and dissolution of its stay order.

NEW—Paul R. Heitmeyer, Cheyenne, Wyo.—Granted motion asking dismissal of application of Wyoming Radio Corporation

for C. P. for new radio broadcast station to operate at Cheyenne on 1210 kc., 100 watts, unlimited time, as it develops that the parties named as officers and directors of Wyoming Radio Corp. are the same individuals that compose the Wyoming Radio Educational Association, whose application for a new station, after a hearing, was denied, effective June 12, 1936.

WCBS—Charleston Broadcasting Corp., Charleston, W. Va.—Denied petition asking Commission to reconsider and grant without hearing application for special experimental authorization to increase nighttime power from 500 watts to 1 KW.

National Association of Regional Broadcasting Stations—Denied petition asking Commission to maintain the present status on regional stations pending promulgation of new rules and regulations as result of the hearing scheduled for October 5, 1936.

NEW—Pacific Acceptance Corporation, San Diego, Calif.—Dismissed the application from hearing docket and reaffirmed its original decision of October 22, 1935, granting the application of the Pacific Acceptance Corp. for a new broadcast station at San Diego to operate on 1200 kc., 100 watts, daytime only.

POSTPONEMENT OF EFFECTIVE DATE OF RULES 981 AND 1034 (C)

Effective operation of Rule 981 postponed for six months to perfect frequency monitors for independent measurement of the frequencies of stations other than those in regular broadcast band.

Rule 1034 (c) postponed until further notice. To be made effective when definite allocations of frequencies to television stations are made.

ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. No. 1-212: A. W. Hayes, Erie, Pa.—Denied C. P. for new broadcast station to operate on 1270 kc., 100 watts night, 1 KW LS, unlimited time, directional antenna, site to be determined subject to Commission's approval. Examiner Dalberg sustained.

NEW—Watertown Broadcasting Corp., Watertown, N. Y.—Denied C. P. for new station to operate on 1270 kc., 250 watts, daytime, site to be determined subject to Commission's approval. Examiner Melvin Dalberg reversed. Order effective October 13, 1936.

NEW—Ex. Rep. No. 1-220: A. Staneart Graham, E. V. Baxter and Norman Baxter, d/b as Pittsburg Broadcasting Co., Pittsburg, Kans.—Granted C. P. for new station to operate on 790 kc., 1 KW, daytime, site to be determined subject to Commission's approval. Examiner Geo. H. Hill sustained. Order effective October 6, 1936.

NEW—Ex. Rep. No. 1-231: Union Tribune Pub. Co., San Diego, Calif.—Denied C. P. for new broadcast station to operate on 1420 kc., 100 watts night, 250 watts day, unlimited time. Examiner R. L. Walker sustained. Order effective November 10, 1936.

NEW—Ex. Rep. No. 1-246: Star-Chronicle Pub. Co., St. Louis, Mo.—Granted C. P. for new broadcast station to operate on 1250 kc., 1 KW, unlimited time. Examiner R. H. Hyde reversed.

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Denied C. P. to install new equipment (install directional antenna at night); move transmitter from Grand & Lindell Blvds., St. Louis, Mo., to 2.8 miles due East of McKinley Bridge on U. S. Highway No. 67, Ill.; change frequency from 1200 kc. to 1250 kc.; and increase power from 100 watts night, 250 watts day, to 1 KW unlimited time. Examiner Hyde reversed. Order effective October 6, 1936.

KGKO—Ex. Rep. No. 1-255: Wichita Falls Broadcasting Co., Fort Worth, Tex.—Granted C. P. (Commissioner Case dissenting), to install new equipment, move studio and transmitter to site to be determined subject to Commission's approval; 570 kc., 250 watts night, 1 KW day, unlimited time. Examiner D. G. Arnold sustained. Order effective October 13, 1936.

NEW—Ex. Rep. No. 1-262: Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Granted C. P. for new broadcast station (subject to Rules 131, 132 and 139) to operate on 1200 kc., 100 watts, unlimited time. (Site to be determined, subject to Commission's approval.) Examiner G. H. Hill sustained. Order effective October 20, 1936.

NEW—Ex. Rep. No. 1-271: Black River Valley Broadcasts, Inc., Watertown, N. Y.—Granted C. P. for new station to operate on 1420 kc., 100 watts night, 250 watts LS, unlimited time. Examiner M. H. Dalberg sustained.

