

Code Compliance Under Way

Finding that discussions of American neutrality constituted discussions of a "public controversial issue," and therefore were barred from paid commercial time under the new NAB Code which became effective October 1, the Code Compliance Committee convened in Washington Monday and Tuesday of this week in its first historic session.

In its public statement, the Committee called attention to the religious section of the Code which declares that radio may not be used to convey attacks upon another's race or religion, and defined a "public proposal subject to ballot" as being one "where the proposal itself appears on the ballot to be cast by the individual citizen." Matters pending before a legislative body are not regarded as "public proposals subject to ballot," the Committee ruled.

The full text of the Committee's statement appears below.

Many member stations who have been accepting discussions in the public controversial field on a commercial basis have already declared that they are prepared to alter station policy, consistent with the terms of their contractual relations, as speedily as possible, so as to comply with the industry-wide code.

In its statement, the Committee recognized the difficulty sometimes of determining whether or not a matter falls within the public controversial section of the Code. "The Committee feels, therefore, that its duty and function is that of rendering advisory opinions, and of recommending procedures through which a sincere and uniform understanding of, and compliance with the Code, may be achieved.

"Toward such ends, the Committee holds as self-evident that no determination as to the character or classification of a proposed program or radio address can be

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Distinguished Groups Praise Code William Allen White Endorses

In praising the Code, William Allen White, editor of the Emporia, Kansas Gazette, said yesterday: "I can't see how any honest, tolerant American citizen who wishes both sides presented, can fail to support that Code. It is not perfect, of course, being human, but it is a long step forward."

National Council of Catholic Men (by Edward J. Heffron, Executive Secretary)

The Code as it stands, without going into the vagaries of possible future interpretation, is in substance a splendid platform of democratic broadcasting. The fine conception of charity shown in ruling out "attacks upon another's race or religion," the fine conception of justice, indeed of social justice, shown in your effort to preclude the possibility of the interests with greater means monopolizing the time available for discussion of public controversial issues at the expense of interests just as important but poorer in this world's goods, deserve the highest commendation.

I congratulate you and your Association upon the adoption of the Code, and I pray God to give you the strength to see it to thorough and judicious execution.



The NATIONAL ASSOCIATION OF BROADCASTERS

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Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

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

CODE COMPLIANCE UNDER WAY

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established until an advance script has been examined by the station management.

"The Committee recommends, therefore, that

- (a) Since discussions of controversial public issues have been eliminated from paid commercial broadcasts, adequate time for the presentation of controversial public issues shall continue to be provided free of charge by each station or network, in accordance with the public interest therein.
- (b) All such scripts shall be required in advance, for examination in light of the Code.
- (c) Under no circumstances will compensation be accepted by the station or network for time consumed by the spokesman of a controversial public issue, unless,
- (d) The spokesmen appear on a public forum type of broadcast regularly presented, in conformity with the Code, as 'a series of fairsided discussions of public issues and when control of the fairness of the program rests wholly with the broadcasting station or network.'

"Without an advance script, no one can determine the complexion of any proposed broadcast."

Meanwhile, Headquarters released yesterday a series of public statements from outstanding national groups praising the action of the industry in inaugurating a program of self-regulation through the Code. The National Council of Catholic Men, through its Executive Secretary Edward J. Heffron, commended the Code as a "splendid platform of democratic broadcasting," and cited the provisions barring the sale of time for controversial matters as a "fine conception of justice, indeed of social justice." These statements appear elsewhere in the bulletin.

Those in attendance were: Edgar Bill, WMBD, Peoria, Illinois; Martin Campbell, WFAA, Dallas, Texas; Edward Cargill, WMAZ, Macon, Georgia; Earl J. Glade, KSL, Salt Lake City, Utah; Don Searle, KOIL, Omaha, Nebraska; Calvin J. Smith, KFAC, Los Angeles, California; Theodore C. Streibert, Mutual Broadcasting System; Harry Butcher, Columbia Broadcasting System; Frank M. Russell, National Broadcasting Company; William B. Dolph, WOL, Washington, D. C.; Neville Miller, President, NAB; E. M. Kirby, NAB Secretary of the Code Compliance Committee.

DISTINGUISHED GROUPS PRAISE CODE

(Continued from page 3753)

American Civil Liberties Union
(by Roger Baldwin, Director)

The American Civil Liberties Union and its affiliate, the National Council on Freedom from Censorship, has followed and approved the sincere, persistent endeavors of the National Association of Broadcasters to make radio broadcasting a more socially minded service. The Code adopted by the NAB in July is a great step forward in formulating a policy in the public interest. We especially commend the resolve not to sell time for the discussion of controversial issues and to give time for such programs more generously and to open all such discussions to at least two opposing points of view. The assertion this week of this purpose and the redefinition of its concrete approach is further evidence of the intent of the NAB to strengthen the spirit and method of these policies. We congratulate the NAB and its membership on this forward-looking program.

Federal Council of the Churches of Christ in America
(by John W. Langdale, General Chairman)

It is reassuring to observe that high degrees of public responsibility are recognized and accepted in the NAB Code. Good taste, religious freedom, the educational privilege of hearing both sides of questions, the presentation of news without propaganda; surely such standards must commend themselves to well wishers for humanity.

National Council of Women
(by Mrs. Ruth Haller Ottaway, President)

The Code adopted by the radio industry is splendid and is a long step forward toward the preservation of free speech.

You have in my opinion, taken the only step compatible with our democratic form of government in granting all equal opportunity to discuss controversial issues without restricting the privilege to those who can afford to pay for time.

Your careful earmarking of subjects, too, is praiseworthy. I am delighted that you have designated so clearly that religious broadcasts shall be religious in character and not political.

General Federation of Women's Clubs
(by Mrs. Harold V. Milligan, Chairman, Committee on Radio)

It is my definite conviction that the provision of the recently adopted NAB code which prohibits the sale of time for controversial subjects is one of the best safeguards of our democracy yet evolved by the radio industry. As I interpret its effect upon broadcasting, it insures an impartial and unbiased presentation of controversial issues since all individuals and groups have the same opportunity regardless of their financial status, to express their opinions.

The Constitution of the United States grants all of its citizens equal opportunity and in my opinion the NAB code is conforming to true democratic principles in throwing radio facilities open to all and not permitting a favored group to buy time to state its views. There is no discrimination involved in my estimation in according all who wish to discuss controversial subjects an equal opportunity to do so.

Boys' Clubs of America
(by Mr. Sanford Bates, Executive Director)

I have read the new Code for the broadcasting industry as adopted by the National Association of Broadcasters, and wish to commend you for it.

Association of National Advertisers
(by Paul B. West, President)

By putting into effect the self disciplining Code adopted last summer your association has completed significant and far reaching step. Through it the broadcasters have acknowledged and fairly defined their social responsibilities and in broadest sense planned a wise course of action to meet those responsibilities. For this the NAB should receive the gratitude not only of the public

for recognizing their interests but of many older industries for showing the way. My heartiest personal congratulations to you on this splendid accomplishment.

**American Association of Advertising Agencies
(by John Benson, President)**

The manner in which the American radio industry has approached its vast social responsibilities is a fine evidence of good stewardship. I congratulate you.

**National Education Association
(by Miss Rita Hochheimer, Chairman, Audio-Visual Committee)**

Congratulations to American children on the action of National Association of Broadcasters regarding the new Code.

By W. Russell Bowie, Director of Grace Church, New York City

I have heard with much interest of the action of the National Association of Broadcasters in adopting a new Code preventing the sale of time for controversial subjects and granting free time when both sides of a question are presented. May I register my cordial approval of this decision and my hope that it will be maintained. The mere possession of money, sometimes secured through devious means, certainly ought not to give to dangerous influences in America the right to flood the public mind with propoganda which may be uncontradicted by other and truer ideas not backed by money. If the broadcasting companies, by their new Code, assure fair presentation of the different sides in controversial issues, they will accomplish a great service to our democracy.

By Henry S. Coffin, President Union Theological Seminary, New York

I have looked over the new Code adopted by the National Association of Broadcasters and it seems to me eminently fair. We do not wish to take controversial questions off the air. There is every reason why in a democracy there should be the freest opportunity for public discussion, but it is reasonable that where such discussion is held both sides should be presented and that the Code guarantees. Any attempt to attack the Code in the interests of obtaining freedom for one-sided propoganda seems to me hostile to true democracy.

By Lyman Bryson, Director, The People's Platform

I am very glad to know that the National Council on Freedom from Censorship has approved the new Code of the National Association of Broadcasters. Those of us who have had experience in the use of the radio for free talks know that the provisions of the Code against the sale of time for controversial talks are the best solution of a difficult problem. Indeed I would go further and say that no other solution of the problem of free speech can be acceptable to those who believe in liberty.

By George V. Denny, Jr., Director America's Town Meeting of the Air

I heartily concur with the new Code which is to be adopted by the National Association of Broadcasters. For nearly half a century Town Hall has pioneered in presenting all sides of controversial issues and for the past four years we have advocated this in principle and in practice, through America's Town Meeting of the Air and in all of our Town Hall programs. It is not a new idea, but has been the American way since the days of the early town meetings. Before us in all of our meetings this year will hang a banner on which these words are inscribed: Tolerance, Reason, Justice.

Statement of the Code Compliance Committee

At the conclusion of the first meeting of the Code Compliance Committee October 3, of the National Association of Broadcasters, Edgar Bill, Chairman, of Radio Station WMBD, Peoria, Illinois, this afternoon released the following statement from the Committee:

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"While the Committee realizes that the American people through the delegation of the radio franchise, have placed upon the broadcaster final responsibility to accept or to reject program matter in 'the public interest, convenience and necessity,' it nevertheless recognizes that NAB member stations in the 17th Annual Convention, July last, shared their program and operating experiences in the adoption of a new Code so that a more uniform and higher level of public service might result throughout the length and breadth of American radio.

"The Committee has taken these into consideration in its deliberations, which have chiefly centered around problems involving the Religious and Public Controversial sections of the new Code.

"In approaching the Public Controversial section of the Code, which bars the sale of time for such discussions, but which provides that such discussions be placed on the air without cost, the Committee emphasizes the underlying principles involved.

"There is a limitation to the number of radio channels now available for broadcasting in this country.

"There is also a limit as to the number of hours available per day for broadcasting. Newspapers may add any number of extra pages to accommodate their overflow news and advertising columns. No comparable opportunity exists in the daily schedule of a radio station, which must adhere to the hands of the clock.

"In the absence of any self-imposed policy to the contrary, it is conceivable that some individuals or groups with financial means to do so could buy all the available time necessary to monopolize, dominate or control the discussion of public issues through the radio medium, precluding a fair opportunity for an opposition without financial resources to present its case to the radio audience.

"Such a situation would pervert the function of American radio as a forum of democracy, and would irreparably shatter the confidence of the public in the American system of broadcasting.

"In order to assure the American people for all time that such an intolerable misuse of radio facilities cannot happen, the Code states that 'Time for the presentation of controversial issues shall not be sold.'

"The Code does not bar anyone or any group from using radio. It simply denies the right to buy time, for the reasons stated."

"Representative spokesmen of groups in the field of public controversial issues have a perfect right to request time on the air, from a network or station, in accord with the public interest therein as outlined in the Code. 'Broadcasters shall use their best efforts to allot such time free of charge, with fairness to all elements in a given controversy.'

"The handling of public controversial issues by radio stations is a matter of principle and not one of personalities."

Determination of a Public Controversial Issue

"The Code Compliance Committee realizes that whether a matter is a public controversial subject or not is one sometimes difficult to determine, particularly in national and statewide affairs.

"The Committee feels, therefore, that its duty and function is that of rendering advisory opinions, and of recommending procedures through which a sincere and uniform understanding of, and compliance with the Code, may be achieved.

"Toward such ends, the Committee holds as self-evident that no determination as to the character or classification of a proposed program or radio address can be established until an advance script has been examined by the station management.

"The Committee recommends, therefore, that

- (a) Since discussions of controversial public issues have been eliminated from paid commercial broadcasts, adequate time for the presentation of controversial public issues

¹ Political broadcasts, as defined, are excepted because "at certain times the contending parties want to use and are entitled to use more time than broadcasters could possibly afford to give away."

shall continue to be provided free of charge by each station or network, in accordance with the public interest therein.

- (b) All such scripts shall be required in advance, for examination in light of the Code.
- (c) Under no circumstances will compensation be accepted by the station or network for time consumed by the spokesman of a controversial public issue, unless,
- (d) The spokesmen appear on a public forum type of broadcast regularly presented, in conformity with the Code, as 'a series of fairsided discussions of public issues and when control of the fairness of the program rests wholly with the broadcasting station or network.'

"Without an advance script, no one can determine the complexion of any proposed broadcast.

"This does not mean, of course, that those who wish to discuss matters of public controversy are barred from the air.

"Far from it!

"Through the new Code, representative spokesmen of groups will be given free time to present their viewpoints, in accord with the public interest, program balance and availability of time.

"The Committee recognizes that all such representative spokesmen of public opinion groupings, may broadcast their opinions during time provided free for this purpose, or may take a political position on paid radio time during a political campaign, or may espouse or oppose a 'public proposal subject to ballot.' The Code adequately covers these provisions."

Neutrality—Method of Maintaining of Which is a "Public Controversial Issue" Within the Meaning of the Code

* * * *

"The question of America's neutrality has raised an interesting point in which the Committee and the individual broadcaster are concerned in the application of the Code.

"Following careful survey of the members of the Committee drawn from different sections of the country, and of the issue itself as resolved yesterday in Congress, the Committee feels that while all Americans desire to stay out of war and to preserve neutrality, the methods of achieving and maintaining same are matters automatically falling within the sphere of 'public controversial issues,' and as such should be presented on free time and not sold."

Definition of a Public Proposal Subject to Ballot

"In response to inquiries from member stations, the Committee defines a 'public proposal subject to ballot' as one where the proposal itself appears on the ballot to be cast by the individual citizen.

"Matters pending before a legislative body are not regarded as 'public proposals subject to ballot.'"

The NAB Religious Code

"The Committee calls attention to the religious section of the Code which reads:

'Radio, which reaches men of all creeds and races simultaneously, may not be used to convey attacks upon another's race or religion. Rather it should be the purpose of the religious broadcast to promote the spiritual harmony and understanding of mankind and to administer broadly to the varied religious needs of the community.'

Decision on Intervening

Federal Communications Commissioner George Henry Payne handed down a decision of more than ordinary interest this week dealing with the question of petitions to intervene in cases before the Commission. The decision is considered a strict interpretation of one of the new Commission rules.

The decision was made public in connection with the application of Hazelwood, Inc., for a construction permit

for a new station at Orlando, Florida, to operate on 1390 kilocycles, 1000 watts, unlimited time. The decision denies a petition of the Orlando Broadcasting Company of Orlando for leave to intervene in a case involving an application for a new station at Orlando.

Because of its importance the decision is given in full as follows:

DECISION ON PETITION TO INTERVENE AND REQUEST FOR ENLARGEMENT OF THE ISSUES

Payne, Commissioner (Presiding at Motions Docket)

This petition was filed by the Orlando Broadcasting Company, Inc., licensee of Radio Station WDBO, Orlando, Florida, and requests leave to intervene in the hearing designated by the Commission on the above-entitled application and further requests that the issues heretofore designated by the Commission to be heard at said hearing be enlarged to include the following: (a) to determine the extent of the broadcast service already rendered in the Orlando area; (b) to determine if the interests of Station WDBO will be adversely affected by a grant of the above-entitled application; and (c) to determine whether the operations of the station proposed by the applicant will be in accord with the Commission's plan of allocation and standards of good engineering practice.

Petitioner requests that it be made a party in the proceedings on the application of Hazelwood, Inc., and that it be allowed to present evidence on the issues listed in the Notice of Hearing heretofore published by the Commission as well as upon the additional issues requested to be added and any further issues which may be added hereafter.

When the application of Hazelwood, Inc., was received by the Commission it was examined as required by Section 309(a) of the Act, and because the Commission was unable upon such examination to reach the decision that the public interest, convenience and necessity would be served by a grant of the application it was designated for hearing in order to afford the applicant an opportunity to be heard on the question of whether or not the application should be granted. The only issue specified by the Commission in the Notice of Hearing was that relating to the possibility of adverse effect upon the service rendered by Stations KLRA, WHK and WMFJ by reason of electrical interference which might result from the operation of the proposed new station.

The instant petition to intervene and to enlarge the issues to include questions other than those specified in the Notice of Hearing requires an interpretation of the Commission's rule 1.102 which became effective on August 1, 1939. Because the questions raised by the instant petition are also involved in a number of other petitions now pending on the motions docket, I feel that it is appropriate to express in some detail my views concerning the sufficiency of the instant petition in the light of the Commission's present rule governing intervention and enlargement of issues.

The Commission's rule relating to intervention and enlargement of issues, reads as follows:

"Sec. 1.102 Intervention. Petitions for intervention must set forth the grounds of the proposed intervention, the position and interest of the petitioner in the proceeding, the facts on which the petitioner bases his claim that his intervention will be in the public interest and must be subscribed or verified in accordance with Sec. 1.122. The granting of a petition to intervene shall have the effect of permitting intervention before the Commission but shall not be considered as any recognition of any legal or equitable right or interest in the proceeding. The granting of such petition shall not have the effect of changing or enlarging the issues which shall be those specified in the Commission's notice of hearing unless on motion the Commission shall amend the same."

In applying this rule to the instant petition I will deal with the request to intervene, and the request to enlarge issues separately.

Petitioner's Request to Intervene

The underlying purpose of the Commission in adopting its present rule on intervention was to correct a practice which had become prevalent under the prior rule of the Commission relating to intervention. Under its former rule, the Commission per-

mitted any person to intervene in a hearing if his petition disclosed "a substantial interest in the subject matter." This standard was so broad and the Commission's practice under it was so loose that intervention in Commission hearings came to be almost a matter lying in the exclusive discretion of persons seeking to become parties to Commission proceedings. The experience of the Commission during the past few years clearly demonstrated that the participation of parties other than the applicant in broadcast proceedings in a great many cases resulted in unnecessarily long delays and expense to both the Commission and applicants without any compensating public benefit. In many cases the major function served by intervenors was to impede the progress of the hearing, increase the size of the record, confuse the issues and pile up costs to the applicant and to the Commission through the introduction of cumulative evidence, unnecessary cross-examination, dilatory motions, requests for oral argument and other devices designed to prevent expeditious disposal of Commission business.

The underlying purpose of the present rule is to limit participation in proceedings, particularly on broadcast applications, to those persons whose participation will be of assistance to the Commission in carrying out its statutory functions. The present rule requires a petitioner to set forth not only his interest in the proceeding but also "the facts on which the petitioner bases his claim that his intervention will be in the public interest." The fact that a proposed intervenor may have the right to contest in a court the validity of an order granting or denying a particular application does not in and of itself mean that such person is entitled as a matter of right to be made a party to the proceedings before the Commission on such application. Intervention in proceedings before administrative agencies like the Federal Communications Commission is ordinarily covered by statutory provision. The Communications Act contains no provisions giving the right of intervention in proceedings before the Commission to any person or class of persons, but expressly provides that the Commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice. By the adoption of Rule 1.102 the Commission in effect has declared that it will conduce to the proper dispatch of business and to the ends of justice if it permits intervention in a proceeding before it only if the making of a record in which the facts are fully and completely developed, is facilitated by permitting the requested intervention. It is this theory—that where the public will benefit through aid or assistance given to the Commission or the applicant by a party-intervenor in a broadcast hearing, such participation should be permitted—which underlies Rule 1.102.

The petition of the Orlando Broadcasting Company, Inc., utterly fails to meet the requirement of the present rule on intervention. In so far as it requests permission to participate in the hearing already designated on the application of Hazelwood, Inc., it simply prays that the petitioner be made a party and be allowed to present "evidence." Not the slightest intimation is given as to the type of evidence which the petitioner desires to adduce or what petitioner intends to prove by the introduction of such evidence. The only issue mentioned in the Commission's Notice of Hearing is the issue of electrical interference to Stations KLRA, WHK and WMFJ, which are now operating either on 1390 kc (the frequency requested by Hazelwood, Inc.) or on adjacent frequency. The petitioner operates its station on 580 kc, so there could be no electrical interference to petitioner's station, and while it would not be impossible for the petitioner to obtain data on the issue specified in the Commission's Notice of Hearing, it is not likely that the petitioner is as well informed or is as well-equipped to adduce testimony concerning the issue of electrical interference as is the Commission itself. Without a proper showing of the type of evidence proposed to be adduced and the facts expected to be proved thereby, the Commission would not be justified in permitting the petitioner to intervene in the proceedings on the application of the Hazelwood, Incorporated.

On the basis of the allegations now set forth in the instant petition the request for intervention must be denied in so far as it requests permission to participate in the hearing on the issue already designated. In so far as the petition requests permission to adduce evidence pertaining to the issues which it requests the Commission to add to the Notice of Hearing, it is necessarily contingent upon the action which is taken on the request to enlarge issues. For reasons stated below, this request must also be denied. Hence, the request to intervene in order to adduce evidence relating to these issues must be denied not only for the reasons above stated but also because the request to enlarge issues is denied.

The determination of what issues an applicant for broadcast facilities should be required to meet in a hearing on his application is a matter committed by Congress to the discretion of the Commission. No hearing whatever is required if the Commission is able upon an examination of an application to determine that the public interest, convenience and necessity will be served by granting the application. If the Commission is not able to reach such a determination upon the examination of an application the statute requires that notice and an opportunity to be heard shall be given the applicant, but not otherwise.

Good administration, both from the theoretical and practical standpoint, requires that unduly long and expensive hearings should be avoided. Therefore, the Commission should not burden itself or the applicant by the injection in a hearing of issues concerning which the Commission has already satisfied itself. Furthermore, if in a particular case it appears that a hearing on a particular issue would be expensive and time-consuming, while a hearing on another issue, which might finally dispose of the application, would be relatively inexpensive and expeditious, the Commission as a matter of administrative convenience should set down the application for hearing only on the latter issue.

In the instant case the Commission was unable to find that the public interest, convenience and necessity would be served by granting the application of Hazelwood, Inc., because of the possibility of interference with the service now rendered by three other stations. If at the hearing on its application the applicant is unable to sustain the burden with respect to this issue, the Commission will enter an order denying the application, which will completely dispose of the proceedings. In such event, it would have been wholly unnecessary and wasteful of both time and money for the Commission to have ordered a hearing not only upon the issue of electrical interference but also upon other issues which might also have constituted a basis for denying the application.

It is incumbent upon any person requesting the injection of new issues in a hearing to show not only that the issues which he proposes to have the Commission add are proper matters for the Commission to consider, and that there is a basis for believing that the Commission will be required to deny the application on the new grounds alleged, but also that the proposed new issues should be heard at the hearing already set rather than at a later time. Certainly, if the issues specified by the Commission in a Notice of Hearing are in themselves a sufficient basis for denying an application if the applicant fails to sustain its burden of proof, no third person is harmed because the Commission does not also include in the hearing other and different issues, even though conceivably it may be necessary at some later time for the Commission to designate the application for further hearing if the applicant meets its burden on the issues already specified. The instant petition to enlarge issues merely states that the three issues requested for inclusion in the hearing are proper issues for the Commission to consider before acting upon the application of Hazelwood, Inc. Assuming for the purpose of this opinion but not conceding, that the three issues proposed to be included in the hearing are proper for the Commission to consider, petitioner has utterly failed to show that the insertion of these additional three issues in the hearing at this time on the application of Hazelwood, Incorporated, would expedite the disposition of this application and not merely result in a more costly, drawn out and complicated record, with no attendant advantages to the Commission or to the public.

NEWSPAPERS GAINED BECAUSE OF RADIO SAYS "NEWSDOM"

(From *Newsdom*, September 16)

"There are still diehards in the publishing business who look upon radio as a Frankenstein built by the press but ready to devour it at the first opportunity. These diehards are sincere and their opinion is to be respected. But it must be remembered that their conclusions are based on opinion, not facts. The facts show conclusively that the newspapers have not suffered, but have gained as a result of the introduction of radio. If the newspaper industry does fall upon evil days it will not be because of the

bugaboo of radio but because the publishers and editors themselves have adopted a defeatist attitude and have resigned themselves to a self-imposed fate instead of devoting their talents to improving their own business.

"We can remember a few years ago when the feeling between radio and the press was bitter indeed. We did our bit to offset this and suggested that both groups bury the hatchet for it was evident that neither would gain anything in the scuffle. Happily such is the situation today. The hatchet is buried. So much so that the newspaper industry is now foremost in the defense of freedom of the air for radio. This is not all altruism on the part of the newspapers. The press realizes that once the censor gags the radio it would be only a matter of time before the press would be taken into the bureaucratic camp.

"Moreover, both press and radio overlap to the point where they are associates, not antagonists. Many newspapers may operate their own radio stations. Men and women who write for the daily press may make up a considerable portion of those who appear before the microphone. But this does not mean that the functions of the two media are the same. They are not. The function of the newspaper is first to publish the news. Entertainment is secondary. The reverse holds true of the radio where entertainment is the prime consideration and the dissemination of news of secondary importance.

"If either the press or radio departed from these main objectives both would find themselves in a pretty pickle. For the public has formed the habit of getting its news and its interpretation of the news from the newspapers. Likewise it has formed the habit of being entertained by the radio and relying on spot radio news as a supplement to the latest newspaper at hand.

"It would be futile for either the radio or the press to reverse these fundamental functions or to attempt to monopolize both. The public's habits are not necessarily fixed but it would entail the expenditure of a king's ransom to break them and the attempt would probably break those who attempted it."

UNLICENSED AMATEURS CONVICTED

The FCC announced this week that Lester B. Bentley, Max Pross and Louis D. Welsh, all of Kokomo, Indiana, have been convicted in the Federal District Court, at Indianapolis, Indiana, on charges of operating an unlicensed radio station in the amateur bands in violation of Section 318 of the Federal Communications Act. All three men were also convicted of operating the station without operator's licenses in violation of Section 301 of the Act.

Indictments were secured against each of the three defendants. They were arrested and upon arraignment in the District Court, they all entered pleas of guilty. The Court fined each defendant the sum of ten dollars.

The case was prosecuted by Val Nolan, United States Attorney for the Southern District of Indiana, on evidence supplied by Inspector H. T. Gallaher, of the field staff of the Federal Communications Commission.

The FCC also announced that Egen Stickles and Howard W. Crandall, both of Bradford, Pennsylvania, were convicted in the Federal District Court, of Erie, Pa., on charges of operating an unlicensed amateur radio station in violation of Section 318 of the Federal Communications Act. Egen Stickles was also convicted of operating the station without an operator's license in violation of Section 301 of the Act.

Both men plead guilty and were placed on probation for two years. They were also required to pay the costs of the trial. The case was prosecuted by the U. S. District Attorney in Erie on evidence supplied by Inspector Walter Davis, of the field staff of the Federal Communications Commission.

FEDERAL COMMUNICATIONS COMMISSION

STATEMENT OF FACT

The Federal Communications Commission has announced its Proposed Finding of Fact proposing to grant the application of WSUI, **Iowa City, Iowa**, to increase its power from 1000 watts day and 500 watts night, to 1000 watts night and 5000 watts day, unlimited time on **880 kilocycles**, and to move its transmitter to a new site locally, to install new equipment, and employ a directive antenna day and night.

In its Proposed Statements of Fact, the Commission said that the operation of this station as proposed "will not involve a substantial increase in interference to any existing station as now operating or as proposed in any pending application."

The application of the Nebraska Broadcasting Corporation for the construction of a new station at **Fremont, Nebraska**, to use **1370 kilocycles**, 250 watts day, 100 watts night, unlimited hours of operation, is proposed to be granted by the Commission in a Proposed Finding of Fact.

The granting of this application, the Commission stated, will give Fremont a local station furnishing primary broadcast service to the city and its granting would be in the public interest.

DECISION OF COMMISSION

The Federal Communications Commission this week adopted the final order granting the application of the

Civic Broadcasting Corporation to construct a new station at **Syracuse, New York**, to operate on **1500 kilocycles**, 100 watts, unlimited time.

In its decision, the Commission stated that the service of no other station will be adversely affected by reason of interference caused by the operation of the proposed station. It is further stated by the Commission that the operation of the proposed station will not economically affect the operation of any station to the point where it would be unable to serve the public interest.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of Monday, October 9. They are subject to change.

Tuesday, October 10

WHDH—Matheson Radio Co., Inc., Boston, Mass.—C. P., 830 ke., 5 KW, 5 KW LS, unlimited time (DA night). Present assignment: 830 ke., 1 KW, daytime.

Wednesday, October 11

WNBX—Twin State Broadcasting Corp., Springfield, Vt. (proposed studio and transmitter location, Keene, N. H.).—C. P., 1260 ke., 1 KW, unlimited time (DA day and night). Present assignment: 1260 ke., 1 KW, unlimited time (DA night).

Further Hearing

NEW—Presque Isle Broadcasting Co., Erie, Pa.—C. P., 1500 ke., 100 watts, 250 watts LS, unlimited time.

Thursday, October 12

Oral Argument Before the Commission

Report No. B-28:

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—C. P., 1240 ke., 1 KW, unlimited time (DA night). Present assignment: 1310 ke., 100 watts, 250 watts LS, unlimited time.

Examiner's Report No. I-660:

NEW—Seaboard Broadcasting Corp., Savannah, Ga.—C. P., 1310 ke., 100 watts, 250 watts LS, unlimited time.

NEW—Colonial Broadcasters, Inc., Savannah, Ga.—C. P., 1310 ke., 100 watts, unlimited time.

FUTURE HEARINGS

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

November 2

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—C. P., 620 ke., 500 watts, 1 KW LS, unlimited time (DA night). Present assignment: 1310 ke., 100 watts, 250 watts LS, unlimited time.

NEW—Samuel M. Emison, Vincennes, Ind.—C. P., 1420 ke., 100 watts, unlimited time.

November 7

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—C. P., 950 ke., 1 KW, unlimited time. Present assignment: 1120 ke., 100 watts, daytime.

NEW—Lakeland Broadcasting Co., Willmar, Minn.—C. P., 680 ke., 250 watts, daytime.

November 8

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

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

WAAB—The Yankee Network, Inc., Boston, Mass.—Renewal of license (main and auxiliary), 1410 ke., 1 KW, 1 KW LS (main), *500 watts, 1 KW LS (auxiliary), unlimited time. *Auxiliary purposes only.

November 20

NEW—Sanfeliz Enrique Abarca, San Juan, P. R.—C. P., 580 ke., 1 KW, 5 KW LS, unlimited time.

NEW—United Theatres, Inc., San Juan, P. R.—C. P., 580 ke., 1 KW, 1 KW LS, unlimited time (DA day and night).

December 11

NEW—Hazlewood, Inc., Orlando, Fla.—C. P., 1390 ke., 1 KW, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

NEW—Cordele Dispatch Publishing Co., Inc., Cordele, Ga.—Granted C. P. for new broadcast station to operate on 1500 ke., 100 watts night, 250 watts day, unlimited time.

NEW—Fort Meyers Broadcasting Co., Fort Meyers, Fla.—Granted C. P. for new broadcast station to operate on 1210 ke., 100 watts night, 250 watts day, unlimited time.

KBTM—Jay P. Beard, d/b as Regional Broadcasting Co., Jonesboro, Ark.—Granted C. P. to install new equipment and increase power and time of operation from 100 watts, daytime only, to 100 watts night, 50 watts day, unlimited time.

W3XO—Jansky & Bailey, Washington, D. C.—Granted modification of C. P. for equipment changes in high frequency broadcast station, and extension of completion date to 120 days after grant.

W2XQR—John V. L. Hogan, New York City.—Granted modification of C. P. specifying exact transmitter site at 3104 Northern Blvd., Long Island City, N. Y., and change frequency of high frequency broadcast station from 41200 ke. to 43200 ke.

WGNV—Peter Goelet, Newburg, N. Y.—Granted voluntary assignment of license from Peter Goelet to the Courier Publishing Corporation (publishers of a weekly newspaper in Poughkeepsie). Station operates on 1220 ke., with 250 watts, daytime only.

KSAL—R. J. Laubengayer and KSAL, Inc., Salina, Kans.—Granted voluntary assignment of C. P. from R. J. Laybengayer to KSAL, Inc. (C. P. is for new station to operate on 1120 ke., 500 watts night, 1 KW, unlimited time).

KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Granted transfer of control of corporation from Aberdeen Broadcast Company to H. C. Jewett, Jr. (station operates on 1390 ke., 500 watts night, 1 KW day, unlimited. DA at night).

WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—Granted C. P. to make changes in equipment, increase power from 100 watts to 250 watts, and time of operation from daytime only to unlimited.

WTMC—John T. Alsop, Jr., Ocala, Fla.—Granted voluntary assignment of license from John T. Alsop, Jr., to Ocala Broadcasting Co., Inc. Station operates on 1500 ke., 100 watts, unlimited time.

WOLS—O. Lee Stone, Florence, S. C.—Granted C. P. to make changes in composite equipment and increase power from 100 watts to 250 watts, unlimited time.

KFDA—Amarillo Broadcasting Corp., Amarillo, Tex.—Granted C. P. to install new equipment and increase power from 100 to 250 watts, unlimited time.

WMSD—Muscle Shoals Broadcasting Corp., Muscle Shoals City, Ala.—Granted C. P. to make changes in equipment and increase power from 100 watts to 250 watts, unlimited time.

KSAN—Golden Gate Broadcasting Corp., San Francisco, Calif.—Granted C. P. to make changes in equipment and increase power from 100 watts to 250 watts, unlimited time.

KORE—Eugene Broadcast Station, Eugene, Ore.—Granted C. P. to install new equipment and increase power from 100 watts to 250 watts, unlimited time.

KFPW—Southwestern Hotel Co., Fort Smith, Ark.—Granted C. P. to move transmitter site locally, install new equipment, and change frequency from 1210 kc. to 1370 kc., and increase power from 100 watts to 250 watts, unlimited time, upon condition that permittee shall file an application for modification of C. P. specifying exact transmitter location and antenna system within 2 months after effective date.

KFRC—Don Lee Broadcasting System, San Francisco, Calif.—Granted C. P. to increase night power from 1 KW to 5 KW; move transmitter site locally to a site to be determined subject to Commission's approval.

WCHV—Community Broadcasting Corp., Charlottesville, Va.—Granted transfer of control of corporation from Mrs. Hugh M. (Nancy) Curtler to Mrs. Marcia Arrington, representing 2231 shares of stock.

WPRP—Julio M. Conesa, Ponce, P. R.—Granted modification of license to increase nighttime power from 100 watts to 250 watts, and increase time of operation to unlimited.

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Granted modification of license to increase night power from 1 KW to 5 KW.

INCREASE IN POWER TO 250 WATTS GRANTED

The following stations were granted modification of licenses to increase night power from 100 watts to 250 watts:

WBNY, Buffalo, N. Y.; WHBC, Canton, Ohio; WFOY, St. Augustine, Fla.; WROL, Knoxville, Tenn.; KONO, San Antonio, Tex.; KFJB, Marshalltown, Iowa; WOC, Davenport, Iowa; KOVC, Valley City, N. Dak.; KYSM, Mankato, Minn.; KLBK, La Grande, Ore.; KGKB, Tyler, Tex.; KPLT, Paris, Tex.; WCBS, Springfield, Ill.; KCRJ, Jerome, Ariz.

MISCELLANEOUS

KFVS—Hirsch Battery and Radio Co., Cape Girardeau, Mo.—Granted special temporary authority to operate simultaneously with WEBQ from 8:30 to 9 p. m., CST, on October 11, in order to broadcast a speech by Loux Lozier, Missouri State Commander of the American Legion.

KFGQ—Boone Biblical College, Boone, Iowa.—Granted special temporary authority to operate from 4 to 5 p. m., CST, on October 11, 18, 25 and November 1, in order to broadcast children's services.

WBAA—Purdue Univ., W. Lafayette, Ind.—Granted special temporary authority to operate from 8 to 9 p. m., CST, on October 4, in order to broadcast programs relative to 50th Anniversary of Y. M. C. A.

WPTF—WPTG Radio Co., Raleigh, N. C.—Granted extension of special temporary authority to operate from 11 to 12 p. m., EST, for the period September 30 to October 29, in order to broadcast programs as described in letter of May 27.

KBTM—Regional Broadcasting Co., Jonesboro, Ark.—Granted special temporary authority to operate simultaneously with Station KGHJ from local sunset (October, 5:30 p. m., CST), to conclusion of Univ. of Ark. football games only, on October 7, 14, 21 and 28, and to operate additional time on October 6, 13, 20 and 27, to broadcast Jonesboro High School football games only.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts nighttime, on October 6, 13, 20 and 27, in order to broadcast high school football games only.

WPRP—Julio M. Conesa, Ponce, P. R.—Granted petition to amend application in Docket No. 5678.

KFNF—KFNF, Inc., Council Bluffs, Iowa.—Granted motion to dismiss without prejudice application for modification of C. P. to increase power.

WDAE—Tampa Times Co., Tampa, Fla.—Granted petition to withdraw without prejudice application in Docket 4936.

NEW—C. T. Sherer Co., Inc., Worcester, Mass.—Denied petition to reconsider and vacate order of Commissioner Walker entered September 11, 1939, granting petition of Worcester Broadcasting Corp. to intervene in the hearing in re Sherer

Co. application, and that said petition be placed on motions calendar for argument; exceptions noted by counsel.

NEW—Radio Voice of Springfield, Inc., Springfield, Ohio.—Granted motion for order to take depositions in re application in Docket 5704.

WSAU—Northern Broadcasting Co., Inc., Wasau, Wis.—Denied petition to intervene in the hearing on the application of William F. Huffmann for a new station at Wisconsin Rapids, Wis.

WBBR—Watchtower Bible & Tract Society, Inc., Brooklyn, N. Y.—Petition to intervene in the hearing on the application of Harold Thomas, Bridgeport, Conn., for a new station, was withdrawn.

NEW—Harold Thomas, Bridgeport, Conn.—Granted motion for leave to amend application for C. P. so as to request 1420 kc., instead of 1310 kc., and hearing scheduled for October 9, cancelled.

NEW—Hazlewood, Inc., Orlando, Fla.—Granted motion for continuance of hearing now scheduled for October 13, for about 60 days, new date to be fixed by Secretary.

WBNY—Roy L. Albertson, Buffalo, N. Y.; WSVS—Seneca Vocational High School, Buffalo, N. Y.—Granted motion that application of WBNY for modification of license be dismissed without prejudice; and hearing on application of WSVS for renewal of license cancelled.

WBEO—The Lake Superior Broadcasting Co., Marquette, Mich.—Granted special temporary authority to operate additional time from October 4, to broadcast World Series games only, no other programs authorized.

KRBA—Red Lands Broadcasting Assn., Lufkin, Tex.—Granted special temporary authority to operate nights of October 7, 9, 13 and November 3, in order to broadcast football games only; no other programs authorized.

WJRD—James R. Doss, Jr., Tuscaloosa, Ala.—Granted special temporary authority to operate additional time on October 27, November 3, 11 and November 17, in order to broadcast high school games only.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority to operate from 7 to 8 p. m., CST, on October 1, in order to broadcast the American Forum of the Air only, during which program there will be a discussion of the neutrality situation by Senator Van Nuys.

WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—Granted special temporary authority to operate simultaneously with WFAS from 4 to 5 p. m., EST, on September 30, October 7, 14, 21, and 28, in order to broadcast football games.

KMPC—The Station of the Stars, Inc., Beverly Hills, Cal.—The Commission, upon its own motion, modified its decision in the matter of KMPC, and dismissed the petition of Leland M. Woods in this matter. An Order modifying its decision of January 16, 1939, was adopted.

NEW—Enrique Abarca Sanfeliz, San Juan, P. R.—Granted petition to reopen hearing in re Docket 5298, application of Enrique Abarca Sanfeliz, and Docket 4610, the application of United Theatres, Inc., both for new stations in San Juan, P. R.

KTSA—Sunshine Broadcasting Co., San Antonio, Tex.—Denied petition to intervene and request for enlargement of issues, in re application of KMAC, San Antonio, for C. P. to change frequency, increase power and time of operation.

KTSA—Sunshine Broadcasting Co., San Antonio, Tex.—Dismissed motion to fix same hearing date and consolidate cases, in re applications of KMAC and KABC, San Antonio, Dockets 5626 and 5716.

WOAI—Southland Industries, Inc., San Antonio, Tex.—Denied motion to amend Commission's Notice of Hearing or to enlarge the issues contained therein, in re application of KMAC, Docket 5626.

WOAI—Southland Industries, Inc., San Antonio, Tex.—Denied petition to intervene in re the hearing on application of KMAC, Docket No. 5626, scheduled for November 14.

WOAI—Southland Industries, Inc., San Antonio, Tex.—Dismissed petition for intervention in re application of KABC, San Antonio, Texas, Docket 5716.

WOAI—Southland Industries, Inc., San Antonio, Tex.—Dismissed petition to amend Commission's Notice of Hearing or enlarge the issues contained therein, in re application of KABC, Docket 5716.

KTSA—Sunshine Broadcasting Co., San Antonio, Tex.—Dismissed petition to intervene and request for enlargement of issues, in re application of KABC.