NEW—Ex. Rep. No. 1-275: Harold Johnson and Leland M. Perry, d/b as Johnson & Perry, Cedar City, Utah.—Granted C. P. for new broadcast station to operate on 1310 kc., 100 watts, unlimited time. (Site to be determined, subject to Commission's approval.) Examiner G. H. Hill sustained. Order effective October 27, 1936.

WHFC—Ex. Rep. No. 1-276: WHFC, Inc., Cicero, Ill.—Granted C. P. to install new equipment and increase power from 100 watts to 100 watts night, 250 watts day; 1420 kc., specified hours. Examiner M. H. Dalberg sustained.

WKBI—WKBI, Inc., Cicero, Ill.—Granted modification of license to increase power from 100 watts to 100 watts night, 250 watts day; 1420 kc., specified hours. Examiner Dalberg sustained.

WEHS—WEHS, Inc., Cicero, Ill.—Granted modification of license to increase power from 100 watts to 100 watts night, 250 watts day; 1420 kc., specified hours. Examiner Dalberg sustained. Order effective October 27, 1936.

NEW—Ex. Rep. No. 1-278: Hunt Broadcasting Assn., Fred Horton, Pres., Greenville, Tex.—Remanded to docket for further hearing.

WCBD—Ex. Rep. No. 1-280: WCBD, Inc., Chicago, Ill.—Granted modification of license to move studio from Waukegan to 128 No. Pulaski Road, Chicago, Ill.; 1080 kc., 5 KW, limited time. Also granted authority to transfer control of corporation from Wilbur Glenn Voliva, Ernest E. Harwood and M. J. Mintern to L. E. Moulds, W. F. Moss and Gene T. Dyer and E. M. Ringwald. Examiner G. H. Hill sustained. Order effective November 2, 1936.

KRE—Ex. Rep. No. 1-288: First Congregational Church of Berkeley, Berkeley, Calif.—Granted voluntary assignment of license from First Congregational Church of Berkeley to Central California Broadcasters, Inc.; 1370 kc., 100 watts night, 250 watts day, unlimited time. Examiner R. H. Hyde sustained. Order effective November 2, 1936.

ORAL ARGUMENTS GRANTED

Oral arguments were granted in the following cases, to be held October 29, 1936:

Ventura County Star, Inc., and Merced Star Publishing Co., Inc., Ventura, Calif. (Ex. Rep. No. 1-239); Intermountain Broadcasting Corp. (KDYL), Salt Lake City, Utah (Ex. Rep. No. 1-242).

In the following cases Oral Arguments were granted for November 6, 1936:

Southwest Broadcasting Co., Prescott, Ariz., and W. P. Stuart, Prescott, Ariz. (Ex. Rep. 1-245); Radio Broadcasting Corp. (KTFI) Twin Falls, Idaho (Ex. Rep. 1-249); Voice of Marshall Assn., Marshall, Texas (Ex. Rep. 1-251).

In the following cases Oral Arguments will be held November 13, 1936:

WALR Broadcasting Corp., Zanesville, Ohio (Ex. Rep. 1-253); Community Broadcasting Co., Toledo, Ohio (Ex. Rep. 1-254); Earl Weir, St. Petersburg, Fla. (Ex. Rep. 1-261); Nathan N. Bauer, Miami, Fla. (Ex. Rep. 1-243).

In the following cases Oral Arguments will be held November 19, 1936:

The Sun Publishing Co, Inc. (WTJS), Jackson, Tenn. (Ex. Rep. 1-244); Cherry & Webb Broadcasting Co. (WPRO), Providence, R. I. (Ex. Rep. 1-248); J. R. Maddox and W. B. Hair, d/b as Chattanooga Broadcasting Co, Chattanooga, Tenn. (Ex. Rep. 1-252); Dorrance D. Roderick, El Paso, Texas (Ex. Rep. 1-256).

In the following cases Oral Arguments will be held December 3, 1936:

K. K. Kidd & L. C. Kidd, Taft, Calif. (Ex. Rep. 1-259); Marysville-Yuba City Publishers, Inc., Marysville, Calif. (Ex. Rep. 1-264); Fred A. Baxter, Superior, Wis. (Ex. Rep. 1-266); Baton Rouge Broadcasting Co., Inc. (WJBO), Baton Rouge, La. (Ex. Rep. 1-267).

In the following cases Oral Arguments will be held December 10, 1936:

Tulare-Kings Counties Radio Associates, Visalia, Calif. (Ex. Rep. 1-268); J. E. Brandtley, et al., Savannah, Ga., W. T. Knight, Jr.,

Savannah, Ga. (Ex. Rep. 1-269); Gulf Coast Broadcasting Co., Corpus Christi, Texas (Ex. Rep. 1-272).