- KWK—Thomas Patrick, Inc., St. Louis, Mo.—Dismissed petition to intervene in re the hearing on application of KABC.
- WGBF—Evansville On the Air, Inc., Evansville, Ind.—Dismissed petition for leave to intervene in re application of KABC.
- WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Denied petition to intervene and request for enlargement of issues in re application of Hazlewood, Inc., for new station.
- WABC—Columbia Broadcasting System, Inc., New York City.—Denied petition to intervene in the hearing on the application of WHDH, Boston, Mass., for C. P. to increase power and time of operation, scheduled for hearing on October 10.
- KABC—Alamo Broadcasting Co., Inc., San Antonio, Tex.—Granted petition to dismiss application without prejudice, in re Docket 5716.
- KOA—National Broadcasting Co., Inc., Denver, Colo.—Denied petition to intervene in re the hearing on the application of WHDH, scheduled for hearing on October 10.
- WNOX—Scripps-Howard Radio Inc., Knoxville, Tenn.—Denied petition for intervention and enlargement of issues in re application of WROL, Knoxville, Tenn., to change frequency and increase power, scheduled for hearing on November 2, 1939.
- KWFT—Wichita Broadcasting Co., Wichita Falls, Tex.—Denied petition to intervene in the hearing on the application of WROL.
- WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y.; NEW—Lillian Kiefer, Brooklyn, N. Y.; WWRL—Long Island Broadcasting Corp., Brooklyn, N. Y.; NEW—Paul J. Gollhofer, Brooklyn, N. Y.; WCNW—Arthur Fasje, Brooklyn, N. Y.—The Commission on its own motion extended the effective date of provision (3) of its Order of December 5, 1938, 30 days from October 2, 1939. This provision in the Order cancelled the modification of license mailed on June 16, 1938, to WWRL authorizing it to include in the operating time of its station the time previously utilized by WMBQ, and its orders extending effective date of said provision until October 2, 1939.
- KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Designated for further hearing the application of KFIO to operate with 1 KW on 950 kc., upon the following issues: (1) to determine the extent of interference which may be caused to station CJRM, Regina, Sask. (2) to determine the extent of interference which may be caused to the operation of Stations KFVB and KGVO operating with 5 KW, unlimited hours, as requested in pending applications, and (3) to determine whether by use of the facilities sought the applicant can provide service to this area in accordance with the Standards of Good Engineering Practice and the Commission's plan of allocation.
- WFBY—Columbia Broadcasting System, Inc., Portable-Mobile (area of Cincinnati, O.).—Granted modification of license to change associated standard broadcast station from WKRC, Cincinnati, to WABC-WBOQ, New York.
- NEW—KRIC, Inc., Portable-Mobile (area of Beaumont, Tex.).—Granted C. P. for new low frequency relay broadcast station to operate on frequencies 1646, 2090, 2190, 2830 kc.; 40 watts.
- WEJV—National Broadcasting Co., Inc., Portable-Mobile (area of Chicago).—Granted C. P. to make changes in equipment and reduce power in high frequency relay broadcast station from 0.5 to 0.25 watts. Also granted license for same.
- NEW—Arizona Broadcasting Co., Inc., Portable-Mobile (area of KVOA, Tucson, Ariz.).—Granted C. P. for new high frequency relay broadcast station to operate on frequencies 31220, 35620, 37020 and 39260 kc., 10 watts.
- NEW—The Mayflower Broadcasting Corp., Boston, Mass.—Continued hearing now scheduled for October 9 to November 9 on the applications of The Mayflower Broadcasting Corp. for C. P. for a new station, and the application of WAAB, Boston, for renewal of license.
- NEW—Lakeland Broadcasting Co., Willmar, Minn.—Reopened for further hearing the matter of amended application of Lakeland Broadcasting Co. for a new station to operate on 680 kc., with 250 watts power, daytime only, upon the following issues: (1) To determine legal and financial qualifications of applicant to construct and operate the proposed station; (2) because of pendency of another application with which conflict may be had by reason of interference, i.e., KFEQ, Inc., St. Joseph, Mo.; and (3) to determine whether the granting of the assignment requested would be in accordance with the Commission's plan of allocation and standards of good engineering practice.
- WJBW—Charles C. Carlson, New Orleans, La.—Upon petition of WJBW the Commission cancelled the hearing upon application for renewal of license and granted renewal of license for station WJBW.
- WEJX—National Broadcasting Co., Inc., Portable-Mobile (area of Chicago).—Granted C. P. to install new equipment and reduce power in high frequency relay broadcast station from 0.5 to 0.25 watts. Also granted license to cover same.
- WINN—Kentucky Broadcasting Corp., Louisville, Ky.—Granted modification of C. P. approving studio and transmitter sites and installation of vertical radiator.
- WDSM—WDSM, Inc., Superior, Wis.—Granted modification of C. P. extending completion date from September 17 to October 17, 1939.
- WGBI—Scranton Broadcasters, Inc., Scranton, Pa.—Granted authority to install automatic frequency control.
- KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted C. P. to install auxiliary transmitter at present main transmitter site, using 1 KW power for emergency use only.
- KEIM—KTAR Broadcasting Co., Phoenix, Ariz.—Granted C. P. to make changes in equipment and increase power of high frequency broadcast station from 10 to 25 watts.
- WTSP—Pinellas Broadcasting Co., St. Petersburg, Fla.—Granted modification of C. P. approving transmitter site, installation of vertical radiator and composite equipment for 250 watts.
- WABE—Central New York Broadcasting Corp., Portable-Mobile (Syracuse, N. Y.).—Granted license to cover C. P. for low frequency relay broadcast station, frequencies 1606, 2022, 2102 and 2758 kc., 12 watts.
- WFVA—Fredericksburg Broadcasting Corp., Fredericksburg, Va.—Granted license to cover C. P. for new station to operate on 1260 kc., 250 watts, daytime only. Also granted authority to determine operating power by direct measurement of antenna input.
- KBRG—WDAY, Inc., Fargo, N. Dak., Portable-Mobile.—Granted license to cover C. P. for new low frequency relay broadcast station, frequencies 1606, 2022, 2102 and 2758 kc., 100 watts.
- WAIO—WDZ Broadcasting Co., Tuscola, Ill (Portable-Mobile).—Granted license to cover C. P. for new relay broadcast station, frequencies 1622, 2058, 2150 and 2790 kc., 10 watts.
- NEW—Midland Broadcasting Co., Kansas City, Mo.—Granted license for new high frequency relay broadcast station, frequencies 31220, 35620, 37020 and 39260 kc., power 25 watts, for relaying programs or orders concerning such programs, and power of 50 watts on 31220 kc. for transmission of orders only.
- WJPR—John R. Pepper, Greenville, Miss.—Granted modification of C. P. approving studio and transmitter sites, and installation of vertical radiator.
- WPTF—WPTF Radio Co., Raleigh, N. C.—Granted authority to determine operating power by direct measurement of antenna input.
- WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority as follows: to operate October 1, 6 to 6:30 p. m., CST, Salute to Americanism of Jewish War Veterans. Louisville Post, and 8 to 9 p. m., CST, evening services commemorating 20th anniversary of Pastor Rev. Finley Gibson; October 5, 6 to 6:30 p. m., CST, high school football rally; October 6, 6:15 to 6:30 p. m., CST, National Fire Prevention Week speaker, Louisville Fire Dept., and University of Louisville v. Evansville football game, for duration of game only. The above authorizations are for specific programs listed—not from local sunset.
- W2XAG—Carman R. Runyon, Jr., Yonkers, N. Y.—Granted special temporary authority to operate on frequency 110 mc., for a period not to exceed 30 days, pending alterations in equipment to permit operation on a higher frequency and pending action by Commission on pending application for change in classification of station.
- NEW—Seaboard Broadcasting Corp., Savannah, Ga.—This case was set for oral argument on September 29th, at which time argument was called and continued indefinitely because of the pendency of an appeal in the case of Arthur Lucal for a new station at Savannah, Ga., which has been decided by the Court of Appeals. Oral argument is now scheduled for October 12 in re the Seaboard Broadcasting Corp. application.
- NEW—Colonial Broadcasters, Inc., Savannah, Ga.—Same, except argument on Colonial Broadcasters, Inc., scheduled for October 12.

WIEH—Knickerbocker Broadcasting Co., Inc., New York City.—Granted special temporary authority to operate a Learadio Transmitter No. T 30 AB, C.A.A., approval No. 334, on frequency **2790 kc.**, 20 watts power, aboard an Eastern Airlines plane flying over World's Fair from 10:45 to 11 p. m., EST, on October 3, test period to begin approximately 8 p. m.; program pick-up point to be at Administration Building, and to be broadcast over station WMCA.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate with 250 watts from 7:45 p. m., EST, to the conclusion of Sharon High School football games on October 6, 20 and 27.

WRNL—Richmond Radio Corp., Richmond, Va.—Granted special temporary authority to operate from local sunset (October 5:30 p. m. and November 5 p. m., EST) to 6 p. m., EST, on October 7, 21, 28, November 4, in order to broadcast football games as described in telegram received September 26.

KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate additional time simultaneously with station WGBF with reduced power of 250 watts on October 5 in order to permit WGBF to broadcast football games between Catholic High School and Chattanooga High School only.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate additional time to the conclusion of high school football games on October 12, 13, 19, 20, 26 and 27, while actually broadcasting games only.

W2XBT—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate television broadcast experimental station W2XBT on the frequency band **156-162 mc.**, for the period October 12 to November 10, pending adjustment of the license to conform with provisions of Sec. 4.74.

KRKO—Lee E. Mudgett, Everett, Wash.—Granted special temporary authority to operate simultaneously with KEEN from 12 noon to 1:30 p. m., PST, for the period beginning October 5 and continuing for the duration of the World Series, while actually broadcasting World Series games only.

KWEW—W. E. Whitmore, Hobbs, N. Mex.—Granted special temporary authority to operate additional time simultaneously with KBST on October 20 and 27, and November 3, 10 and 17, in order to broadcast Hobbs High School football games only.

KPAC—Port Arthur College, Port Arthur, Tex.—Granted special temporary authority to operate additional time on November 3, 11, 18, 24 and 30, 1939, in order to broadcast Port Arthur High School football games only, using 100 watts only.

W3XDS—RCA Mfg. Co., Inc., New York City.—Granted special temporary authority to operate general experimental station W3XDS using the frequency **950 kc.**, with power of 1 KW, to conduct a comprehensive field survey to study the effects of fading on amplitude modulated facsimile emission during the hours 2 to 7 a. m., EST, on Sundays; midnight to 5 a. m., EST, Mondays; and 1 to 5 a. m., EST, from Tuesday through Saturday, for the period October 5 and ending no later than October 22, 1939.

APPLICATIONS FILED AT FCC

640 Kilocycles

WOI—Iowa State College of Agriculture and Mechanic Arts, Ames, Iowa.—License to cover C. P. (B4-P-2402) for changes in equipment and move of studio and transmitter site.

800 Kilocycles

WFAA—A. H. Belo Corp., Dallas, Tex.—Authority to determine operating power by direct measurement of antenna power.

880 Kilocycles

WRNL—Richmond Radio Corporation, Richmond, Va.—License to cover C. P. (B2-P-2378) to install auxiliary transmitter for emergency use.

920 Kilocycles

KVOD—Colorado Radio Corp., Denver, Colo.—License to cover C. P. (B5-P-1540) as modified to change frequency, increase power, change hours of operation, move transmitter, install directional antenna (for night use) and new transmitter.

KVOD—Colorado Radio Corp., Denver, Colo.—Authority to determine operating power by direct measurement of antenna power.

940 Kilocycles

WAVE—WAVE, Inc., Louisville, Ky.—Construction permit to increase power from 1 KW to 5 KW, install new transmitter and directional antenna for day and night use.

WDAY—WDAY, Inc., Fargo, N. Dak.—Construction permit to install directional antenna for day and night use, increase power from 1 KW, 5 KW LS, to 5 KW day and night.

WCSH—Congress Square Hotel Co., Portland, Maine.—Construction permit to install directional antenna for day and night use, increase power from 1 KW, 2½ KW LS, to 5 KW day and night.

1130 Kilocycles

WJJD—WJJD, Inc., Chicago, Ill.—Construction permit to change frequency from **1130 kc.** to **1040 kc.**; change power and hours of operation from 20 KW, limited time, to 10 KW, 20 KW LS, unlimited time; and install directional antenna for night use.

1140 Kilocycles

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Construction permit to install new transmitter and directional antenna for night use; increase power from 25 to 50 KW; change hours of operation from simultaneous day, shares WAPI night, to unlimited.

1160 Kilocycles

WWVA—West Virginia Broadcasting Corp., Wheeling, W. Va.—Construction permit to install new transmitter, directional antenna for day and night use; change frequency from **1160 kc.** to **1140 kc.**; increase power from 5 to 50 KW; change hours of operation from simultaneous day, share nighttime with WOWO, to unlimited; move transmitter 14 miles, from Bells Lane, 8½ miles northeast of Wheeling, W. Va., to R.F.D., St. Clairsville, Ohio.

1200 Kilocycles

WMFR—Radio Station WMFR, Inc., High Point, N. C.—Modification of C. P. (B3-P-2348) for changes in equipment, further requesting changes in transmitting equipment and increase in power from 100 watts to 250 watts; extend commencement and completion dates 10 and 15 days respectively.

KWNO—Maxwell H. White and Herman R. Wiecking, d/b as Winona Radio Service, Winona, Minn.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

WJHL—W. Hanes Lancaster and J. W. Birdwell, d/b as Johnson City Broadcasting Co., Johnson City, Tenn.—Voluntary assignment of license from W. Hanes Lancaster and J. W. Birdwell, d/b as Johnson City Broadcasting Co., to WJHL, Incorporated.

WJRD—James R. Doss, Jr., Tuscaloosa, Ala.—Modification of license to change hours of operation from daytime to unlimited time, using 250 watts day and night.

WDSM—WDSM, Inc., Superior, Wis.—License to cover C. P. (B4-P-770) as modified for a new station.

WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Authority to determine operating power by direct measurement of antenna power.

KSUN—Copper Electric Co., Inc., Lowell, Ariz.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

1210 Kilocycles

KFOR—Cornbelt Broadcasting Corporation, Lincoln, Nbr.—Construction permit to make changes in equipment.

1250 Kilocycles

WKST—Keystone Broadcasting Co., New Castle, Pa.—Modification of C. P. (B2-P-2428) for equipment changes, increase in power, further requesting changes in transmitting equipment, extend commencement date 10 days after grant and completion date 120 days thereafter.

1260 Kilocycles

KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Construction permit to install new transmitting equipment, and increase power from 250 watts to 500 watts, 1 KW LS.

1290 Kilocycles

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Voluntary assignment of license and permit from Charles Leo Lintzenich to Fred O. Grimwood.

1310 Kilocycles

NEW—Star Printing Co., Miles City, Mont.—Construction permit for new station to be operated on 1310 kc., 250 watts power, unlimited time.

KUIN—Southern Oregon Broadcasting Company, Grants Pass, Ore.—Modification of C. P. (B5-P-2245) for a new station, requesting approval of antenna and approval of studio and transmitter site at Redwood Highway, Grants Pass, Ore.

WSAV—WSAV, Inc., Savannah, Ga.—Modification of C. P. (B3-P-1714) for a new station, requesting approval of antenna and approval of studio site at 7th Floor, Liberty National Bank Bldg., Bull and Broughton Sts., Savannah, Ga., and transmitter site at President St., 1 mile east of Savannah, Ga. Amended: Re equipment.

WLBK—Bowling Green Broadcasting Co., Bowling Green, Ky.—Modification of C. P. (B2-P-2194) for a new station, requesting approval of antenna and approval of studio and transmitter site at Cemetery Pike and Lehman Ave., Bowling Green, Ky. Also requesting an increase in power from 100 watts, 250 watts LS to 250 watts day and night; installation of new transmitter.

WBRK—Harold Thomas, Pittsfield, Mass.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

1370 Kilocycles

KFRO—Voice of Longview, Longview, Tex.—Modification of C. P. (B3-P-2117) to change frequency; increase power; change hours of operation; move transmitter; install new transmitter and directional antenna for night use, further requesting change in type of transmitting equipment; changes in antenna; and move of transmitter to Longview-Marshall Highway, Longview, Tex., and extend commencement and completion dates 60 and 180 days respectively. Amended: Re antenna.

WFOR—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Modification of C. P. (B3-P-2320) to make changes in equipment, increase power, further requesting extension of commencement date from 5-6-39 to 11-6-39 and completion date from 11-6-39 to 5-6-40.

WHUB—M. L. Medley, Cookeville, Tenn.—Modification of C. P. (B3-P-2298) for a new station, requesting new transmitter equipment, approval of antenna and approval of transmitter at 807 Hickory St., Cookeville, Tenn., and approval of studio site at 109 Broad St., Cookeville, Tenn. Amended: To request 250 watts power day and night, give transmitter site as Cookeville, Tenn., and studio as 807 Hickory St., Cookeville, Tennessee.

1390 Kilocycles

NEW—Mollin Investment Co., Riverside, Calif.—Construction permit for new station on 1390 kc., 500 watts, daytime operation. Amended: Re equipment.

1400 Kilocycles

KHBC—Honolulu Broadcasting Co., Ltd., Hilo, Hawaii.—Modification of license to change frequency from 1400 to 1200 kc.

1420 Kilocycles

WJMS—WJMS, Inc., Ironwood, Mich.—License to cover C. P. (B2-P-2426) for increase in power, and change in equipment.

KATE—Albert Lea Broadcasting Co., Albert Lea, Minn.—Modification of license to increase power from 100 watts, 250 LS to 250 watts day and night.

KXL—KXL Broadcasters, Portland, Ore.—Modification of license to increase power from 100 watts, 250 LS to 250 watts day and night.

WFMJ—William F. Maag, Jr., Youngstown, Ohio.—Modification of license to change hours of operation from daytime to unlimited, using 100 watts power.

1430 Kilocycles

WOKO—WOKO, Incorporated, Albany, N. Y.—Extension of special experimental authority to operate a facsimile station from 2 to 5 a. m., for regular license period.

NEW—Jack Hazard, San Diego, Calif.—Construction permit for a new station on 1430 kc., 500 watts, unlimited time. Amended: Re: equipment.

1450 Kilocycles

KCMO—Broadcasting Co., Kansas City, Mo.—Construction permit to install new transmitting equipment, increase power from 1 KW to 1 KW; 5 KW LS.

1500 Kilocycles

KNOW—Frontier Broadcasting Co., Inc., Austin, Texas.—Modification of C. P. (B3-P-2436) for new transmitter, antenna, move and increase in daytime power, requesting approval of transmitter site at Manor Road, Austin, Texas, antenna changes and new transmitter. Amended: To give transmitter site as East 5th & Tillery Sts., Austin, Tex.

NEW—P. K. Ewing, Kosciusko, Miss.—Construction permit for a new station on 1500 kc., 100 watts; 250 watts LS, unlimited time.

NEW—The Post Search Light Co., Bainbridge, Ga.—Construction permit for a new station on 1500 kc., 100 watts; 250 LS, unlimited time.

WDNC—Durham Radio Corp., Durham, N. C.—Authority to determine operating power by direct measurement of antenna power.

WKBB—Sanders Brothers Radio Station, Dubuque, Iowa.—Modification of C. P. (B4-P-1147) as modified, for new antenna, move of studio and transmitter site, further requesting increase in power from 100 watts; 250 watts LS to 250 watts day and night.

WGKV—Kanawha Valley Broadcasting Co., Charleston, W. Va.—License to cover C. P. (B2-P-1848) as modified for a new station.

WOPI—Radiophone Broadcasting Station WOPI, Inc., Bristol, Va.—License to cover C. P. (B3-P-2413) to increase power, move transmitter, new equipment, and changes in antenna. Amended: Night power.

MISCELLANEOUS

NEW—International Broadcasting Corp., area WOV, New York, N. Y.—Construction permit for a new relay broadcast station to be operated on 30820, 33740, 35820, 37980 kc., 2 watts power, A-3 emission. Amended: To request frequency of 31220, 35620, 37020, 39260 kc.

NEW—International Broadcasting Corp., area of WOV.—License to cover above. Amended: Re: frequencies.

WABD—Central New York Broadcasting Corp., area of Syracuse, N. Y.—License to cover C. P. (B1-PRE-278) for a new relay broadcast station.

WRUL—World Wide Broadcasting Corp., Boston, Mass.—License to cover C. P. (B1-PIB-19) for a new transmitter location.

WRUL—World Wide Broadcasting Corp., Boston, Mass.—License to cover C. P. (B1-PIB-19) for move of transmitter.

W2XAG—Carman R. Runyon, Jr., Yonkers, N. Y.—Modification of license to change from developmental to high frequency broadcast station to be operated on 117,190 kc., special emission.

WELK—WCBS, Inc., Springfield, Ill.—License to cover C. P. (B4-PRE-276) for equipment changes and increase in power.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show

cause why cease and desist orders should not be issued against them.

Esquire Products—In a complaint Martin Benjamin Rothman, trading as Esquire Products, 216 North Clinton St., Chicago, was charged with using lottery devices in the sale and distribution of radios, waffle irons, silverware, coffee tray sets, pencils and griddles. According to the complaint, the respondent furnished various push cards accompanied by order blanks, instructions, and other printed matter for use in the sale and distribution of his merchandise by means of a lottery scheme. Alleging violation of the Federal Trade Commission Act, the complaint granted the respondent 20 days for filing answer to the charges. (3902)

Hershel California Fruit Products Company, Inc.—A complaint has been issued against Hershel California Fruit Products Company, Inc., San Jose, Calif., alleging violation of the Federal Trade Commission Act through misleading representations concerning its product, a tomato paste.

It was alleged that through use of phraseology in the Italian language, depictions of Italian type tomatoes, and other representations relative to Italy or Italian origin, the respondent led purchasers to believe that its tomato paste was made in Italy from Italian tomatoes, then imported into the United States, and that its "Contadina Brand" tomato paste was duly awarded the first grand prize at the Milan Exposition of 1922.

Pointing out that many purchasers prefer tomato paste made in Italy from Italian tomatoes, the complaint alleged that the respondent's representations were misleading in that its product was made in California from tomatoes grown in the United States, and that it was not awarded a prize at Milan. (3901)

Johns-Manville Corporation and Johns-Manville Sales Corporation, 22 East 40th St., New York, were charged in a complaint with the dissemination of misleading advertising in the sale of an insulating material designated as "Rock Cork." According to the complaint, the respondents had been advertising to the effect that Rock Cork was an entirely mineral product, when in truth it contained approximately 88 per cent mineral and 12 per cent vegetable matter. The respondents were granted 20 days for filing answer to the alleged violation of the Federal Trade Commission Act. (3899)

National Grain Yeast Corporation—A complaint has been issued against the National Grain Yeast Corporation, Belleville, N. J., charging it with price discrimination and payment of brokerage in violation of the Robinson-Patman Act, and with giving secret gratuities in violation of the Federal Trade Commission Act.

According to the complaint, the respondent has been discriminating in price by allowing to certain purchasers of its bakers' yeast used in the manufacture of bread and allied products, different prices than allowed other of its competing purchasers for products of like grade and quality. It is alleged that further discrimination in price between different competing purchasers of its products is brought about as a result of the respondent's delivering, without specific charge, large quantities of bakers' yeast to certain of its purchasers, in addition to yeast actually sold to these same purchasers, thus reducing the cost to favored purchasers of the yeast actually bought, while at the same time not furnishing such additional yeast to other competing purchasers who pay the same price per pound for the product. The respondent also has allegedly been granting cash discounts of 1 per cent to 2 per cent to certain of its purchasers and not to others who pay in the same manner and within the same time as those receiving such discounts. (3903)

Ransom Electric Company—False representations that Japanese manufactured incandescent lamp bulbs were made in the United States, is charged in a complaint against Ben Ransom, trading as Ransom Electric Company, 147 Second Ave., North, Nashville, Tenn.

According to the complaint, the respondent, in order to conceal from prospective purchasers the source of origin of its product, removed from imported Japanese electric lamp bulbs the label "Made in Japan," then inserted the bulbs into wrappers and packed them into cartons upon which were printed the words "Lednew Lamps," "Made in U. S. A.," "The Lednew Corporation," so as to signify that they were manufactured in the United States by the Lednew Corporation.

The respondent allegedly packed and sold American manufactured bulbs in packages or containers marked with the name of a manufacturing concern which was not the true manufacturer thereof, and misleadingly represented, directly and by implication, that the United States Bureau of Standards has adopted and promulgated specifications for incandescent electric lamp bulbs, when in truth the Bureau of Standards has made no such specifications with which the respondent's bulbs could conform. (3905)

Roxanna Canning Company—A complaint has been issued charging misleading representations in the interstate sale of certain products distributed by the Roxanna Canning Company, Lebanon, Ohio. This company, according to the complaint, distributes various brands of dog food under the trade names of Harty Dog Food Company and Dodds Packing Company.

It was alleged that the respondent company represented that its "Harty Brand" and "Blackspot Brand" dog foods contain beef by-products, ground beef bone and beef, and that its foods are scientifically balanced rations, and scientifically balanced beef rations, when such are not the facts. (3904)

C. F. Sauer Company—A complaint issued in November, 1938, in which the C. F. Sauer Company, 2000 West Broad St., Richmond, Va., was charged with price discrimination in the sale of extracts, spices, mayonnaise, salad dressing and drugs, in violation of the Robinson-Patman Act, has been amended.

The amended complaint alleged that payments by the respondent for transportation services and facilities in connection with the handling of its commodities, have been granted to some customers and denied to others.

It was alleged that deductions from invoice price of amounts equalling the cost of delivery by common carrier were granted certain customers, who utilized their own trucks and were not required to pay the common carrier charges, but that this facility was denied to competing customers having trucks available. (3646)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Etablissements Rigaud, Inc., 79 Bedford St., and E. Fougera & Co., Inc., 75 Varick St., New York, were ordered to discontinue misleading representations in the sale of perfumes.

Findings of the Commission are that the respondents had represented that Etablissements Rigaud, Inc., is a French firm with its headquarters in France, and that the respondents' perfumes are made in France and imported into this country, when in truth, Etablissements Rigaud, Inc., is not a French firm and has no foreign office, and its perfumes are domestic products made in the United States by blending domestic and imported ingredients.

Under the order, the respondents are to cease representing, through the use of the term "Paris," or "Paris, France," or any other terms indicative of foreign origin, that perfumes which are compounded in the United States are made in France or in any other foreign country, provided, however, that the country of origin of the various ingredients may be stated when immediately accompanied by an explanation that such products are made or compounded in the United States.

The order further forbids use of brand or trade names such as "Un Air Enbaumé," "Riguad," "Igora," or any other foreign terms, to refer to perfumes made in the United States, without clearly stating that such products are of domestic origin. The respondents also are to discontinue use of any French or other foreign terms to designate perfumes made or compounded in the United States, unless the English translation, or its equivalent, appears as conspicuously and in immediate conjunction therewith. (3337)

E. Fougera & Company, Inc.—See Etablissements Riguad, Inc.

International University of Commerce—Prohibiting misleading representations in the sale of correspondence courses in business subjects, a cease and desist order has been issued against a Chicago organization formerly known as International University of Commerce, and its president, Paul V. Manning. The re-

spondent corporation is now known as International School of Commerce.

Among practices prohibited were representations that the respondents maintain a faculty or staff of instructors or a staff of certified public accountants; that the opportunities in the field of accountancy for students finishing the respondents' course are unlimited; that the respondents' course is superior to those of competitors and that their school is the largest of its kind in the United States.

The order also forbids the representation that the respondents' course is endorsed by Alfred P. Sloan, Jr., Walter P. Chrysler, or any other person, or that such employers have urged clerical employees to take advantage of the respondents' course, until such are the true facts.

Use of the word "university" to represent that the respondents conduct an institution of higher learning, is also prohibited under the order. Findings of the Commission are that the word "university" was dropped from the respondents' corporate name as of August 1, 1938. (3543)

National Institute for Physical Advancement—Karl W. Peters, trading as National Institute for Physical Advancement, 113 West 57th St., New York, has been ordered to discontinue misleading representations in the sale and distribution of a physical culture book designated "Bust Culture." Under the order, the respondent is to discontinue representing that any woman can obtain a beautiful bust by following the method outlined in the respondent's book; that the method has helped millions of women or any other exaggerated number in excess of the actual number of women who have tried and been helped by such method, or that the method has been found effective in all cases. (3460)

Peanut Specialty Company, 400 West Superior St., Chicago, has been ordered to discontinue selling or otherwise disposing of candy or other merchandise by use of push or pull cards, punchboards or other lottery devices. The order further directed the respondent company to cease packing or assembling in the same assortment for sale to ultimate consumers, candies of uniform size and shape having centers of a different color, together with larger pieces of candy, the larger pieces to be given as prizes to purchasers procuring a piece of candy having a center of a particular color. (2273)

STIPULATIONS

The Commission has entered into the following stipulations:

Certified Silk Hosiery Company—H. D. Heyman, trading as Certified Silk Hosiery Company, 221 West Washington St., Chicago, agreed to cease representing, in connection with his sale of "Certified Hosiery," "Certified Shirts," and "Certified Lingerie," that any of his selling plans is "Free" so long as any charge is made, deposit required, or service is to be rendered therefor; that agents can earn amounts in excess of the average amount consistently made by a substantial number of his representatives under normal business conditions; that the socks he distributes eliminate the need for darning or will give almost double ordinary wear, or that the thread composing such products is made by a revolutionary new process. The respondent further agreed to cease using the word "Certified" in his trade name, or otherwise, to represent that the quality, cut design, composition or any other feature of his product is "Certified," unless such are the facts. It was also stipulated that the respondent will cease using the word "Silk" as a part of his trade name, or otherwise, to designate any merchandise which is not composed wholly of silk, unless such trade name or phrase containing the word "Silk" shall be accompanied by a full disclosure of the fabric content of each garment. (02439)

Hercules Leather Goods Company—Jacob Hyman and Jacob Zichlinsky, trading as Hercules Leather Goods Company, 130 West 27th St., New York, agreed to cease using the term "Hercuhyde" as a trade name, stamp, brand or label for brief cases which are not made from leather or hide. The respondents will also discontinue using the word "Hyde" or any other simulation of the word "hide," either alone or in connection with the letters "Hercu," or any other words, so as to imply to purchasers that the product referred to is composed of leather or hide, when such is not a fact. (2543)

Ralph H. Jones Company, Cincinnati, an advertising agency, has entered into a stipulation to discontinue misleading representations in the advertisement of a fruit juice product distributed by The Kroger Grocery and Baking Company, Cincinnati.

Likewise, the Commission accepted from the Kroger company a stipulation to discontinue similar representations in the sale of its product.

This is the second case in which an advertising agency has entered into a stipulation with the Commission to discontinue misleading representations in connection with the advertising copy of one of its accounts.

The agency agreed to cease disseminating advertisements which represent, directly or by implication, that sugar syrup is usually used in flavoring grapefruit juice, or that "Kroger's Country Club Brand Grapefruit Juice" is the only grapefruit juice to which dry sugar is added. (02441)

The Kroger company stipulated that it will cease advertising, directly or by implication, that sugar syrup is usually used in flavoring grapefruit juice and will desist from the representation or implication that its product is the only grapefruit juice to which dry sugar is added. The respondent also agreed to discontinue representing or implying that competing products of equal quality contain a lesser quantity, unless such is an actual fact, and to cease otherwise making any misleading or disparaging statement regarding competing products or any false comparison therewith. (02442)

Kroger Grocery & Baking Company—See Ralph H. Jones Company.

LeJay Manufacturing Company—L. D. Leach, trading as LeJay Manufacturing Company, 1406 West Lake St., Minneapolis, in the sale of the "LeJay Electric Fence Controller," a device for electrifying stock fences, agreed to cease representing that one strand of wire, when used in conjunction with the controller, will confine animals of varying sizes, or will confine animals as efficiently as a fence of several strands, or that it will enable users to save 80 per cent of livestock fencing costs, unless the circumstances of such saving are clearly explained. The respondent will also cease representing that a single charged wire can be used successfully in restraining all animals, or, by any general terminology, that it will restrain animals possessing a coat of hair which in fact forms a natural insulation against the charge. (02440)

Luxor, Ltd., 1355 West 31st St., Chicago, agreed to cease representing that its cosmetic designated as "Luxor Special Formula Cream," or any other similar cosmetic, is a new type of cleansing cream; is the product of unlimited research; reaches into the pores of the skin, or will cleanse and beautify the skin better than any other cream. The respondent further agreed to cease advertising that for centuries cold creams and cleansing creams have been made with oils bodied up with waxes, unless qualified to indicate that not all of such creams contained waxes. Further representations to be discontinued are that a cosmetic designated "Luxor Complexion Powder," or any other similar cosmetic, possesses sensational resistance to moisture that is a real mystery, or affords real beauty protection. (02438)

Magnesia Products Company, 3519 N. Hubbard St., Milwaukee, stipulated that it will cease representing that articles supplied in its packages of bird food are "Free," when their cost is included in the price of the complete package; that the packages contain one pound net weight of bird seed, when the content is less than one pound; that the contents of a package are "Imported Bird Food," when any portion of it is domestic seed; that its grit cube contains all mineral and other elements necessary for bird health, or that such elements may be obtained only in the grit cube offered for sale by the respondent, when such are not the facts. (2544)

FTC CLOSES CASE

The Federal Trade Commission closed its case in which Robert F. Waterman, trading as National Pottery Distributors, Roseville, Ohio, was charged with using unfair trade practices in the sale of earthenware kitchen utensils.

Due to unsuccessful efforts to locate the respondent, who has no permanent residence or place of business, the Commission closed its case without prejudice to its right to reopen it, should future facts so warrant.

FCC Assignments For October

Duties of Commissioners, Secretary, and Chief Engineer of the FCC as allocated by Order No. 28, dated November 29, 1937, which provides "That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon:

**ASSIGNMENT FOR
MONTH OF
October**

"All applications for aeronautical, aircraft, geophysical, motion picture, airport, aeronautical point to point, municipal and state police, marine relay, marine fire, and emergency and special emergency radio facilities.

**Commissioner
Frederick I. Thompson**

"All applications for licenses following construction which comply with the construction permit; applications for extensions of time within which to commence and complete construction; applications for construction permit and modification of construction permit involving only a change in equipment; applications to install frequency control; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for special temporary authorization; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter site; and applications for relay broadcast stations.

**Commissioner
Thad H. Brown**

"All radio matters of every character (except broadcast, operator licenses and amateur and ship stations) within the territory of Alaska.

**Commissioner
Paul A. Walker**

"All uncontested proceedings involved in the issuance of certificates of convenience and necessity; and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act.

**Commissioner
Norman S. Case**

"All matters arising in connection with the administration of tariff circulars of the Commission adopted pursuant to Section 203 of the Act, including the waiver of notice for the filing of tariffs.

**Commissioner
T. A. M. Craven**

"All matters arising under the Rules of Practice and Procedure of the Commission relating to withdrawals, dismissals, or defaults of applications or other proceedings, subject to the statutory right of appeal to the Commission; and to hear and determine all interlocutory motions, pleadings and related matters of procedure before the Commission.

**Commissioner
George Henry Payne**

"That the Secretary of the Federal Communications Commission is hereby authorized to determine, order, certify, report or otherwise act, with the advice of the General Counsel and the Chief Engineer, upon:

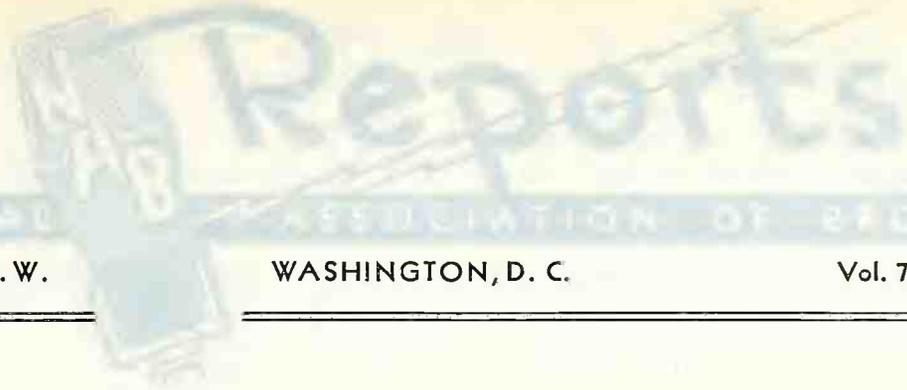
- (a) all applications for operator licenses, and
- (b) all applications for amateur and ship stations.

**Secretary
T. J. Slowie**

"That the Chief Engineer of the Federal Communications Commission is hereby authorized to determine upon all applications and requests, and to make appropriate order in letter form for the signature of the Secretary in the following matters:

- (a) operation without an approved frequency monitor;
- (b) operation without an approved modulation monitor;
- (c) operation without thermometer in automatic temperature control chamber;
- (d) operation without antenna ammeter, plate voltmeter or plate ammeter;
- (e) operation with substitute ammeter, plate voltmeter or plate ammeter;
- (f) operation with temporary antenna system;
- (g) operation with auxiliary transmitter as main transmitter;
- (h) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application;
- (i) where formal application is not required, application for new or modified equipment or antenna system;
- (j) where formal application is not required, change of specifications for painting and lighting of antenna towers;
- (k) operation to determine power by direct method during program test periods;
- (l) relocation of transmitter in the same building;
- (m) operation with reduced power or time under Rules 142 and 151;
- (n) approval of types of equipment;
- (o) where it appears that terms of construction permit have been complied with, authorization for equipment and program tests or extensions thereof;
- (p) denial of requests for equipment and program tests where specifications of construction permit have not been met;
- (q) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorization it appears that the terms of the construction permit have not been met;
- (r) extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission;
- (s) changes in equipment necessary to comply with technical requirements specified in authorizations, orders, rules or releases (except formal applications);
- (t) representations of compliance with technical requirements specified in authorizations, orders, rules or releases (except formal applications);
- (u) operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location."

**Chief Engineer
Ewell K. Jett**



Code Developments

Asserting that "the broadcasting industry is to be congratulated for this sane and orderly procedure" in the handling of public controversial issues, Matthew Woll, Vice President of the American Federation of Labor, last Friday praised the new NAB Code, speaking from Cincinnati where the A. F. of L. convention was in session.

The full text is carried elsewhere in the REPORTS.

On Tuesday, the Code Committee announced it had found that sponsored broadcasts on paid time in behalf of the Townsend Plan would constitute a discussion of a public controversial issue and therefore would be unacceptable under the terms of the new Code, except in those states where the Townsend Plan is "a public proposal subject to ballot" in the current elections.

This was the second major finding of the Committee, which had previously found that discussions of neutrality revision were discussions of a "controversial public issue" and would be unacceptable on paid time.

Meanwhile, the matter of Elliott Roosevelt's announced intention to violate the Code on his broadcast of October 7, in which he publicly announced that on this broadcast he would undertake to express a personal opinion about neutrality on a commercial news commentator's program, was referred to the Mutual Broadcasting System.

In making public its finding on the Townsend Plan, the Committee pointed out that during political campaigns, adherents of the Townsend Plan may buy time "in behalf of or in opposition to qualified candidates for public office," as provided by law, or may buy time "in behalf of or in opposition to a public proposal subject to ballot," as further provided by the Code. In the interim, it was pointed out that representative spokesmen would be given free time, in accord with individual station policy, and in accord with the public interest, program balance and availability of time.

It was emphasized again that the Code does not deny the right of free speech to anyone. It simply denies the opportunity to buy time and to monopolize radio for one-sided discussions of public issues.

Inquiry about the Townsend Plan was made by a member station who had been approached by an agent for the "Townsend Plan Broadcasts". The agent sought to purchase fifteen-minute units of time, not earlier than 6:30 p. m., stating that the new series of



The NATIONAL ASSOCIATION OF BROADCASTERS

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

Neville Miller, President Edwin M. Spence, Secretary-Treasurer

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

CODE DEVELOPMENTS

(Continued from page 3767)

programs, scheduled to start about October 15, would present various Senators, Congressmen, Dr. Francis E. Townsend and others, and that an endeavor would be made to establish new Townsend Clubs, to solicit new members and to sell literature.

A. F. of L. Vice President Praises NAB Code

From the speech of Matthew Woll, vice president of the American Federation of Labor, who spoke over the network of the Columbia Broadcasting System, Friday, October 6:

"In our conventions for the past several years, radio has been a subject commanding deep interest. It is so this year. Labor's message has been taken to millions over the air. And Labor was pleased to learn this week that the broadcasting industry made an important move, while our convention has been in session, in defense of democracy by guaranteeing that Radio would continue to provide an open forum for discussion of public issues. As Labor understands the industry's new code of program standards, it guarantees that no one side shall monopolize the air waves when a great public issue arises, but that all sides—majorities and minorities, rich and poor alike—shall have free access to the microphone to state their case. This is in the best tradition of democracy and I think the broadcasting industry is to be congratulated for this sane and orderly procedure, which rules out domination either by force of numbers or by force of wealth. On that front, at least, power politics has been defeated."

NEW ACCOUNTING COMMITTEE APPOINTED

President Miller announced the appointment of the members of the Accounting Committee for the ensuing year as follows: C. T. Lucy, WRVA, Richmond, Virginia, Chairman; H. W. Batchelder, WFBR, Baltimore, Maryland; S. R. Dean, Columbia Broadcasting System, New York, N. Y.; E. J. Gluck, WSOC, Charlotte, North Carolina; N. L. Kidd, WSYR, Syracuse, New York; and Harry F. McKeon, National Broadcasting Company, Inc., New York, N. Y.

The Accounting Committee, during the past year, has been one of the most active of the NAB Committees. It held several meetings and had numerous conferences with

Mr. William Norfleet and Mr. De Quincy Sutton of the Accounting Department of the FCC. As a result of Mr. Norfleet's and Mr. Sutton's cooperation with the Committee, the new financial questionnaire which soon will be sent to all stations, will be much shorter and easier to answer than previous questionnaires. It is also expected that stations doing a gross business under \$25,000 a year will find that portion of the questionnaire which they will be required to answer greatly simplified. The Committee has reason to believe that it will be necessary to answer and file only one questionnaire a year.

The NAB Accounting Committee expects to hold a meeting shortly at which time a standardized station program log will be developed for the use of stations, as Headquarters Office has received many requests for assistance and help of this kind.

Miller to Address Civil Liberties Union

Neville Miller, NAB president, will address the meeting of the American Civil Liberties Union in New York, Saturday, October 14. His address will be carried over the network of the Mutual Broadcasting System at 1:30 P. M., EST.

Others on the Civil Liberties program include Attorney General Frank Murphy and Senator Elbert D. Thomas (D) of Utah.

Mr. Miller will discuss the underlying principles of the Code, which has been warmly endorsed by the American Civil Liberties Union.

FCC UPHOLDS PAYNE DECISION

Decision of Federal Communications Commissioner, John Henry Payne, in connection with an intervention rule was unanimously upheld by the Commission this week. The Payne decision was printed in full in last week's issue of NAB REPORTS. In connection with this the Commission made the following official statement:

The Federal Communications Commission announced that the Commission had unanimously upheld the action taken by Commissioner Payne on October 2, 1939, in denying the petition of Orlando Broadcasting Company, Inc. (WDBO), Orlando, Florida, to intervene in the hearing on an application of Hazlewood, Inc., for a new station in Orlando, Florida, to operate on 1390 kc., with 1 KW, unlimited time.

Commissioner Payne's decision was an interpretation of the Commission's rule relating to intervention and enlargement of issues. The rule reads as follows:

"Sec. 1.102 Intervention. Petitions for intervention must set forth the grounds of the proposed intervention, the position and interest of the petitioner in the proceeding, the facts on which the petitioner bases his claim that his intervention will be in the public interest and must be subscribed or verified in accordance with Sec. 1.122. The granting of a petition to intervene shall have the effect of permitting intervention before the Commission but shall not be considered as any

recognition of any legal or equitable right or interest in the proceeding. The granting of such petition shall not have the effect of changing or enlarging the issues which shall be those specified in the Commission's notice of hearing unless on motion the Commission shall amend the same."

In his decision Commissioner Payne states:

"In many cases the major function served by intervenors was to impede the progress of the hearing, increase the size of the record, confuse the issues and pile up costs to the applicant and to the Commission through the introduction of cumulative evidence, unnecessary cross-examination, dilatory motions, requests for oral argument and other devices designed to prevent expeditious disposal of Commission business."

The decision further states:

"It is incumbent upon any person requesting the injection of new issues in a hearing to show not only that the issues which he proposes to have the Commission add are proper matters for the Commission to consider and that there is a basis for believing that the Commission will be required to deny the application on the new grounds alleged, but also that the proposed new issues should be heard at the hearing already set rather than at a later time."

Other applications affected adversely by the denial of the Orlando Broadcasting Company's petition, are as follows:

Station KMAC, San Antonio, Texas; Station KTSA, San Antonio, Texas; Station WOAI, San Antonio, Texas; Station WROL, Knoxville, Tenn.; Station WNOX, Knoxville, Tenn.; Station WFLA, Tampa, Fla., and Station WHDH, Boston, Mass.

COURT BROADCAST CASES

Supreme Court of the United States this week granted a review of the case of the Pottsville Broadcasting Company and denied a review in the case of WOW.

In the Pottsville Broadcasting Company case, the Federal Communications Commission denied an application of the Company for a new station at Pottsville, Pa., to use 580 kilocycles, 250 watts, daytime operation. The Pottsville Company case was denied in the lower court and the Supreme Court has now granted an appeal.

Station WOW at Omaha, Nebraska, appealed from an order of the Commission granting an application of Station WKZO to change its assignment. WOW claimed interference. The Court of Appeals of the District of Columbia dismissed the appeal of WOW and the Supreme Court has denied a review of the case.