In the following cases Oral Arguments will be held November 6, 1936:

Albert Lea Broadcasting Corp., Albert Lea, Minn., Winona Radio Service, Winona, Minn. (Ex. Rep. 1-273).

In the following cases Oral Arguments will be held December 17, 1936:

Cache Valley Broadcasting Co., Logan, Utah (Ex. Rep. 1-274); J. T. Bilben and N. G. Barnard, Walker, Minn. (Ex. Rep. 1-277).

In the following case Oral Argument will be held October 22, 1936:

The Times-Dispatch Publishing Co., Inc., Richmond, Va. (Ex. Rep. 1-285).

OTHER ACTION

KFRO—Voice of Longview, Longview, Tex.—Denied petition asking Commission to rehear application to change frequency from 1370 kc. to 1210 kc., and to operate with 100 watts night, 250 watts day, instead of 100 watts daytime only, requesting the facilities of KWEA at Shreveport, La. Commissioner Stewart voted in favor of granting the petition and will submit an opinion outlining his reasons.

National Television Corp., New York City.—Extended to December 15, 1936, present temporary authorization (Station W2XNT) for television research on 2000-2100 kc., issued July 21, 1936, with special provisions for a period ending September 15, 1936.

Dudley J. Connolly et al., d/b as Dudley J. Connolly & Co., Chattanooga, Tenn.—Denied petitions asking for rehearing and review before Commission en banc of applications of W. A. Patterson and Dudley J. Connolly & Co. for new broadcasting station at Chattanooga, and the denial of the application of Dudley J. Connolly & Co. for C. P. for new station to operate on 1200 kc., 100 watts, daytime.

APPLICATIONS RECEIVED

First Zone

WCAO—Monumental Radio Co., Baltimore, Md.—License to cover 600 construction permit (B1-P-1087) for new auxiliary transmitter, move, using 250 watts power.

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—Construction permit to install new transmitter.

NEW—Utica Observer Dispatch, Inc., Utica, N. Y.—Construction 950 permit for a new station to be operated on 950 kc., 1 KW, daytime. Studio and transmitter to be determined, Utica, N. Y.

WHN—Marcus Loew Booking Agency, New York, N. Y.—Modification of license to increase operating power from 1 KW night, 5 KW day, to 5 KW day and night.

WEBR—WEBR, Inc., Buffalo, N. Y.—Construction permit to 1310 install new transmitter and vertical antenna.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Modification of license 1370 for additional hours of from 2 to 3 p. m. on Saturdays and from 8:30 to 10 a. m. and 2 to 3 p. m. on Sundays and legal holidays. Facilities of WSVS.

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan & 1370 Bostwick, St. Albans, Vt.—Modification of construction permit (B1-P-113) for move of transmitter and studio, change frequency, install new equipment, increase in power, and change in specified hours, requesting equipment changes and move of transmitter.

WNLC—Thames Broadcasting Corp., New London, Conn.—1500 License to cover construction permit (B1-P-549) for a new station.

NEW—The Trenton Times, Trenton, N. J.—Construction permit 1570 for a new special broadcast station to be operated on 1570 kc., 250 watts, unlimited time.

NEW—The Trenton Times, Trenton, N. J.—Construction permit 1570 for booster station for special broadcast station at Trenton, N. J., to be operated synchronously with B1-PSB-5 on 1570 kc., 250 watts, unlimited time.

NEW—The Trenton Times, Trenton, N. J.—Construction permit 1570 for booster station for special broadcast station at Trenton, N. J., to be operated synchronously with B1-PSB-5 on 1570 kc., 250 watts, unlimited time.

NEW—Debs Memorial Radio Fund, Inc., Brooklyn, N. Y.—Con-

struction permit for a new high frequency station to be operated on 31600, 35600, 38600, 41000, 86000, 130000, 172000 and 260000 kc., 100 watts.

NEW—General Electric Co., Albany, N. Y.—Construction permit for a new high frequency broadcast station to be operated on 31600, 35600, 38600 and 41000 kc., 150 watts.

NEW—The Travelers Broadcasting Service Corp., Portable-Mobile.—Construction permit for a new high frequency relay broadcast station to be operated on 105000, 200000, 290000 and 450000 kc., 5 watts.