800 STATIONS

The Federal Communications Commission issued operating licenses to four stations during the month of September, 1939, and issued construction permits to two new stations. A comparative table by months follows:

	Jan. 1	Feb. 1	Mar. 1	April 1	May 1	June 1	July 1	Aug. 1	Sept. 1	Oct. 1
Operating	722	727	729	732	734	735	735	738	739	743
Construction	42	39	37	37	38	38	43	56	59	57
	764	766	766	769	772	773	778	794	798	800

Of the 264 local channel stations licensed to operate full time, 126 have been granted 250 watts power day and night. The FCC granted 13 of these power increases in August and 113 during September. There were also 5

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stations granted construction permits to install new equipment in order to step up power to 250 watts.

FCC REVISED AND RENUMBERED RULES

The Federal Communications Commission this week announced revised and renumbered rules. In connection with the case of the amendment of rules 177 and 177.1 on the petition of Mayor LaGuardia of New York City, the Commission in its announcement said:

"To the licensees and permittees of all existing standard broadcast stations (all broadcast stations licensed to operate upon the channels 500 to 1600 kc, both inclusive) and to all applicants who have pending before the Commission applications for regular broadcast stations to operate upon such channels, to the licensees and permittees of all existing international broadcast stations (all international broadcast stations licensed to operate upon the channels 6,000 to 26,000 kc, inclusive) and to all applicants who have pending before the Commission applications for regular broadcast stations to operate upon such channels and to any other interested parties:

"You are hereby notified that as of August 1, 1939, the Commission revised and renumbered all of its rules and regulations. Rules numbered 177 and 177.1 have now been renumbered rules 3.94(a) and 4.10. Rules 1010, 1011, and 1012(c) referred to in Issue No. 5 in the Commission's Notice of May 5, 1939, have become Rules 4.41, 4.42, and 4.43.

"The revised and renumbered rules include some changes in phraseology but the substance of these rules is unchanged, and the amendments made will not in any way affect the issues to be determined upon the hearing in the above-entitled matter."

FREE OFFERS

Several new free offer requests were reported by member stations during the past week.

A script has been offered member stations commemorating the 50th Anniversary of motion pictures, which members "may broadcast free of charge," and in which are included several plugs for outstanding movie productions of the past, present and future. While the industry desires to render every cooperation to sister industries, NAB

Bureau of Radio Advertising has advised Mr. Kenneth Clark, of the Motion Picture Producers and Distributors of America, Inc., that the scripts are unacceptable except on a paid basis, and invited his cooperation in helping members sell the show to local exhibitors.

Other free-time seekers include the Missionary Servants of the Most Holy Trinity, who have since withdrawn their offer, after being informed by NAB that their plan to sell books at a dollar a copy (to defray the cost of the transcriptions) was a violation of the Code; and the National Dunking Association, seeking to popularize this quaint custom and thus sell more doughnuts and/or coffee. NDA, although claiming to be a "non-commercial and non-political" activity, has not answered NAB's request for further information on their organization, its purpose and financial backing.

"Cost-per-inquiry"

The Bureau of Radio Advertising has written the following firms, explaining that their requests for radio time on a percentage basis are in violation of the NAB Code of Ethics:

Dietetic Research Laboratories (MVM Reducing Perles)
Interstate Advertising Agency (on behalf of Sunlit Flower Fields)

Crowell-Collier

Members who wish to use the "Voice of Industry" programs may eliminate entirely any mention of Crowell-Collier Publishing Company, as well as its magazines, in the closing announcements of these programs. Although the Bureau of Radio Advertising's letter of October 2 and subsequent advices direct to the stations from Crowell-Collier may not have made this entirely clear, the NAB's agreement with the Company allows stations to delete or alter the credit in any way they see fit. Stations who would prefer to share in the credit for this series, the purpose of which is to offset attacks on advertising, may do so by substituting a suitable announcement.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning Monday, October 16. They are subject to change.

Monday, October 16

- NEW—Lillian E. Kiefer, Brooklyn, N. Y.—C. P., 1500 kc., 100 watts, 100 watts LS, specified hours (requests facilities of WMBQ).
WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y.—C. P., 1500 kc., 100 watts, 100 watts LS, specified hours.
WMBQ—Metropolitan Broadcasting Corp., Brooklyn, N. Y.—Renewal of license, 1500 kc., 100 watts, 100 watts LS, specified hours.

October 13, 1939

- WWRL—Long Island Broadcasting Corp., Woodside (L. I.), N. Y.—Modification of license, 1500 kc., 100 watts, 250 watts LS, specified hours (WCNW), (request facilities of WMBQ).
WWRL—Long Island Broadcasting Corp., Woodside (L. I.), N. Y.—Modification of license, 1500 kc., 100 watts, 250 watts LS, specified hours (request facilities of WCNW).
WWRL—Long Island Broadcasting Corp., Woodside (L. I.), N. Y.—Renewal of license, 1500 kc., 100 watts, 250 watts LS, specified hours.
NEW—Paul J. Gollhofer, Brooklyn, N. Y.—C. P., 1500 kc., 100 watts, 100 watts LS, specified hours (hours of WMBQ).
WCNW—Arthur Faske, Brooklyn, N. Y.—Modification of license, 1500 kc., 100 watts, 250 watts LS, unlimited time. Present assignment: 1500 kc., 100 watts, 250 watts LS, specified hours (WWRL).
WCNW—Arthur Faske, Brooklyn, N. Y.—Modification of C. P., 1500 kc., 100 watts, 250 watts LS, specified hours (WWRL).
WCNW—Arthur Faske, Brooklyn, N. Y.—Renewal of license, 1500 kc., 100 watts, 250 watts LS, specified hours (WWRL).
WCNW—Arthur Faske, Brooklyn, N. Y.—(C. P. to make changes in transmitter equipment, install automatic frequency control apparatus, vertical antenna and move transmitter locally), 1500 kc., 100 watts, 250 watts LS, specified hours (WWRL).

Monday, October 16

Hearing Before the Committee

In the Matter of Amendment of Rules 177 and 177.1 on Petition of Mayor LaGuardia of the City of New York.

Further Hearing

NEW—Publix Bamford Theatres, Inc., Asheville, N. C.—C. P., 1430 kc., 1 KW, unlimited time (DA-night).

Tuesday, October 17

NEW—Las Vegas Broadcasting Co., Inc., Las Vegas, Nevada.—C. P., 1420 kc., 100 watts, 250 watts LS, unlimited time.

Thursday, October 19

Reargument Before the Commission

Report No. I-40:

- WLTH—Voice of Brooklyn, Inc., New York, N. Y.—Renewal of license, 1400 kc., 500 watts, shares WARD, WBBC and WVFW.
WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Renewal of license, 1400 kc., 500 watts, shares WBBC, WLTH and WVFW.
WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Modification of license, 1400 kc., 500 watts, shares WARD, WLTH and WVFW.

Friday, October 20

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, 1290 kc., 100 watts, daytime.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

- WLNH—Northern Broadcasting Co., Laconia, N. H.—Granted C. P. to make changes in equipment and increase power to 250 watts, unlimited time.
KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Granted C. P. to make changes in equipment and increase power to 250 watts, unlimited time.
KVNU—Cache Valley Broadcasting Co., Logan, Utah.—Granted C. P. to make changes in equipment and increase power to 250 watts, unlimited time.
WENY—Elmira Star-Gazette, Inc., Elmira, N. Y.—Granted modification of C. P. to increase night power from 100 to 250

watts, and extend commencement date to 60 days after grant and completion date to 180 days thereafter.

WCKY—L. B. Wilson, Inc., Covington, Ky.—Granted modification of license to move studio location from 6th and Madison Ave., Covington, Ky., to the Gibson Hotel, Cincinnati, Ohio.

WCOL—WCOL, Inc., Columbus, Ohio.—Granted C. P. to make changes in equipment change frequency from 1210 to 1200 kc., increase power from 100 watts unlimited to 250 watts, unlimited time.

WALR—WALR Broadcasting Co., Zanesville, Ohio.—Granted modification of C. P. authorizing installation of new equipment, increase in power from 100 watts, unlimited time to 250 watts, unlimited time; also extension of commencement date to 60 days after grant and completion date to 90 days thereafter.

WOKO—WOKO, Inc., Albany, N. Y.—Granted extension of authority to operate the equipment of standard broadcast station WOKO as a facsimile broadcast station between the hours of 2 a. m. to 5 a. m.

WJHL—Johnson City Broadcasting Co., Johnson City, Tenn.—Granted voluntary assignment of license from W. Hanes Lancaster and J. W. Birdwell, d/b as Johnson City Broadcasting Co., to WJHL, Inc. Station operates on 1200 kc., 100 watts night, 250 watts day, unlimited time.

WGRC—Northside Broadcasting Corp., New Albany, Ind.—Granted modification of license to change hours of operation from daytime only to unlimited using 250 watts day and night.

W9XYH—Head of the Lakes Broadcasting Co., Superior, Wis.—Granted modification of C. P. to extend construction and completion dates to 60 days after grant and 90 days thereafter respectively, and to change frequency from 26300 kc. to 43000 kc.

DESIGNATED FOR HEARING

The following application has been designated for hearing by the Commission. Date for the hearing has not yet been set.

NEW—Hobart Stephenson, Milton Edge, Edgar J. Korsmeyer, d/b as Stephenson, Edge and Korsmeyer, Jacksonville, Ill.—Application for C. P. to erect a new station to operate on 1370 kc., 250 watts, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval.

INCREASE IN POWER TO 250 WATTS

The following stations were granted increase in power to 250 watts, unlimited time:

KPAB, Laredo, Tex.; KOCA, Kilgore, Tex.; WEDC, Chicago, Ill.; KWJB, Globe, Ariz.; KOOS, Marshfield, Ore.; WKBB, Dubuque, Iowa; WBRK, Pittsfield, Mass.; KWNO, Winona, Minn.

RENEWAL OF LICENSES

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

KALE, Portland, Ore.; KCRC, Enid, Okla.; KFBK, Sacramento, Calif.; KFJM, Grand Forks, N. Dak.; KGA, Spokane, Wash.; KGHF, Pueblo, Calif.; KGB, San Diego, Calif.; KCMO, Kansas City, Mo.; KLRA, Little Rock, Ark.; KOH, Reno, Nev.; KQV, Pittsburgh, Pa.; KSCJ and auxiliary, Sioux City, Iowa.; KSTP, St. Paul, Minn.; KWK, St. Louis, Mo.; WALA, Mobile, Ala.; WADC, Village of Tallmadge, Ohio; WBBC, Brooklyn, N. Y.; WBXX, New York City; WBCM, Bay City, Mich.; WFBL, Syracuse, N. Y.; WFEA, Manchester, N. H.; WHDL, Olean, N. Y.; WLAC, Nashville, Tenn.; WAWZ, Zarephath, N. J.; WSFA, Montgomery, Ala.; WSPD, Toledo, Ohio.; WSAR, Fall River, Mass.

MISCELLANEOUS

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority to operate additional time on October 9, 1939, in order to broadcast from the Mutual Network the annual appeal from the Community Mobilization for Human Needs only, including a talk by President Roosevelt.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority to operate additional

time on October 7, 1939, in order to broadcast St. Xavier v. Hazard football game only.

WKEU—Radio Station WKEU, Griffin, Ga.—Granted special temporary authority to operate additional time on October 13, 1939, in order to broadcast Jaycette Auto Show only.

W1XOJ—The Yankee Network, Inc., Paxton, Mass.—Granted extension of special temporary authority to test the high frequency broadcast equipment of station W1XOJ authorized by modification of C. P. on frequency 43000 kc., with power not to exceed 2000 watts, for the period October 17 to November 15, 1939, in order to make adjustments on equipment installed and for tuning and adjustments of the antenna elements which are now assembled for erection atop 400-foot mast.

WEJU-WEJJ—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to use two RCA-NBC transmitters, Type ND 20, Serial No. 5, and ND 31, Serial No. 3, for operation under New York area licenses for relay broadcast stations WEJU and WEJJ, respectively, on October 9, 1939, in connection with a special feature fire prevention safety program.

WHB Broadcasting Co., Kansas City, Mo.—Granted special temporary authority to use equipment described in application with 100 watts power, frequency 1622, 2058, 2150 and 2790 kc., for the period October 7 to November 5, 1939, in order to make tests for a receiving location and be ready to use the equipment for the American Royal Livestock Show during week ending October 14, 1939.

Westinghouse Electric & Mfg. Co., Pittsburgh, Pa.—Granted special temporary authority to operate an RCA model RB-2-2 watt pack transmitter on relay frequencies in Group E, as a relay broadcast station, on October 11 and 14, 1939, in connection with the Charity Steeple Chase Races to be held at Rolling Rock, Ligonier, Pa.

J. L. McDowell—Docket 5700—Application of WNBX, Twin State Broadcasting Corp., Springfield, Vt., for C. P. to change location of station from Springfield, Vt., to Keene, N. H., using the present facilities with DA day and night.

NEW—Dr. Willard Carver, Thomas B. Williams, Byrne Ross, Lawton, Okla.—Granted motion to dismiss without prejudice the application for a new station to operate on 1420 kc., 100 watts, unlimited time, scheduled for further hearing on October 7.

NEW—Radio Voice of Springfield, Springfield, Ohio.—Granted motion to amend order to take depositions by adding the names of certain persons as deponents, in re application for a new station to use 1310 kc., 100 watts, unlimited time.

NEW—Richard T. Sampson, Riverside, Calif.—Granted motion for order to take depositions in re application for new station to operate on 1390 kc., 250 watts, daytime, scheduled for bearing November 13.

Clear Channel Group—Referred to the Commission en banc the petition to intervene and supplement thereto, in re application of WHDH, Matheson Radio Co., Inc., Boston, Mass., to increase power from 1 KW daytime to 5 KW, unlimited time.

Clear Channel Group—Referred to the Commission en banc the motion to dismiss application of WHDH, or in the alternative to eliminate or limit Issue No. 3, or further, that said issue be limited to 830 kc.

KOA—National Broadcasting Co., Inc., Denver, Colo.—Referred to the Commission en banc the motion to dismiss application of WHDH.

WMEX—The Northern Corp., Boston, Mass.—Denied petition to intervene in the hearing on the application of WHDH to increase power to 5 KW, scheduled for October 10.

WFLA—Florida West Coast Broadcasting Co., Inc., Tampa, Fla., and WSUN—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Denied petition to intervene in the hearing on the application of WROL, Knoxville, Tenn., for C. P. to change frequency from 1310 kc., to 620 kc., and power from 100 watts night, 250 watts LS, to 500 watts night, 1 KW LS, scheduled for bearing on November 2.

KBRH—Troy L. Colboch, Santa Ana, Calif.—Granted special temporary authority to operate Taylor Airphone Type RT3 aircraft radio transmitter aboard plane NC-23633, bearing call letters KHGXU, as a relay broadcast station on the frequency 2830 kc., power 10 watts, for the period October 4, 1939, to November 2, 1939, to relay broadcast endurance contest program to Standard Broadcast Station KVOE and Mutual Don Lee Broadcasting System.

- WEHA—City of New York, Municipal Broadcasting System, New York City, Portable-Mobile.—Granted license to utilize the equipment of low frequency relay broadcast station and increase power from 8.5 watts to 25 watts.
- WRUL—World Wide Broadcasting Corp., Scituate, Mass.—Granted license to cover C. P. to move international broadcast station transmitter locally.
- WABD—Central New York Broadcasting Corp., Syracuse, N. Y., Portable-Mobile.—Granted license to cover C. P. for new high frequency relay broadcast station, frequencies 31220, 35620, 37020 and 39260 kc., 12 watts.
- WGKV—Kanawha Valley Broadcasting Co., Charleston, W. Va.—Granted license to cover C. P. authorizing new station to operate on 1500 kc., 100 watts, unlimited time.
- WJMS—WJMS, Inc., Ironwild, Mich.—Granted license to cover C. P. authorizing changes in equipment and increase in power from 100 watts, unlimited, to 250 watts, unlimited time.
- WELK—WCBS, Inc., Springfield, Ill.—Granted license to cover C. P. authorizing changes in equipment and increase in power of high frequency relay broadcast station to 10 watts.
- W9XC—Central Broadcasting Co., Mitchellville, Iowa.—Granted license to cover C. P. for new developmental station, frequency 1000 kc., experimentally conditionally, 1 KW.
- WDSM—WDSM, Inc., Superior, Wis.—Granted license to cover C. P. for new station to operate on 1200 kc., 100 watts, unlimited time.
- W1XOJ—The Yankee Network, Inc., Paxton, Mass.—Granted modification of C. P. to extend completion date for a period of 6 months.
- WKST—Keystone Broadcasting Co., New Castle, Pa.—Granted modification of C. P. to make changes in equipment and extend commencement date to 10 days after grant and completion date to 120 days thereafter.
- WSAV—WSAV, Inc., Savannah, Ga.—Granted modification of C. P. to make changes in equipment.
- KVIC—Radio Enterprises, Inc., Victoria, Tex.—Granted modification of C. P. approving studio and transmitter site, installation of new equipment and vertical radiator.
- WISE—Asheville Daily News, Asheville, N. C.—Granted modification of C. P. to install new equipment and change name from Asheville Daily News (Harold H. Thoms, owner) to Harold H. Thoms.
- WAAB—The Yankee Network, Inc., Boston, Mass.—Granted modification of license to increase power of auxiliary transmitter from 500 watts night, 1 KW day, to 1 KW day and night, for emergency use only. This grant is made on condition it shall not be construed as a finding by the Commission upon the application of Mayflower Broadcasting Corp. nor upon application for renewal of license of WAAB.
- WKAR—Michigan State College, E. Lansing, Mich.—Granted modification of C. P. extending completion date to 11-30-39.
- KDKA—Westinghouse E. and M. Co., Pittsburgh, Pa.—Granted modification of C. P. to install new equipment.
- WJDX—Lamar Life Ins. Co., Jackson, Miss.—Granted authority to determine operating power by direct measurement of antenna input.
- KDRO—Drohlich Bros., Sedalia, Mo.—Granted authority to determine operating power by direct measurement of antenna input. Also granted license to cover C. P. authorizing new station to operate on 1500 kc., 100 watts night, 250 watts day, unlimited time.
- WTNK—WOAX, Inc., Trenton, N. J., Portable-Mobile.—Granted reinstatement of C. P. of low frequency relay broadcast station, frequencies 1622, 2058, 2150 and 2790 kc., 50 watts.
- WENN—WPTF Radio Co., Raleigh, N. C., Portable-Mobile.—Granted C. P. to make changes in equipment.
- WEKR—South Bend Tribune, Portable-Mobile (area of WSBT and WFAM), South Bend, Ind.—Granted C. P. to make changes in equipment and increase power in high frequency relay broadcast station to 15 watts.
- NEW—Don Lee Broadcasting System, Los Angeles, Calif.—Portable-Mobile.—Granted C. P. for new high frequency relay broadcast station to operate on special emission, frequencies 133030, 136810, 138630 kc., 50 watts.
- KRBA—Red Lands Broadcasting Assn., Lufkin, Tex.—Granted special temporary authority to operate additional time on October 7, in order to broadcast community singing program only; on October 8, to broadcast Texas Forest Festival Pageant only, instead of football games on said dates as authorized by grant on September 29.
- WHKC—Associated Radiocasting Corp., Columbus, Ohio.—Denied special temporary authority to operate from local sunset at Los Angeles, Cal. (November, 7:45 p. m., EST), to 8:00 p. m., EST, on November 1, 3, 6, 8, 10, 13, 15, 17, 20, 22, 24, 27 and 29, 1939, in order to broadcast the "Lone Ranger" program.
- WMFO—Tennessee Valley Broadcasting Co., Inc., Decatur, Ala.—Denied special temporary authority to operate from local sunset (October, 5:15 p. m., CST), to 6:00 p. m., CST, in order to broadcast Alabama Network commercials, for a period not to exceed thirty days, pending action on application for unlimited time.
- W1XOV—The Yankee Network, Inc., Quincy, Mass.—Granted special temporary authority to continue the operation of experimental radio station W1XOV on frequency 27100 kc., power 200 watts, pending frequency shift to 30660 kc., as authorized by renewal of license issued September 29, 1939. This authority continued from date of grant until further order of the Commission, but not to extend beyond one month, and is further subject to the condition that no interference is caused to the operation of Government radio stations.
- W1XOY—The Yankee Network, Inc., Sargents Purchase, N. H.—Granted special temporary authority to continue the operation of experimental radio station W1XOY on frequency 41000 kc., with power of 500 watts, pending frequency shift to 39460 kc., as authorized by renewal of license issued September 29, 1939. This authority continued from date of grant until further order of the Commission, but not to extend beyond one month, and is further subject to the condition that no interference is caused to the operation of Government radio stations.
- WLOK—The Fort Industry Co., Lima, Ohio.—Granted special temporary authority to operate unlimited time on November 7, in order to broadcast returns of a local election.
- WILL—Univ. of Ill., Urbana, Ill.—Granted special temporary authority to operate simultaneously with Stations WIBW and WCHS, with power reduced to 250 watts, from 5:15 to 7:30 p. m., CST, on October 14, in order to broadcast Illinois v. Southern California football game only.
- KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 2:30 to 5 p. m., on October 6, and from 8:45 to 10:15 p. m., MST, on October 13, in order to broadcast football games.
- WFOR—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Granted modification of C. P. extending commencement date to November 6, 1939, and completion date to May 6, 1940.
- WHBY—WHBY, Inc., Appleton, Wis.—Granted modification of C. P. approving transmitter site at 103 College Ave., and installation of vertical radiator.
- WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Granted modification of C. P. approving transmitter site and installation of vertical radiator.
- WIL—Missouri Broadcasting Corp., St. Louis, Mo.—Granted authority to determine operating power by direct measurement of antenna input.
- KFEL—Eugene P. O'Fallon, Inc., Denver, Colo.—Granted license to cover C. P. authorizing changes in equipment installation of vertical radiator, increase power and time of operation from 500 watts night and day, sharing KVOD to 1 KW, unlimited time.
- KVOD—Colorado Radio Corp., Denver, Colo.—Granted license to cover C. P. authorizing change in transmitter site locally, installation of DA system for nighttime use, change frequency from 920 to 630 kc., and increase power from 500 watts night and day, sharing equally with KFEL to 1 KW, unlimited time. Also granted authority to determine operating power by direct measurement of antenna input.
- WDNC—Durham Radio Corp., Durham, N. C.—Granted authority to determine operating power by direct measurement of antenna input.
- WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Granted extension of special temporary authority to operate with 5 KW night, using DA for the period October 12 and ending in no event later than November 10, in order to overcome interference from Cuban Station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on 780 kc., reduces power so that additional interference is not involved, or until defective DA is corrected by installation of new tuning condensers.
- WPAV—Vee Bee Corp., Portsmouth, Ohio.—Granted special temporary authority to operate a 100-watt crystal controlled test transmitter on 1370 kc., between 12 midnight and 6

watts, and extend commencement date to 60 days after grant and completion date to 180 days thereafter.