NEW—The Travelers Broadcasting Service Corp., Portable-Mobile.—License to cover above.

Second Zone

WFIL—WFIL Broadcasting Co., Philadelphia, Pa.—Modification 560 of construction permit (B2-P-1085) for new equipment, erect vertical antenna, increase power, move transmitter, further requesting authority to change transmitter site from 1300 feet northeast of Monument and City Line Avenue, Merion Township, Pa., to 1500 feet north of Monument and City Line Avenue, Merion Township, Pa., and extend commencement and completion dates to 30 and 180 days, respectively.

NEW—The Central Michigan Radio Co., James Bourland, John 570 Tebbel, Gerald J. Cotter, Ray D. Market, Mt. Pleasant, Mich.—Construction permit for a new station to be operated on 1350 kc., 250 watts, unlimited time. Amended: Antenna changes, change frequency from 1350 kc. to 570 kc.

WJAY—Cleveland Radio Broadcasting Corp., Cleveland, Ohio.—610 Construction permit to move transmitter from 2016 East Ninth St., Cleveland, Ohio, to Pleasant Valley Road, Village of Seven Hills, Ohio; install new transmitter and antenna.

WRAX—WRAX Broadcasting Co., Philadelphia, Pa.—Modification 920 of license to increase operating power from 250 watts night using directional antenna and 500 watts day, to 1 KW day and night, using directional antenna at night.

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Modification 920 of license to increase operating power from 250 watts night using directional antenna and 500 watts day, to 1 KW day and night, using directional antenna at night.

WDBJ—Times-World Corp., Roanoke, Va.—License to cover construction permit (B2-P-1006) to install new equipment, increase in power, and move transmitter and studio.

WDBJ—Times-World Corp., Roanoke, Va.—Authority to determine 930 operating power by direct measurement of antenna power.

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Authority 970 to make changes in automatic frequency control apparatus.

KYW—Westinghouse Electric & Mfg. Co., Philadelphia, Pa.—1020 Construction permit to make changes in equipment and increase operating power from 10 KW to 50 KW.

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Construction 1210 permit to install new transmitter.

WHAT—Independence Broadcasting Co., Inc., Philadelphia, Pa.—1310 Construction permit to make changes in equipment, increase power from 100 watts to 1 KW, change frequency from 1310 kc. to 1220 kc., time from S-WTEL to unlimited time, and move transmitter. Amended to give transmitter site as Whitmarsh Township, Pennsylvania.

WSAJ—Grove City College, Grove City, Pa.—Construction permit 1310 to make changes in equipment.

WFBG—The Gable Broadcasting Co. (Lessee), Altoona, Pa.—1310 Construction permit to install new equipment, vertical antenna, and increase power from 100 watts to 100 watts night, 250 watts day.

WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—Authority 1420 to make changes in automatic frequency control.

NEW—Staunton Broadcasting Co., Inc., Staunton, Va.—Construction 1500 permit for a new station to be operated on 1500 kc., 100 watts night, 250 watts day, unlimited time.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Modification of 1500 construction permit (B2-P-637) as modified for equipment changes, install vertical antenna, move transmitter locally, to further request authority to make equipment changes and extend commencement and completion dates 60 and 180 days, respectively.

W3XEW—WTAR Radio Corp., Portable-Mobile.—Reinstatement of construction permit for high frequency relay broadcast station to be operated on 31100, 34600, 37600 and 40600 kc., 5 watts, which expired August 10, 1936.

NEW—Radio Air Service Corp., Portable-Mobile.—Construction permit for a new high frequency relay broadcast station to be operated on 38900, 39100, 39300 and 39500 kc., 100 watts.

Third Zone

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Modification of construction permit (B3-P-1048) for move of transmitter, make antenna changes, and increase in power, requesting installation of new transmitter.

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Construction 1140 permit to make changes in transmitter equipment and increase power from 25 KW to 50 KW.

NEW—Richard M. Casto, Johnson City, Tenn.—Construction 1200 permit for a new station to be operated on 1200 kc., 100 watts night, 250 watts day, unlimited time.

WMFR—Hart and Nelson (J. A. Hart and Wayne M. Nelson), 1200 High Point, N. C.—Voluntary assignment of license from Hart and Nelson (J. A. Hart and Wayne M. Nelson) to Radio Station WMFR, Inc.

WBBZ—Howard Johnson, Representative, Estate of C. L. Carrell, 1200 deceased, Ponca City, Okla.—Construction permit to install new equipment, make antenna changes, and increase day power from 100 watts to 250 watts.