WCKY—L. B. Wilson, Inc., Covington, Ky.—Granted modification of license to move studio location from 6th and Madison Ave., Covington, Ky., to the Gibson Hotel, Cincinnati, Ohio.

WCOL—WCOL, Inc., Columbus, Ohio.—Granted C. P. to make changes in equipment change frequency from 1210 to 1200 kc., increase power from 100 watts unlimited to 250 watts, unlimited time.

WALR—WALR Broadcasting Co., Zanesville, Ohio.—Granted modification of C. P. authorizing installation of new equipment, increase in power from 100 watts, unlimited time to 250 watts, unlimited time; also extension of commencement date to 60 days after grant and completion date to 90 days thereafter.

WOKO—WOKO, Inc., Albany, N. Y.—Granted extension of authority to operate the equipment of standard broadcast station WOKO as a facsimile broadcast station between the hours of 2 a. m. to 5 a. m.

WJHL—Johnson City Broadcasting Co., Johnson City, Tenn.—Granted voluntary assignment of license from W. Hanes Lancaster and J. W. Birdwell, d/b as Johnson City Broadcasting Co., to WJHL, Inc. Station operates on 1200 kc., 100 watts night, 250 watts day, unlimited time.

WGRC—Northside Broadcasting Corp., New Albany, Ind.—Granted modification of license to change hours of operation from daytime only to unlimited using 250 watts day and night.

W9XYH—Head of the Lakes Broadcasting Co., Superior, Wis.—Granted modification of C. P. to extend construction and completion dates to 60 days after grant and 90 days thereafter respectively, and to change frequency from 26300 kc. to 43000 kc.

DESIGNATED FOR HEARING

The following application has been designated for hearing by the Commission. Date for the hearing has not yet been set.

NEW—Hobart Stephenson, Milton Edge, Edgar J. Korsmeyer, d/b as Stephenson, Edge and Korsmeyer, Jacksonville, Ill.—Application for C. P. to erect a new station to operate on 1370 kc., 250 watts, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval.

INCREASE IN POWER TO 250 WATTS

The following stations were granted increase in power to 250 watts, unlimited time:

KPAB, Laredo, Tex.; KOCA, Kilgore, Tex.; WEDC, Chicago, Ill.; KWJB, Globe, Ariz.; KOOS, Marshfield, Ore.; WKBB, Dubuque, Iowa; WBRK, Pittsfield, Mass.; KWNO, Winona, Minn.

RENEWAL OF LICENSES

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

KALE, Portland, Ore.; KCRC, Enid, Okla.; KFBK, Sacramento, Calif.; KFJM, Grand Forks, N. Dak.; KGA, Spokane, Wash.; KGHF, Pueblo, Calif.; KGB, San Diego, Calif.; KCMO, Kansas City, Mo.; KLRA, Little Rock, Ark.; KOH, Reno, Nev.; KQV, Pittsburgh, Pa.; KSCJ and auxiliary, Sioux City, Iowa.; KSTP, St. Paul, Minn.; KWK, St. Louis, Mo.; WALA, Mobile, Ala.; WADC, Village of Tallmadge, Ohio; WBBC, Brooklyn, N. Y.; WBNX, New York City; WBCM, Bay City, Mich.; WFBL, Syracuse, N. Y.; WFEA, Manchester, N. H.; WHDL, Olean, N. Y.; WLAC, Nashville, Tenn.; WAWZ, Zarephath, N. J.; WSFA, Montgomery, Ala.; WSPD, Toledo, Ohio.; WSAR, Fall River, Mass.

MISCELLANEOUS

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority to operate additional time on October 9, 1939, in order to broadcast from the Mutual Network the annual appeal from the Community Mobilization for Human Needs only, including a talk by President Roosevelt.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority to operate additional

time on October 7, 1939, in order to broadcast St. Xavier v. Hazard football game only.

WKEU—Radio Station WKEU, Griffin, Ga.—Granted special temporary authority to operate additional time on October 13, 1939, in order to broadcast Jaycette Auto Show only.

W1XOJ—The Yankee Network, Inc., Paxton, Mass.—Granted extension of special temporary authority to test the high frequency broadcast equipment of station W1XOJ authorized by modification of C. P. on frequency 43000 kc., with power not to exceed 2000 watts, for the period October 17 to November 15, 1939, in order to make adjustments on equipment installed and for tuning and adjustments of the antenna elements which are now assembled for erection atop 400-foot mast.

WEJU—WEJJ—National Broadcasting Co., Inc., New York, N. Y.—Granted special temporary authority to use two RCA-NBC transmitters, Type ND 20, Serial No. 5, and ND 31, Serial No. 3, for operation under New York area licenses for relay broadcast stations WEJU and WEJJ, respectively, on October 9, 1939, in connection with a special feature fire prevention safety program.

WHB Broadcasting Co., Kansas City, Mo.—Granted special temporary authority to use equipment described in application with 100 watts power, frequency 1622, 2058, 2150 and 2790 kc., for the period October 7 to November 5, 1939, in order to make tests for a receiving location and be ready to use the equipment for the American Royal Livestock Show during week ending October 14, 1939.

Westinghouse Electric & Mfg. Co., Pittsburgh, Pa.—Granted special temporary authority to operate an RCA model RB-2-2 watt pack transmitter on relay frequencies in Group E, as a relay broadcast station, on October 11 and 14, 1939, in connection with the Charity Steeple Chase Races to be held at Rolling Rock, Ligonier, Pa.

J. L. McDowell—Docket 5700—Application of WNBX, Twin State Broadcasting Corp., Springfield, Vt., for C. P. to change location of station from Springfield, Vt., to Keene, N. H., using the present facilities with DA day and night.

NEW—Dr. Willard Carver, Thomas B. Williams, Byrne Ross, Lawton, Okla.—Granted motion to dismiss without prejudice the application for a new station to operate on 1420 kc., 100 watts, unlimited time, scheduled for further hearing on October 7.

NEW—Radio Voice of Springfield, Springfield, Ohio.—Granted motion to amend order to take depositions by adding the names of certain persons as deponents, in re application for a new station to use 1310 kc., 100 watts, unlimited time.

NEW—Richard T. Sampson, Riverside, Calif.—Granted motion for order to take depositions in re application for new station to operate on 1390 kc., 250 watts, daytime, scheduled for hearing November 13.

Clear Channel Group—Referred to the Commission en banc the petition to intervene and supplement thereto, in re application of WHDH, Matheson Radio Co., Inc., Boston, Mass., to increase power from 1 KW daytime to 5 KW, unlimited time.

Clear Channel Group—Referred to the Commission en banc the motion to dismiss application of WHDH, or in the alternative to eliminate or limit Issue No. 3, or further, that said issue be limited to 830 kc.

KOA—National Broadcasting Co., Inc., Denver, Colo.—Referred to the Commission en banc the motion to dismiss application of WHDH.

WMEX—The Northern Corp., Boston, Mass.—Denied petition to intervene in the hearing on the application of WHDH to increase power to 5 KW, scheduled for October 10.

WFLA—Florida West Coast Broadcasting Co., Inc., Tampa, Fla., and WSUN—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Denied petition to intervene in the hearing on the application of WROL, Knoxville, Tenn., for C. P. to change frequency from 1310 kc., to 620 kc., and power from 100 watts night, 250 watts LS, to 500 watts night, 1 KW LS, scheduled for hearing on November 2.

KBRH—Troy L. Colboch, Santa Ana, Calif.—Granted special temporary authority to operate Taylor Airphone Type RT3 aircraft radio transmitter aboard plane NC-23633, bearing call letters KHGXU, as a relay broadcast station on the frequency 2830 kc., power 10 watts, for the period October 4, 1939, to November 2, 1939, to relay broadcast endurance contest program to Standard Broadcast Station KVOE and Mutual Don Lee Broadcasting System.

WILM—Delaware Broadcasting Co., Wilmington, Del.—Construction permit for changes in equipment and increase in power from 100 to 250 watts.

KRBC—The Reporter Broadcasting Co., Abilene, Tex.—Construction permit to install new transmitter; make changes in antenna; change frequency from 1420 kc. to 940 kc.; increase power from 250 watts to 1 KW; and move transmitter from 341 Ambler Ave., Abilene, Tex., to site to be determined, Abilene, Tex.

WAZL—Hazleton Broadcasting Service, Inc., Hazleton, Pa.—Construction permit for changes in equipment, increase power from 100 to 250 watts.

NEW—Marysville-Yuba City Broadcasters, Inc., Marysville, Calif.—Construction permit for a new station on 1420 kc., 100 watts, unlimited time.

1430 Kilocycles

WLPM—Suffolk Broadcasting Corp., Suffolk, Va.—Modification of C. P. (B2-P-2116) for a new station, requesting approval of antenna and requesting approval of studio site at 116 N. Saratoga St., Suffolk, Va., and transmitter site at Highway 460 N. W. of Suffolk, near Suffolk, Va.

1440 Kilocycles

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—License to cover C. P. (B3-P-2359) for new transmitter, antenna, move of transmitter and increase day power.

1450 Kilocycles

KGCX—E. E. Krebsbach, Wolf Point, Mont.—Authority to install automatic frequency control.

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—C. P. to install new transmitter and increase power from 250 watts to 250 watts; 1 KW-LS. Make changes in antenna.

1460 Kilocycles

WJSV—Columbia Broadcasting System, Inc., Washington, D. C.—Modification of C. P. (B1-P-1827) as modified, for a new transmitter move of transmitter, directional antenna, increase in power, requesting extension of completion date from 11-20-39 to 5-20-40.

MISCELLANEOUS

WEJN—National Broadcasting Co., Inc., Portable-Mobile (area of New York, N. Y.).—C. P. to install new equipment and add A1 and A2 to type of emission.

WEJA—National Broadcasting Co., Inc. (vicinity of New York).—Construction permit to install new equipment.

WEJW—National Broadcasting Co., Inc., Portable-Mobile (area of New York).—Construction permit to install new equipment.

WRUW—World Wide Broadcasting Corp., Boston, Mass.—License to cover C. P. (B1-PIB-20) for change in transmitter site.

WEJL—National Broadcasting Co., Inc. (Portable-Mobile).—Construction permit to install new equipment and reduce power from 0.5 watts to 0.25 watts.

WEJL—National Broadcasting Co., Inc. (Portable-Mobile).—License to cover above C. P. (B1-PRE-301).

WEJI—National Broadcasting Co., Inc. (Portable-Mobile).—C. P. to install new equipment and reduce power from 0.5 watts to 0.25 watts.

WEJI—National Broadcasting Co., Inc. (Portable-Mobile).—License to cover above C. P. (B1-PRE-300).

WEJQ—National Broadcasting Co., Inc. (Portable-Mobile (area of Cleveland, Ohio).—Construction permit to install new equipment.

NEW—Wayne University per Garnet R. Garrison, Director, Wayne University Broadcasting Guild, Detroit, Mich.—Authority to transmit programs to a foreign country, CKLW, Windsor, Canada.

WAIJ—WIBX, Inc., area of Utica, N. Y.—License to cover C. P. (B1-PRY-184) for relay broadcast station.

NEW—McNary & Chambers, Bethesda, Md.—Construction permit for a new high frequency broadcast station on 42600 kc., 100 watts power, special emission, located at 4713 Hampden Lane, Bethesda, Md.

NEW—Portland Broadcasting System, Inc., Portland, Maine.—Construction permit for a new high frequency broadcast station on 43400 kc., 1 KW power, special emission, to be located at 645 A Congress St., Portland, Maine.

W3XEP—RCA Manufacturing Co., Inc., Camden, N. J.—Modification of license to change frequencies from 42000-56000, 60000-86000 kc. to 84000-90000 kc., in accordance with revised rules.

WEHL—Community Broadcasting Service, Inc., area of Bangor, Maine.—Modification of license to change frequencies from 33380, 35020, 37620, 39820 kc. to 1622, 2058, 2150, 2790 kc.

KEGT—Tarrant Broadcasting Co., area of Fort Worth, Tex.—License to reinstate relay broadcast station KEGT on frequencies 30820, 33740, 35820, 37980 kc., 2 watts power, A-3 emission.

KAAD—Tarrant Broadcasting Co., area of Fort Worth, Tex.—License to reinstate relay broadcast station KAAD in name of Tarrant Broadcasting Co. on frequencies 1622, 2058, 2150 and 2790 kc., 40 watts power, A-3.

NEW—Echo Park Evangelistic Assn., Los Angeles, Calif.—Construction permit for a new high frequency broadcast station at 1100 Glendale Blvd., Los Angeles, Calif., on 25300 kc., 500 watts power, A-3 emission.

NEW—WHB Broadcasting Co., area of Kansas City, Mo.—Construction permit for a new portable-mobile low frequency relay broadcast station on 1622, 2058, 2150 and 2790 kc., 100 watts power, A-3 emission.

WEGV—The Champaign-News-Gazette, Inc., area of Champaign, Ill.—License to cover C. P. (B4-PRE-256) for changes in equipment.

KEJK—National Broadcasting Co., Inc., Portable-Mobile (area of San Francisco, Calif.).—Construction permit to install new equipment.

KEJJ—National Broadcasting Co., Inc., Portable-Mobile (area of KOA, Denver, Colo.).—Construction permit to install new equipment and add A-1 and A-2 to type of emission

KEJL—National Broadcasting Co., Inc. (Portable-Mobile, area of San Francisco, Calif.).—C. P. to install new equipment.

KTBC—State Capitol Broadcasting Assn. (R. B. Anderson, President), Austin, Texas.—Voluntary assignment of license from State Capitol Broadcasting Association (R. B. Anderson, President), to State Capital Broadcasting Association, Inc.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

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

American Distributors, Inc., United Advertising Companies, Inc., and John H. Morgan, trading as Champion Products Company, Linton, Ind., were charged in a complaint with the dissemination of misleading representations in the sale of "Vita-Perles," a medicinal preparation claimed to contain Vitamins A, B-1, D, G and E.

According to the complaint, the respondents misleadingly advertised that one may test "Vita-Perles" without risking any money; that vitamin deficiency is, in both sexes, the cause of backache, headache, loss of appetite and pep, faulty vision, loss of weight, early tooth decay and skin irritations and that these conditions will be relieved or corrected by use of "Vita-Perles," when such are not the facts.

The respondents further allegedly represented that, in men, premature loss or impairment of sexual desire, vigor or potency is due to a vitamin deficiency, and, in women, inability to conceive or bear children is frequently due to a vitamin deficiency and that such conditions may be removed or improved by the use of "Vita-

Perles," when such are not the facts. In truth, the complaint points out, the respondents' preparation, except in cases of actual deficiency in one or more of the vitamins which they contain, are of no therapeutic, preventive or tonic value. (3918)

Brown & Williamson Tobacco Corporation—See P. Lorillard Company.

Champion Products, Inc.—See American Distributors, Inc.

Colonial Enterprise Company, Inc.—In a complaint, Colonial Enterprise Company, Inc., 10 W. 37th St., New York, was charged with the use of lottery schemes in the sale of its merchandise.

According to the complaint, the respondent contacts fraternal and other organizations and offers to promote a carnival or dance for them, the proceeds of which are to be divided upon some agreed basis. The respondent then allegedly disseminates books of tickets and advertising literature describing its merchandise and the method of awarding it as premiums or prizes. The price of the tickets, ranging from 1 cent to 35 cents, is determined by a number concealed on the ticket stub, and another concealed number determines which of the purchasers are entitled to certain specified articles of merchandise, it is further charged. The complaint continues that after a period of days, the tickets are collected and a drawing is held, the bearer of the lucky number being entitled to cash, or merchandise prizes or premiums. (3920)

Lady Esther, Ltd., 7171 West 65th St., Chicago, was charged in a complaint with the dissemination of misleading representations in the sale of "Lady Esther Face Cream."

The respondent allegedly represented that its face cream penetrates the skin to the bottom of the pores; dissolves dirt and waste matter in the pores; overcomes dry skin; prevents and removes wrinkles and lines in the face, and that its preparation, when used according to the respondent's method for cleaning the face, will clean more than the surface, while other skin cleansing preparations clean only the surface. The respondent further represented, according to the complaint, that its cream safeguards beauty glands and brings them back to activity; that dry skin is the cause of wrinkles, and that results from use of its preparation are guaranteed, when such are not the facts.

In truth, the complaint continues, the respondent's cream does not have any unique or active penetrative property in relation to the skin, nor does it dissolve various forms of dirt and waste matter that soil the skin. The complaint also points out that "Lady Esther Face Cream" serves principally to cleanse the outer surface of the skin and also in the capacity of a lubricant whose effect is of temporary duration, lasting only as long as the lubricating ingredients remain on the skin. (3917)

Charles V. Herron Company—Charging violation of the brokerage section of the Robinson-Patman Act, a complaint has been issued against Charles V. Herron, trading as Charles V. Herron Company, 101 North Governor St., Evansville, Ind., Ryon Grain Company, 428 Mutual Building, Lansing, Mich., and McLaughlin, Ward & Co., 200 East Pearl St., Jackson, Mich.

It is alleged that Herron, in connection with the purchase of beans from Ryon Grain Company and McLaughlin, Ward & Co., has accepted from them an allowance per bag of beans in lieu of brokerage. For this allowance, it is alleged, Herron has rendered these companies no services at any time. (3916)

Larus & Brother, Inc.—See P. Lorillard Company.

P. Lorillard Company—Complaints alleging violation of the Robinson-Patman Act in the sale of tobacco products have been issued against P. Lorillard Company, New York, Brown & Williamson Tobacco Corporation, Louisville, Ky., R. J. Reynolds Tobacco Company, Winston-Salem, N. C., and Larus & Brother, Inc., Richmond, Va.

The complaints allege that the respondent companies (1) discriminated in price between different purchasers of their products of like grade and quality; (2) paid to certain customers compensation for services and facilities when such compensation was not

made available to all competing customers on proportionately equal terms, and (3) discriminated against some customers by supplying certain services to some but not to others.

Price discrimination is alleged to have taken place in connection with the respondents' practice of including in sales to certain customers and not to others, so-called free goods for which no specific charge was made. It is alleged that the amount which the favored retail distributors paid for the tobacco products included in such orders was, by reason of the so-called free goods, substantially less than the amount which competing retailers paid for an equal quantity of the respondents' products of like grade and quality.

The Lorillard and the Brown & Williamson companies allegedly made special allowances to vending machine operators on the purchase of cigarettes for sale in their machines, the result having been that these operators obtained the cigarettes at price substantially lower than those paid by competing retail distributors not operating vending machines.

The complaints allege that the respondents compensated certain distributors, such as chain stores and other retailers, for furnishing services and facilities such as counter and window displays of the respondents' products. Such payments, it is alleged, were not available to other competing distributors.

To some jobbers, the respondents are alleged to have allowed 60 days for payment at a 2 per cent cash discount, while generally to others 10 days was allowed for payment at the same discount. This allowance of time allegedly constituted a service to the respondents customers which became of greater value as the length was extended.

The complaints charge that all the respondents have established the relationship of seller and customer between them and retail tobacco distributors by means of their many dealings with them and particularly through the medium of their salesmen or "missionary men," and have in such manner control over the prices at which their products are sold by the retail distributors to consumers. (3912-3913-3914-3915)

McDonnell & Sons, Inc.—In a complaint, McDonnell and Sons, Inc., 858-860 Main Street, Buffalo, N. Y., was charged with the dissemination of misleading representations in the sale of grave markers, monuments, memorials and mausoleums.

The respondent allegedly represented that the material used in its grave markers, monuments, memorials and mausoleums is obtained from its own quarry; that all monuments or memorials are sold direct from the respondent's quarry to the ultimate consumer, and that the completing and finishing of all work is performed in its own plant at Barre, Vt., and shipped direct from that plant to the purchasers. In truth, the complaint continues, though the respondent does own a quarry and a finishing plant at Barre, Vt., the quarry has not been in operation since 1928 and the finishing plant since 1932.

It is further charged that the respondent misleadingly represented and implied that all of the several steps in the manufacture of monuments and memorials from the time the marble is quarried from the respondent's quarry until the delivery of the finished product to the ultimate purchaser, are taken exclusively in its own quarry and finishing plant, when actually all of the respondent's supply of marble is purchased from other quarries and all work is finished by other independent manufacturers and finishing plants. (3907)

McLaughlin, Ward & Company—See Charles V. Herron Company.

Mills Sales Company of New York, Inc.—In a complaint, Mills Sales Company of New York, Inc., and its officers, David Jacoby, Evelyn Jacoby, Joseph Jacoby, Estelle J. Kruger and Walter Jacoby, 901 Broadway, New York, were charged with the use of lottery schemes in the sale and distribution of cosmetics, shaving and dental creams, drug and household sundries, perfumes, notions, pen and pencil sets, comb and brush sets and billfolds, and with the sale and distribution of punchboards and push cards to dealers for use in the sale of such dealers' merchandise, such as candy, cigarettes, clocks, razors and clothing. (3910)

Milwaukee Jewish Kosher Delicatessen Association—A complaint has been issued against the Milwaukee Jewish Kosher

Delicatessen Association, 710 West Walnut St., Milwaukee, and Joseph Plotkin, Aaron Guten, Carl Guten, R. Cohen, and M. Guten, members of the association and proprietors of delicatessen stores in Milwaukee, charging them with unlawfully restricting competition in violation of the Federal Trade Commission Act.