WJRD—James R. Doss, Jr., Tuscaloosa, Ala.—Modification of 1200 construction permit (B3-P-694) for new station to further request authority to install new transmitter, move transmitter and studio, and antenna changes.

WSIX—Jack M. Draughon, Louis R. Draughon, d/b as 638 Tire & 1210 Vulcanizing Co., Nashville, Tenn.—License to cover construction permit (B3-P-227) as modified for move of transmitter and studio and install new antenna.

NEW—Southeastern Broadcasting Co., Inc., Macon, Ga.—Construction 1210 permit for a new station to be operated on 1210 kc., 100 watts, specified hours (local sunset to midnight). Amended: When WMAZ signs off to midnight.

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.— 1300 Construction permit to install new antenna and move transmitter from Collins Island, Miami Beach, Fla., to 18 Avenue and 32 Street, Miami, Fla.

NEW—H. W. Wilson and Ben Farmer, Wilson, N. C.—Construction 1310 permit for a new station to be operated on 1310 kc., 100 watts, daytime. Amended: Antenna changes and move transmitter.

WSMB—WSMB, Inc., New Orleans, La.—Modification of license 1320 to operate with power of 1 KW, and request provision WSMB license limiting radiation in direction of Akron, Ohio, to 88 mv/m at 1 mile from WSMB transmitter be deleted and provision be inserted WSMB be authorized to radiate in direction Akron not to exceed 70.6% of the average radiation, based on radiation by it in all directions.

NEW—T. E. Kirksey, Waco, Tex.—Construction permit for a 1330 new station to be operated on 1330 kc., 500 watts, unlimited time.

KTEM—Bell Broadcasting Co., Temple, Tex.—Modification of 1370 construction permit (B3-P-657) to make changes in type of equipment, for approval of antenna and transmitter site.

NEW—J. Leslie Doss, Sarasota, Fla.—Construction permit for a 1390 new station to be operated on 1390 kc., 250 watts, daytime.

KGNC—Plains Radio Broadcasting Co., Amarillo, Tex.—Authority 1410 to transfer control of corporation from Estate of Wilbur C. Hawk to Gene A. Howe, 250 shares of capital stock.

NEW—WSOC, Inc., Portable-Mobile.—Construction permit for a new low frequency relay broadcast station to be operated on 1646, 2090, 2190, 2830 kc., 40 watts.

Fourth Zone

NEW—Daily News Corp., St. Paul, Minn.—Construction permit 580 for a new station to be operated on 630 kc., 250 watts, unlimited time. Amended to change frequency from 630 kc. to 580 kc., power from 250 watts to 1 KW, time from unlimited to daytime, and make changes in equipment and antenna.

KMMJ—KMMJ, Inc., Clay Center, Nebr.—Construction permit 740 to install a new transmitter.

WBAA—Purdue University, West Lafayette, Ind.—Authority to 890 install automatic frequency control.

KMA—May Seed and Nursery Co., Shenandoah, Iowa.—Modification of license to increase day power from 2½ KW to 5 930 KW.

WJJD—WJJD, Inc., Chicago, Ill.—Construction permit to install

1130 directional antenna to be used nighttime and change hours of operation from limited time to unlimited time.

KANS—Charles C. Theis, Wichita, Kans.—License to cover construction permit (B4-P-500) as modified for a new station.

KGNO—The Dodge City Broadcasting Co., Inc., Dodge City, 1340 Kans.—License to cover construction permit (B4-P-1170) for installation of new equipment.

WOC—Tri-City Broadcasting Co., Davenport, Iowa.—Authority 1370 to transfer control of corporation from The Palmer School of Chiropractic to B. J. Palmer and D. D. Palmer (as individuals), 100 shares of common stock.

KCMO—Lester E. Cox, Thomas L. Evans and C. C. Payne, Kansas 1370 City, Mo.—Voluntary assignment of license from Lester E. Cox, Thomas L. Evans and C. C. Payne to KCMO Broadcasting Co.

WRJN—Racine Broadcasting Corp., Racine, Wis.—License to 1370 cover construction permit (B4-P-370) as modified for new equipment, increase in power and move of transmitter. Amended: Equipment changes.

WGL—Westinghouse Electric & Manufacturing Co., Fort Wayne, 1370 Ind.—Construction permit to install new transmitter.