According to the complaint, the respondents, acting through the association, entered into an agreement, combination and conspiracy by means of which they agreed upon the prices to be charged by them for kosher food products in Milwaukee; compelled, through threats of boycott, those who supplied such products to delicatessen stores in Milwaukee to refrain from selling their products to those of the respondents' competitors who did not sell such products at the prices fixed by the respondents, and interfered with and cut off the sources of supply of their competitors who were not members of the respondent association and who did not observe the prices fixed by them.

Such acts, the complaint continues, have the effect of unlawfully restraining interstate commerce in kosher food products purchased by Milwaukee delicatessen stores, restricting the retailing of delicatessen products in Milwaukee, enhancing prices to the consuming public, and interfering with normal competition in the sale of such commodities. (3908)

Philip Morris & Co., Ltd., Inc., New York, has been served with a complaint alleging violation of the Robinson-Patman Act in the sale of tobacco products. Substantially similar complaints have already been issued by the Commission against other tobacco companies.

The complaint charges (1) discrimination in price between different purchasers of products of like grade and quality; (2) compensation of certain customers for services and facilities when such compensation was not made available to all competing customers on proportionately equal terms, and (3) discrimination against some customers by supplying certain services to some but not to others.

Price discrimination is alleged to have resulted from the respondent's practice of granting special allowances to vending machine operators on the purchase of cigarettes for sale in their machines. The complaint alleges that these operators obtained the cigarettes at prices substantially lower than those paid by competing retail distributors not operating vending machines.

It is alleged that the respondents compensated certain distributors, such as chain stores and other retailers, for furnishing services and facilities such as counter and window displays of the respondent's products. Such payments allegedly were not available to other competing distributors. (3919)

Rathjen Brothers, Inc.—A complaint has been issued against Rathjen Bros., Inc., trading as United States Distilling Company, 135 Berry St., San Francisco, charging misleading representations in the sale of whisky, gin, rum, brandy and liquors.

Through use of the word "distilling" in its trade name, and in other ways, the respondent allegedly represented that it is a distiller and that its whiskies, gins and other alcoholic beverages are manufactured by the respondent through a process of distillation from mash, wort or wash. The complaint charges that the respondent is not a distiller and does not distill such alcoholic beverages, nor does it operate or control any places where alcoholic beverages are manufactured by a process of original and continuous distillation from mash, wort and wash. (3909)

Retail Coal Merchants Association—A complaint has been issued against 8 Virginia, West Virginia and Ohio wholesalers of coal and 8 Richmond, Va., retail dealers and their trade association, the Retail Coal Merchants Association, alleging a combination and conspiracy to restrain trade in the sale of coal in the Richmond area.

Coal wholesaling companies named as respondents are Bluefield Coal and Coke Company, Bluefield, W. Va.; Cabell Coal Company, Inc., Covington, Va.; Cabin Creek Consolidated Sales Company, Cincinnati; A. T. Massey Coal Company, Richmond; Red Jacket Coal Sales Company, Columbus, Ohio; George W. St. Clair, Robert Henry Moore, Mrs. Robert Henry Moore, Katherine St. Clair Santori, and Houston St. Clair, partners doing business under the name Virginia Smokeless Coal Company, Tazewell, Va.; White Oak Coal Company, Mount Hope, W. Va., and Wyatt Coal Sales Company, Charleston, W. Va.

Richmond coal dealer members of the association, named as respondents, are L. D. Wingfield and James L. Hatcher, co-owners

of the business operated as Wingfield-Hatcher Coal Company; A. M. Hungerford, doing business as Hungerford Coal Company; Massey-Wood & West; Sydnor-Howey & Co., Inc.; D. W. Mallory & Co., Inc.; Ellison & Hawes, Inc.; W. E. Seaton & Sons, Inc., and Gill Fuel Company, Inc. These dealers are, according to the complaint, representative of the association's entire membership.

Respondent officers of the association are D. Walton Mallory, president; Edwin D. Newmann, vice president; A. Holland White, treasurer, and Charles H. Hall, Jr., secretary, all of Richmond.

It was alleged that pursuant to the respondents' combination and agreement, the wholesale dealer respondents, agreed with the association member respondents, acting through the association, not to ship, and refrained from shipping, coal from their mines to Richmond retail coal dealers who were not association members or whose retail prices did not conform to those agreed upon by the member respondents. (3911)

R. J. Reynolds Tobacco Company—See P. Lorillard Company.

Ryon Grain Company—See Charles V. Herron Company.

United Advertising Companies, Inc.—See American Distributors, Inc.

United States Distilling Company—See Rathjen Brothers, Inc.

Madame Vera—Veronica Ignatovitch, trading as Madame Vera, Madam Vera, and Mme. Vera, Meigs Building, Bridgeport, Conn., was charged in a complaint with making misleading representations in the sale of a hair and scalp preparation designated as "Madam Vera Hair Grower Salve."

According to the complaint, the respondent represented that her preparation is a competent and effective remedy for dandruff and falling hair; that it grows new hair; that it has been used successfully by thousands of persons, and that the price at which it is offered for sale is a "special" price, when such are not the true facts. (3906)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Chanel, Inc.—Three New York corporations in an order were prohibited from disseminating misleading representations in the sale of perfumes, toilet waters, and other cosmetic preparations. The respondents are: Chanel, Inc., 35 West 34th St.; Parfums Corday, Incorporated, 485 Fifth Ave., and Parfums Lengyel, Ltd., 680 Fifth Ave.

Under the orders, the respondents are to cease representing, through the use of any terms, symbols or picturizations indicative of French or other foreign origin, or in any other manner, that their products which are compounded in the United States are made in France or any other foreign country, provided that the country of origin of the various ingredients may be stated when immediately accompanied with an explanation that such products are made or compounded in the United States.

The order further forbids use of any French or other foreign words as brands or trade names for cosmetic preparations made in the United States without clearly disclosing in immediate connection therewith that such products are made in the United States. The respondents are also prohibited from using any French or other foreign terms to refer to cosmetics made in the United States, unless the English translation or its equivalent appears as conspicuously as, and in immediate connection with, such terms. (3096, 3639 and 3666)

Magnecoil Company, Inc.—Manufacturing blankets and other appliances woven with copper wire and which may be attached to electric light sockets, a Salt Lake City, Utah, company has been directed to cease representing that its devices have value in treat-

ing diseases other than that to be obtained by application of heat to the body.

The respondent is Magnecoil Company, Inc., which was found to have violated the Federal Trade Commission Act in making the foregoing and other representations regarding its product.

Among further representations found to have been made by the respondent company in its advertising matter were that use of its products produces radio-magnetic energy or thermo-electric magnetism which will be transmitted to, or have an effect upon, the body; that the products have been endorsed, tested, used, or recommended by hospitals or members of the medical profession; that the respondent company maintains a laboratory or has an advisory or consulting board of medical experts for analyses or advice, and that the respondent's offices occupy a much larger space than is actually the fact.

The order prohibits these representations, specifying in the instance of the assertions regarding a laboratory and medical advisory board, that the respondent shall not make these claims unless it actually owns or controls a scientific laboratory, employs trained scientists or technicians and has such an advisory board. (1846)

National Training Institute, Inc., and its officers, John C. Felber, Arthur W. Groth, and Louise D. Felber, 20 East Jackson Boulevard, Chicago, have been ordered to discontinue misleading representations in the sale of courses of home study instruction for persons intending to take United States Civil Service examinations.

Under the order, the respondents are to cease representing through the use of the word "National," or any similar words, in the corporate or trade name, or in any other manner, that they have any connection with the United States Government, or any of its agencies. The respondents are also to discontinue representing that they are able to secure any advance information with respect to appointments to Civil Service positions which is not available to the general public. The respondents are prohibited from representing that Civil Service positions are always available and that the appointment of the purchasers of the respondents' courses of instruction to such positions is assured or guaranteed by them.

The order also prohibits representations by the respondents that they recommend their students for Civil Service positions and that the recommendations are of value to students seeking such positions. (3304)

Parfums Corday, Inc.—See Chanel, Inc.

Parfums Lengyel, Ltd.—See Chanel, Inc.

Penn Products—See Dr. Ron-Al Medicine Company.

Dr. Penn's Products Company—See Dr. Ron-Al Medicine Company.

Dr. Ron-Al Medicine Company—Irving Sofronski, trading as Dr. Ron-Al Medicine Company, Dr. Penn's Products Company, and Penn Products, 7342 Ogontz Ave., Philadelphia, was ordered to discontinue disseminating misleading representations in the sale of "Dr. Ron-Al's Relief Compound," described as a medical preparation for the relief of delayed menstruation.

The respondent was ordered to cease representing that use of his preparation constitutes a safe, competent or scientific treatment for delayed menstruation, or that its use will have no ill effects upon the user. Sofronski was also ordered to discontinue advertisements which fail to reveal that the use of his preparation may result in serious or irreparable injury to the health of the user.

On petition of the Commission, the United States District Court in Philadelphia on June 30 granted a preliminary injunction prohibiting advertisement of the respondent's product in substantially the same manner as alleged in the Commission's complaint, pending disposition of the case under the Federal Trade Commission Act. (3848)

STIPULATIONS

The Commission has entered into the following stipulations during the week:

Corn-Off Company—Whitney B. Corner, trading as Corn-Off Company, 3306 Club Drive, Los Angeles, agreed to cease repre-

senting that "Corn-Off" will "cure" corns or similar formations on the skin or cause them to disappear, or that his product will produce any results in any period of time. The respondent will also discontinue claims that "Corn-Off" will not cause harm or soreness because it contains no acid, ether, or collodion. (02443)

Gruen Instrument Company—T. V. McCormick, trading as Gruen Instrument Company, 7917 Exchange Ave., Chicago, stipulated that he will cease representing that his electric shaving instrument is a "sensational shaving innovation" or is worthy of the name "Gruen" or was "Crafted" by Gruen Instrument Company, or that it is "Guaranteed," when the owner is required to pay for repairs or replacements. The respondent will also cease representing the price of his shaver to be in excess of the usual price for which he has always sold it. McCormick also agreed to discontinue claims that his offer is "for a limited time only" or is a "one time super-value," or that all other forms of expensive advertising have been "eliminated," when such are not the facts. (2547)

Montee Publishing Company, Inc.—Misleading representations in the interstate sale of books and pamphlets of advice on how to play the horses, will be discontinued by Montee Publishing Company, Inc., 511 Oakland Ave., Baltimore, under a stipulation. This company also operates under the name "The Library of Systems." Among its pamphlets are "The World Famous Man O' War Method," "Pittsburgh Phil's Method," "The Pressure Play-Cinch System," and "The Guaranteed 50% System."

"THE WORLD FAMOUS Man O' War Method," according to the stipulation, was advertised as a "well known system, which formerly sold at \$500 per copy," now "available to the public for only \$2 complete. FULLY GUARANTEED."

This pamphlet, the stipulation continues, was described as being "truly, a wonderful opportunity to obtain a TESTED WINNING SYSTEM at a ridiculously low price. We make this claim and CHALLENGE anyone to disprove it—That the Man O' War Method will win, on an average, more money per week than any System now in existence' . . . The Man O' War Method breaks down barriers that seem impassable; achieves results you have always wanted. Like the great horse, it overcomes all obstacles and WINS!"

Among other of the respondent's representations, as related in its stipulation, were "The Master Key System . . . it selects more horses that win, more horses that place, and more horses that show than any other method in the world, bar none." . . . "The Trainer's Long Shot System. A non-handicapping system based on pure logic that will produce astounding results. \$100 is sufficient capital to start play with. As a matter of fact, \$50 would carry you through your worst runs of losers, using the progression plan included, and with ordinary luck, \$100 capital will win on an average of \$25 or more a week." (02445)

National Casein Company, 601 West 80th St., Chicago, and the co-partners, Louis T. Cook, L. Charles Cook, Thomas H. Cook, and Richard S. Cook, agreed to discontinue using the word "Waterproof," or similar words, so as to imply that their casein glue is impervious to water or its effects, when such is not a fact. (2546)

Perfect Cleaning Fluid Company—Louis Ross, trading as Perfect Cleaning Fluid Company, Cliffside, N. J., agreed to cease representing that his "Perfect Cleaning Fluid" is "invaluable for the removal of stains" from fabrics, or "has no injurious effect on the most delicate material," or that colors of materials dyed with non-fast or fugitive dyes will not be impaired by application of his cleaner, when such are not the facts. The respondent further agreed to discontinue representations that his product will not leave a ring when applied to spots on certain fabrics or materials, when such is not a fact. It was also stipulated that Ross will cease claiming that "Roson," a grease and oil detergent, gets into the very heart of the concrete and "pulls" the precipitate to the surface, dries before you can say "Jack Robinson," leaves a stubborn protective film superior to that left by similar products, or removes all stubborn stains from table-cloths and dresses. (2545)

Rapid River Milling Company—See Tri-State Milling Company.

Sunnie May Quilt Company—Leo F. Sines and A. Mary Sines, trading as Sunnie May Quilt Company, Ridgway, Pa., in the sale of quilts, agreed to cease using any fictitious figures purporting to be the regular prices of their merchandise, or representing that a price offered is a special sales price, when such are not the facts. The respondents further agreed to discontinue claims that their regular prices are in any way special, limited or introductory; that the purchaser will save money by ordering within five days or any other specified time, or will save half the cost of his bedding, or that the respondents own, operate or control factories or make the products sold by them, when such are not the facts. (2549)

Southern California Fish Corporation, Terminal Island, Calif., agreed that it will cease using on its labels, or otherwise, the words, "Italia Tonno" or "Tonno" in connection with any other Italian words, pictorial representation, insignia, or otherwise, so as to imply to purchasers or ultimate consumers that its tuna fish are from the coasts of Italy or were packed in and imported from Italy, when such are not the facts. (2548)

Tri-State Milling Company, also trading as Rapid River Milling Company, Rapid City, S. D., agreed to cease representing in connection with its sale of wheat flour designated as "Trisco Flour" and "Swan's Down Flour," that spring wheat, or Black Hills, South Dakota, spring wheat, or the flour milled therefrom, have greater strength, a higher protein content, or a higher absorp-

tion factor, or that they make better looking or finer textured loaves of bread or more loaves of bread per bag than all winter wheats or all brands of winter wheat flour; or that they are superior in these respects to any other wheat or flour having as high a protein content. The respondent will also discontinue representing that "Swan's Down" flour makes more loaves of bread per bag, bakes bread of better texture or appearance than any other brand of flour, or that it contains all of the food elements necessary for health. (02444)

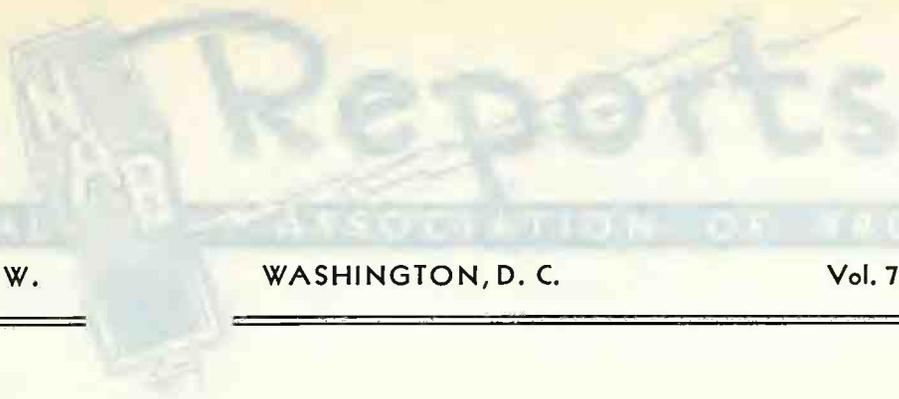
FTC CLOSES CASES

The Federal Trade Commission closed its case against Harry G. Cisin, trading as Allied Engineering Institute, 98 Park Place, New York, who was charged with misleading representations in the sale of radio receiving sets.

The Commission was advised that the respondent had suspended the manufacture and sale of radio receiving sets and discontinued the practices charged in the complaint. On September 19, 1939, he submitted a statement adopting and agreeing to abide by the fair trade practice rules for the radio receiving set manufacturing industry promulgated July 22, 1939, in the future conduct of his radio business.

The Commission also closed its case in which W. A., John, and Henry Nieuwenhuis, trading as W. A. Nieuwenhuis & Sons, Kalamazoo, Mich., were charged with misleading representations in the sale of tulip bulbs.

Both cases were closed without prejudice to the right of the Commission to reopen them and resume prosecution, should future facts so warrant.



Regarding Code Compliance

The National Association of Broadcasters on Thursday made public an exchange of letters between Neville Miller and Theodore Streibert, vice president of the Mutual Broadcasting System, concerning the sponsored broadcasts of Elliott Roosevelt on the Mutual network.

On October 7, Mr. Roosevelt publicly stated that he would violate the NAB Code and would express personal opinions on public controversial matters on his commercially sponsored news commentator's program.

After making inquiry, Mr. Miller on October 13 sent the following letter to Mr. Streibert:

"Dear Mr. Streibert: In his sponsored broadcast over the Mutual Broadcasting System on October 7th, Elliott Roosevelt publicly announced that on his broadcast of that evening he would express a personal and editorial opinion about a public controversial issue and that he realized such expression of personal opinion by a news commentator on commercial time was in violation of the NAB Code. I am of the opinion that Elliott Roosevelt in his broadcast did violate the Code, and I am therefore bringing the matter to your immediate attention. I shall appreciate a reply at your earliest convenience. With kindest regards, I am sincerely yours, Neville Miller."

Today, Mr. Miller received the following reply from Mr. Streibert:

"Dear Mr. Miller: With reference to your letter of October 13th, we held a discussion with Elliott Roosevelt yesterday and reached an agreement which was wholly satisfactory. He will eliminate from all his commercially sponsored broadcasts any expression of personal editorial opinion about public controversial issues. Sincerely yours, T. W. Streibert."

Press dispatches from Boston this afternoon, however, stated that Mr. Roosevelt had announced the resignation of the broadcasting stations he operates in Texas from the NAB, because of the "imposition of a ruling barring expressions of personal opinions on public controversial issues on commercially sponsored programs," declaring that this is "censorship in its worst form".

In commenting upon the situation, Mr. Miller said, "We regret that Mr. Roosevelt has seen fit to disregard the Code voluntarily set up by his fellow broadcasters and resign from the Association,

"His statement charging censorship indicates that perhaps he is not fully conversant with the Code and the vital problems of public policy underlying it. There can be no

Neville Miller, *President*Edwin M. Spence, *Secretary-Treasurer*Andrew Bennett, *Counsel*; Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*

REGARDING CODE COMPLIANCE

(Continued from page 3779)

charge of censorship or of the curtailment of free speech when all spokesmen are given an equal footing at the radio rostrum, free of charge.

"This provision of the Code not only insures the widest possible use of radio for public discussions, but it insures as well an impartial and fair opportunity to all spokesmen and groups to use its limited facilities and to be subject to debate and challenge should such develop. This is the Democratic way of doing things.

"It is significant to observe that those who are objecting to the Code and who want to continue to buy time for discussions of public controversies, have refused to accept free time offered on programs where another viewpoint may be fully presented.

"Rather than barring them from the air, as has been charged, the Code recognizes their right to speak, but provides that those holding other views shall not be deprived of the right to present those views under similar conditions.

"The point raised in Mr. Roosevelt's October 7 broadcast, however, involves the propriety of injecting personal opinions on a news commentator's broadcast.

"The press of this country has always recognized the necessity of preserving the integrity of its news columns. Personal opinions are reserved for the editorial page. The integrity of radio news is of parallel importance.

"If Mr. Roosevelt wishes to express personal opinions about public controversial matters on the air, there is nothing to prevent him from doing so on the time freely given for the purpose. But, under this Code, no personal opinions can be presented under the guise of news on any news broadcasts, whether sponsored or unsponsored.

"The NAB Code is based upon principles, not personalities. The provisions of the Code shall continue to be administered fairly and impersonally."

Neville Miller will discuss the Code in an address over the Columbia Broadcasting System, Sunday, October 22, 1:35 to 2:00 p. m. (eastern standard time). His remarks will largely center around the provision of the Code which bars the sale of time for the discussion of controversial public issues.

In discussing this section of the Code, Mr. Miller said this week: "I believe that as a result of this policy, we will have more discussions of public matters, more debates and public forums, than at any time since radio's inception. The direct result of this policy will be to insure an impartial and unbiased presentation of controversial issues since all representative spokesmen will be accorded the opportunity to express their opinions, regardless of their financial status. Each will be subject to debate and challenge should such develop. There can be no question of free speech, or of discrimination, when all spokesmen are given an equal footing at the radio's rostrum."

Meetings Ahead

The **Board of Directors of Broadcast Music, Inc.**, will meet in New York on Tuesday, October 31, to approve the plan of organization for submission to the SEC.

The **IRNA Executive Committee** will meet in New York on Wednesday and Thursday, November 1-2.

The **NAB Board of Directors** will meet at the Drake Hotel, Chicago, at 10 a. m., November 2, for a two-day session. The date was changed from November 7 because of the conflict with Election Day.

CODE EDITORIALS

Included with this issue of the NAB REPORTS are a few of the newspaper editorials dealing with the Code. A more complete cross section of press opinion will be published in a future NAB NEWS REVIEW.

WAGE AND HOUR LAW

The Wage and Hour Administration has decided that employers need not cut their employees' regular work week from 44 to 42 hours until the first work week following Tuesday, October 24. In most instances, this will be the week starting Monday, October 30. After the cut, employees should be paid time and one half for all overtime over 42 hours a week. The new regular hourly rate should be determined by dividing the present weekly pay (for 44 hours) by 42. Where employees now work 42 hours or less, the present regular hourly rate will prevail. The new minimum hourly rate is 30 cents. Any questions regarding the change should be directed to the labor relations director at headquarters.