KWBG—The Nation's Center Broadcasting Co., Inc., Hutchinson, 1420 Kans.—Construction permit to make equipment changes; increase power from 100 watts to 250 watts; change frequency from 1420 kc. to 550 kc.; move transmitter (using directional antenna night). Amended re transmitter site.

WLBF—The WLBF Broadcasting Co., Kansas City, Kans.—Construction 1420 permit to make equipment changes.

KGFK—Red River Broadcasting Co., Inc., Duluth, Minn.—Modification of construction permit (4-P-B-3085) authorizing 1500 move of station, requesting change in geographical location of transmitter, change in studio location, and changes in antenna.

NEW—The Service Life Insurance Co., Omaha, Nebr.—Construction 1500 permit for a new station to be operated on 1500 kc., 100 watts, unlimited time.

NEW—The Journal Co. (Milwaukee Journal), Milwaukee, Wis.— 1570 Construction permit for a new special broadcast station to be operated on 1570 kc., 1 KW, unlimited time. Amended: Antenna and transmitter site to be determined.

NEW—Woodmen of the World Life Insurance Association, Portable-Mobile.—Construction permit for a high frequency 31100, 34600, 37600 and 40600 kc., 2 watts.

NEW—Woodmen of the World Life Insurance Association, Portable-Mobile.—Construction permit for a high frequency 31100, 34600, 37600 and 40600 kc., 2 watts.

Fifth Zone

KSFO—The Associated Broadcasters, Inc., San Francisco, Calif.— 560 Voluntary assignment of license from The Associated Broadcasters, Inc., to Western Broadcast Co. Amended to change name of assignee to Columbia Broadcasting System of California, Inc.

KFKA—The Mid-Western Radio Corp., Greeley, Colo.—Modification 880 of license to change frequency from 880 kc. to 1450 kc. and hours of operation from S-KPOF to unlimited time.

KFVD—Standard Broadcasting Co., Los Angeles, Calif.—Construction 1000 permit to install new transmitter.

KNX—Western Broadcast Co., Los Angeles, Calif.—Modification 1050 of license to change corporate name from Western Broadcast Co. to Columbia Broadcasting System of California, Inc.

KVEC—Christina M. Jacobson, d/b as The Valley Electric Co., 1200 San Luis Obispo, Calif.—Modification of construction permit (B5-P-718) requesting approval of transmitter site.

NEW—Clarence A. Berger, Couer d'Alene, Idaho—Construction 1200 permit for a new station to be operated on 1200 kc., 100 watts, daytime.

KGGM—New Mexico Broadcasting Co., Albuquerque, N. M.— 1230 Construction permit to install new transmitter and vertical antenna; increase power from 250 watts night, 500 watts day, to 1 KW day and night; move transmitter locally from 5th and Central Ave. to West City Limits, Albuquerque, N. Mex. Amended re change geographical location.

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho—Extension 1240 of special experimental authorization to operate with power of 1 KW (night) for period from 10-1-35 to 4-1-36. Amended: Change period time requested to 10-1-36 to 4-1-37.

KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—
1300 Construction permit to install new transmitter.
KVL—KVL, Inc., Seattle, Wash.—Voluntary assignment of license
1370 KVL, Inc., to Howard J. Ryan.
KORE—Frank L. Hill and C. G. Phillips, d/b as Eugene Broadcast
1420 Station, Eugene, Ore.—Construction permit to move trans-
mitter and studio from 733 Willamette St., Eugene, Ore., to
R. F. D. No. 3, Eugene, Ore., and make changes in equip-
ment and antenna.
KLS—S. W. Warner and E. N. Warner, d/b as Warner Bros., Oak-
1440 land, Calif.—Construction permit to install new transmitter.
NEW—Twin City Broadcasting Corp., Longview, Wash.—Con-

struction permit for a new station to be operated on 1500
ke., 100 watts night, 250 watts day, unlimited time.
KRNR—Southern Oregon Publishing Co., Roseburg, Ore.—Con-
1500 struction permit to make changes in equipment; increase
power from 100 watts daytime to 100 watts night, 250 watts
day, and hours of operation from daytime to unlimited.
NEW—Ben S. McGlashan, Portable-Mobile—Construction permit
for a new low frequency relay broadcast station to be
operated on 1622, 2058, 2150 and 2790 ke., 100 watts.
NEW—Honolulu Broadcasting Co., Ltd., Portable-Mobile—Con-
struction permit for a high frequency relay broadcast station
to be operated on 31100, 34600, 37600 and 40600 ke., 20
watts.