Mr. Gillingham was in the military service from 1918 to 1920 and for a time commanded Company K of the 1st Gas Regiment. He is a member of the National Press Club and Past Commander of the National Press Club Post of the American Legion.

Mr. Gillingham will report for full time duty at the Commission on Monday, October 16th.

The Commission also announced that C. Alphonso Smith, who was borrowed from the Soil Conservation Service last December and who has been serving as Acting Director of Information since April 1, 1939, would remain to assist Mr. Gillingham until November 1, 1939, when his leave period expires.

DISTRICT COURT UPHOLDS FCC

United States Court of Appeals for the District of Columbia this week handed down a decision in the case of KWTN of Watertown, South Dakota, against the FCC, in which the Court upheld the Commission.

In this case the FCC charged that the station had operated in violation of the Commission's rules governing the technical operation of broadcast stations and the Commission refused to renew the station's license.

The Court of Appeals in its decision in upholding the Commission's action stated that "the report, findings, and grounds of decision are amply substantiated by the evidence contained in a voluminous record. Appellant does not deny their correctness but does deny that they provide a proper basis for the Commission's decision." The Court's decision says further that "appellant places considerable stress, also, upon the need for broadcasting services in the area served by Station KWTN, and upon the fact that 'No question was raised upon the record with respect to the efficiency of the station's present transmitting equipment and antenna system or the suitability of its site.' These are no doubt important considerations, to be weighed by the Commission in making its determination. But other considerations are important also, including the willingness and ability of the licensee to comply with the law and with the rules and regulations prescribed by the Commission; in order to guarantee so far as possible a wholesome policy in management and operation.

"We think the record in the present case fully justifies the Commission's action in refusing to renew the license."

BROADCAST MEASUREMENTS

During the month of September the Federal Communications Commission experts measured 704 stations with 88 not measured.

Of those measured 648 had a maximum deviation within 0-10 cycles; 48 had a maximum deviation within 11-25 cycles; and 7 a maximum deviation of 26-50 cycles; 1 station had a maximum deviation of over 50 cycles.

October 20, 1939

PROPOSED FINDING OF FACT

The Federal Communications Commission this week announced its Proposed Findings of Fact proposing to deny the applications of KOH, **Reno, Nevada**, for a construction permit to change present location of transmitter, install new equipment, and change the operating assignment from **1380** with 500 watts power, unlimited time, to **630 kilocycles** with 1 KW, unlimited time, using directional antenna at night. The application of KERN, **Bakersfield, Calif.**, for construction permit to change from **1370 kilocycles**, 100 watts, unlimited time, to **1380 kilocycles**, 1 KW, unlimited time, is contingent upon the grant of the application of KOH, as the frequency requested by KERN is that now used by KOH.

The Commission stated that it is unable to find that public interest, convenience or necessity would be served by the granting of these applications, and "they must therefore necessarily be denied."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of Monday, October 23. They are subject to change.

Monday, October 23

NEW—Yetta G. Samford, C. S. Shealy, Thomas D. Samford, Jr., J. H. Orr, d/b as Opelika-Auburn Broadcasting Co., Opelika, Ala.—C. P., **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

Hearing Before the Committee to Be Held in Room 1411

In the Matter of Amendment of Rules 3.94(a) and 4.10, formerly 177 and 177.1 respectively, on Petition of Mayor LaGuardia of the City of New York.

Tuesday, October 24

NEW—C. L. Weathersbee, W. H. Nichols, C. L. Pickler, E. M. Thompson, d/b as Albemarle Broadcasting Station, Albemarle, N. C.—C. P., **1370 kc.**, 100 watts, daytime.

Wednesday, October 25

WABI—Community Broadcasting Service, Inc., Bangor, Maine.—C. P., **560 kc.**, 1 KW, unlimited time (DA night). Present assignment: **1200 kc.**, 100 watts, 250 watts LS, unlimited time.

WJBW—Charles C. Carlson, New Orleans, La.—Modification of license, **1200 kc.**, 100 watts, unlimited time. Present assignment: **1200 kc.**, 100 watts, specified hours.

Thursday, October 26

Reargument Before the Commission

Report No. I-476:

NEW—Summit Radio Corp., Akron, Ohio.—C. P., **1530 kc.**, 1 KW, unlimited time (DA night).

Report No. I-755:

NEW—Orville W. Lyerla, Herrin, Ill.—C. P., **1310 kc.**, 100 watts, 250 watts LS, unlimited time.

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Modification of license, **1310 kc.**, 100 watts, 250 watts LS, unlimited

time. Present assignment: 1210 kc., 100 watts, 250 watts LS, specified hours (KFVS).

KFVS—Oscar C. Hirsch, tr/as Hirsch Battery & Radio Co., Cape Girardeau, Mo.—Modification of license, 1210 kc., 100 watts, 250 watts LS, unlimited time. Present assignment: 1210 kc., 100 watts, 250 watts LS, specified hours (WEBQ).

Friday, October 27

NEW—Radio Voice of Springfield, Inc., Springfield, Ohio.—C. P., 1310 kc., 100 watts, unlimited time.

FUTURE HEARINGS

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

November 8

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

Hearing to Be Held in Room No. 4, Twelfth Floor, Post Office Building, Boston, Massachusetts

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

WAAB—The Yankee Network, Inc., Boston, Mass.—Renewal of license (main and auxiliary), 1410 kc., 1 KW, 1 KW LS (main), *500 watts, 1 KW LS (auxiliary), unlimited time. *Auxiliary purposes only.

November 27

WINS—Hearst Radio, Inc. (Assignor), Metropolitan Broadcasting Corp. (Assignee), New York, N. Y.—Voluntary assignment of license, 1180 kc., 1 KW, limited time (KEX and KOB).

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, 1290 kc., 100 watts, daytime.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KANS—The KANS Broadcasting Co., Wichita, Kans.—Granted C. P. to install new equipment and increase power to 250 watts, unlimited time.

KWBG—The Nation's Center Broadcasting Co., Inc., Hutchinson, Kans.—Granted C. P. to move transmitter site locally, make changes in equipment, install vertical radiator and increase power from 100 watts to 250 watts.

KHBC—Honolulu Broadcasting Co., Ltd., Hilo, Hawaii.—Granted modification of license to change frequency from 1400 to 1200 kc.

KSUN—Copper Electric Co., Inc., Lowell, Ariz.—Granted modification of license to increase night power to 250 watts.

WCLE-WEHB-WEHB-WEHF—Cleveland Radio Broadcasting Corp., Cleveland, Ohio.—Granted assignment of licenses from Cleveland Radio Broadcasting Corp. to United Broadcasting Company (1 broadcast station, WCLE, and three relay stations).

WHK-W8XNT-W8XE-WEHX-WEHV-WHU—Radio Air Service Corp., Cleveland, Ohio.—Granted assignment of broadcast station license WHK, high frequency station W8XNT, facsimile station W8XE, and relay stations WEHX, WEHV and WEHU, to the United Broadcasting Company.

WHKC—Associated Broadcasting Corp., Columbus, Ohio.—Granted assignment of broadcast station license for station WHKC to the United Broadcasting Company.

NEW—Poughkeepsie Broadcasting Corp., Poughkeepsie, N. Y.—Granted C. P. for new station to operate on 1420 kc., 250 watts, unlimited time, exact transmitter studio site and type of antenna to be determined with Commission's approval.

DESIGNATED FOR HEARING

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

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Designated for hearing, before Commissioner Case, the application of WHDH for modification of license and C. P. to operate unlimited time on the clear channel frequency 830 kc., with 5 KW.

NEW—Broadcasting Corp. of America, Riverside, Cal.—Application for C. P. for new station to operate on 1390 kc., 1 KW, unlimited time (request contingent on station KOY change in frequency).

NEW—R. B. Terry, D. A. Hawley, Stanley A. Cook and Rudy Fonville, d/b as Burlington Broadcasting Co., Burlington, N. C.—Application for C. P. for new station to operate on 1420 kc., 100 watts daytime, exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period: KRNT, Des Moines, Iowa; KSO, Des Moines, Iowa; WAGA, Atlanta, Ga.; WDRC, Hartford, Conn.; WHAZ, Troy, N. Y.; WKBW, Buffalo, N. Y.; WNBC, New Britain, Conn.; WJSV, Washington, D. C.; WOKO, Albany, N. Y., and auxiliary; WTAQ, Green Bay, Wis.; KABR, Aberdeen, S. D.; KGNC, Amarillo, Texas; KGMB, Honolulu, Hawaii; KHBC, Hilo, Hawaii; KIDO, Boise, Idaho; KFH, Wichita, Kans.; KTUL, Tulsa, Okla.; WFBC, Greenville, S. C.; WHOM, Jersey City, N. J.

The following stations were granted renewal of licenses for the period ending June 1, 1940: KGGM, Albuquerque, New Mexico; WDSU, New Orleans, La.; WHBF, Rock Island, Ill.; WHBI, Newark, N. J.; WNEW, New York, N. Y.

The following station was granted renewal of license for the period ending April 1, 1940: (High Frequency Broadcast Station) W4XBW, Chattanooga, Tenn.

The following stations were granted renewal of licenses for the period ending October 1, 1940: (Relay Broadcast Stations) KABE, National Battery Broadcasting Co.; KAIE, National Battery Broadcasting Co.; WABV, Juan Piza; KNEF, Radio Service Corp. of Utah; WAXH, Savannah Broadcasting Co., Inc.

MISCELLANEOUS

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to operate from 8:00 p. m. to 9:30 p. m., EST, on October 11, 1939, using 100 watts power, in order to broadcast testimonial dinner speeches in honor of Charlie Keller.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted extension of special temporary authority to operate with 5 KW power night, using directional antenna, for the period beginning October 12, 1939, and ending in no event later than November 10, 1939, in order to overcome interference from Cuban Station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency 780 kc., reduces power so that additional interference is not involved, or until defective directional system of CMQ is corrected by installing new tuning condensers.

WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Granted extension of special temporary authority to operate from 9:00 a. m. to 10:00 a. m., EST, Monday, Tuesday, Wednesday, Thursday, Friday and Sunday mornings, for the period beginning October 31, 1939, and ending in no event later than November 29, 1939, in order to broadcast educational programs.

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to remain silent from 2 p. m. to 3 p. m. on November 1, 2, 7, 8, 9, 14, 15, 16, 21, 22, 23, 28 and from 3 p. m. to 3:30 p. m. on November 6, 13, 20, 27, and from 9:15 p. m. to 10 p. m. on November 14, 1939, in order to permit Station WNAD to broadcast special educational programs; to operate from 8:15 p. m. to 9:15 p. m., November 29 and 7:15 p. m. to 9:15 p. m., CST, on November 30, 1939, in order to permit WNAD to remain silent during Thanksgiving vacation; to operate from 7:15 p. m. to 9:15 p. m., CST, on November 2, 1939, in order to broadcast football game (provided WNAD remains silent).

- WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 2 p. m. to 3 p. m., on November 1, 2, 7, 8, 9, 14, 15, 16, 21, 22, 23, 28, 3 p. m., to 3:30 p. m., on November 6, 13, 20, 27 and 9:15 p. m. to 10 p. m. on November 14, in order to broadcast special educational programs (provided KGGF remains silent); to remain silent from 8:15 p. m. to 9:15 p. m., on November 29 and from 7:15 p. m. to 9:15 p. m., CST, on November 2, 1939, in order to allow KGGF to broadcast special football game.
- National Broadcasting Co., Inc., New York, N.Y.—Granted special temporary authority to rebroadcast program material to be received from Forestry Service radio stations in the northwestern part of the U. S. over Radio Stations KGO and KPO and affiliated network stations of the NBC, for a period not to exceed 30 days, in order to educate the public on fire prevention and describe activities of the Forestry Service personnel in the control of fires when they develop.
- The Commission has dismissed the application of WGRC, **New Albany, Indiana**, to change its frequency from **800 to 880 kilocycles** and from daytime to unlimited time operation "without prejudice", but has denied the motion "to continue date for oral argument."
- KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Granted petition to continue hearing on application for renewal of license from October 20 to November 27.
- WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Granted motion for continuance of hearing on application for C. P. to change frequency and increase power, from November 2, for at least 30 days, new date to be fixed by Secretary's Office.
- NEW—Hazlewood, Inc., Orlando, Fla.—Granted petition for leave to amend application to reduce night power from 1 KW to 500 watts, and hearing scheduled for December 11, cancelled.
- WDWS—Champaign News-Gazette, Inc., Champaign, Ill.—Granted special temporary authority to operate with power of 250 watts from local sunset (Oct. 5:15 p. m., CST), to 8 p. m. on October 14, in order to furnish maximum local coverage of the Calif.-Ill. football game.
- WSAJ—Grove City College, Grove City, Pa.—Granted special temporary authority to operate between the hours of 2 and 5:30 p. m., EST, on Oct. 21, 28, Nov. 18, in order to broadcast football games only.
- WSPD—The Fort Industry Co., Toledo, Ohio.—Granted special temporary authority to operate from 2 to 3 a. m., EST, on Oct. 15, with 5 KW, in order to broadcast a special "DX Program" conducted in connection with the Newark News Radio Club's special program entitled "Parade of Ohio."
- WLOK—The Fort Industry Co., Toledo, Ohio.—Granted special temporary authority to operate from 8 to 10:30 p. m., EST, on Oct. 20, 26 and Nov. 10, in order to broadcast football games.
- WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from local sunset (Oct. 5:45 p. m., EST) to midnight on Oct. 25, power 250 watts, in order to broadcast celebration of first anniversary of the opening of Radio Station WPIC.
- W2XR—Radio Pictures, Inc., Long Island City, N. Y.—Granted special temporary authority to use ultra high frequency transmitter authorized to be used by Television Broadcast experiment station W2XDR, by Facsimile Broadcast Station W2XR, for a period not to exceed 30 days, pending action on Modification of license for W2XR.
- W1XKB—Westinghouse Elec. & Mfg. Co., East Springfield, Mass.—Granted license to cover C. P. for high frequency broadcast station; frequency **42380 ke.**, power 1000 watts; granted upon an experimental basis only, conditionally.
- W1XSN—Westinghouse Elec. & Mfg. Co., East Springfield, Mass.—Granted license to cover C. P. for high frequency broadcast station; frequency **42600 ke.**, power 1000 watts; granted upon an experimental basis only, conditionally.
- WMOG—Coastal Broadcasting Co., Brunswick, Ga.—Granted Modification of C. P. for approval of studio and transmitter site, installation of vertical radiator and changes in authorized equipment.
- WFIG—J. Samuel Brody, Sumter, S. C.—Granted modification of C. P. for approval of studio and transmitter sites, changes in authorized equipment and installation of vertical radiator.
- KGCCX—E. E. Krebsbach, Wolf Point, Montana.—Granted authority to install automatic frequency control in station KGCCX.
- WFAA—A. H. Belo Corp., Dallas, Texas.—Granted authority to determine operating power by direct measurement of antenna input.
- NEW—International Broadcasting Corp. (New York, N. Y.), Portable-Mobile.—Granted C. P. for new high frequency relay broadcast station; frequency **31200, 35620, 37020, 39260 ke.**, power 10 watts.
- NEW—International Broadcasting Corp. (New York, N. Y.), Portable-Mobile.—Granted C. P. for new high frequency relay broadcast station; frequency **31200, 35620, 37020, 39260 ke.**, power 2 watts.
- NEW—International Broadcasting Corp. (New York, N. Y.), Portable-Mobile.—Granted license to cover above C. P.
- WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted extension of special temporary authority to operate unlimited time with 1 KW for the period beginning October 17, 1939, and ending in no event later than November 15, 1939, in order to broadcast civic, charitable, religious, educational, fraternal, and commercial programs, and news of national and international events of extreme local interest, both of local origin and from the Columbia Broadcasting System.
- WDGY—Dr. George W. Young, Minneapolis, Minn.—Granted extension of special temporary authority to operate evenings (LS Oct. 5:30 p. m. and Nov. 4:45 p. m., CST), for the period beginning October 15, 1939, and ending in no event later than November 13, 1939, in order to broadcast civic, charitable, religious, educational, fraternal, and commercial programs of outstanding interest, and in order to carry programs of great local interest from the Mutual Broadcasting System.
- WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from (Oct. 6:15 p. m. and Nov. 5:45 p. m., EST) to 9 p. m., EST, for the period beginning October 15, 1939, and ending in no event later than November 13, 1939, in order to broadcast political, local, and network programs as described in letter dated October 2, 1939.
- W9XTA—Schonert Radio Service, Harrisburg, Ill.—Denied motion to dismiss application for renewal of license of station W9XTA without prejudice, and denied application as in default.
- NEW—Cascade Broadcasting Co., Inc., Everett, Wash.—Granted motion insofar as it requests leave to file an amended application seeking a different operating assignment (original application was for **1420 ke.**, 100 watts night, 250 watts LS, unlimited time), and removed the application in its original form from hearing docket.
- NEW—G. E. Palmer, Hot Springs, Ark.—Denied petition for rehearing and for intervention therein in re application of Hot Springs Broadcasting Company, Hot Springs, Ark., for new station to operate on **1310 ke.**, 100 watts night, 250 watts LS, unlimited time, granted by the Commission, without hearing, on July 26, 1939.
- KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate additional time on November 5, 12, 19, and 26, in order to broadcast church services only, and on November 10, 17, 30, in order to broadcast football games only, using 100 watts only.
- WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Denied special temporary authority to operate from local sunset (Oct. 5 p. m. and Nov. 4:30 p. m., EST) to 6 p. m., EST, for the period October 17 to November 15, in order to broadcast outstanding local, civic, educational, charitable, religious, and commercial programs.
- KUMA—Albert H. Schermann, Yuma, Ariz.—Denied special temporary authority to operate from 10:25 to 11 a. m., MST, on Tuesdays and Thursdays, for a period not to exceed 30 days, in order to broadcast public school programs.
- KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Scheduled oral argument to be held November 2, 1939.
- KUMA—Albert H. Schermann, Yuma, Ariz.—Granted special temporary authority to operate additional time to broadcast football games only, on October 20 and November 3 and 16, 1939.
- WLAW—Hildreth & Rogers Co., Lawrence, Mass.—Granted special temporary authority to operate from local sunset (Nov. 4:30 p. m., EST) to midnight on November 7, in order to broadcast election returns; to completion of game on November 18, in order to broadcast Dartmouth-Cornell football game; to midnight on November 21, in order to broadcast primary election returns, using 1 KW power.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from local sunset (Nov. 5 p. m., EST) to midnight, with power of 250 watts, on November 7, in order to broadcast city, county, and state election returns, and to occupy lulls between election bulletins with recordings and transcriptions in order to hold audience.

NEW—Lawrence J. Heller, Washington, D. C.—Adopted proposed findings (No. B-67), entered on September 13, 1939, denying without prejudice the application for a new station in Washington to operate on 1310 kc., with 100 watts night, 250 watts LS, unlimited time, and for special experimental authorization to construct and operate a synchronous station to be used in conjunction with the facilities requested in C. P., using 10 to 100 watts power, unlimited time. The order in this case will become effective October 19, 1939.

WAGF—Dothan Broadcasting Co., Dothan, Ala.—Granted special temporary authority to operate additional time on October 27 in order to broadcast Dothan High School-Sidney Lanier High School football games only.

KGFL—KGFL, Inc., Roswell, N. Mex.—Granted special temporary authority to operate additional time simultaneously with station KICA, on October 20, 27, November 3, 10 and 17, in order to broadcast the Roswell High School football games only.

KGKO—KGKO Broadcasting Co., Fort Worth, Tex.—Granted special temporary authority to rebroadcast program written by Army Air Corps Public Relations Office, Randolph Field, Texas, to be received from an Army airplane, call letters RW-9, operating on frequency 3415 kc., over station KGKO from 5 to 5:15 p. m., CST, on October 24.

W8XNU—The Crosley Corp., Cincinnati, Ohio.—Granted special temporary authority to operate the transmitting apparatus of high frequency broadcast (exp.) station W8XNU (located at the southeast corner Warner and Chickashaw Streets, Cincinnati), for the period October 18 to November 13, in order to make mechanical improvements in antenna and transmitting equipment.

APPLICATIONS FILED AT FCC

550 Kilocycles

WKRC—Columbia Broadcasting System, Inc., Cincinnati, Ohio.—Voluntary assignment of license from Columbia Broadcasting System, Inc., to The Cincinnati Times-Star Co.

570 Kilocycles

WMAM—M & M Broadcasting Co., Marinette, Wis.—License to cover C. P. (B4-P-2130) for new station.

KGKO—KGKO Broadcasting Co., Fort Worth, Tex.—Authority to determine operating power by direct measurement of antenna power.

WWNC—Asheville Citizen Times Co., Inc., Asheville, N. C.—Authority to determine operating power by direct measurement of antenna power.

610 Kilocycles

WIP—Pennsylvania Broadcasting Co., Inc., Philadelphia, Pa.—C. P. to install new transmitter; increase power from 1 KW to 5 KW; move transmitter from 21st and Hamilton Sts., Philadelphia, Pa., to east of Brooklawn, N. J., 0.5 mile southeast of intersection of Kings Highway and Route 45, 6.2 miles southeast of City Hall, Philadelphia, Pa. Install DA for day and night use. Amended re antenna changes.

KFAR—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—License to cover C. P. (B-P-2129 and B-MP-693) for new station.

640 Kilocycles

WOI—Iowa State College of Agriculture and Mechanic Arts, Ames, Iowa.—License to cover C. P. (B4-P-2402) for changes in equipment and move of studio and transmitter sites. Amended re frequency check.

680 Kilocycles

WPTF—WPTF Radio Co., Raleigh, N. C.—Modification of license to change hours of operation from limited to unlimited time, using directional antenna from sunset at San Francisco, Calif.

870 Kilocycles

WENR—National Broadcasting Co., Inc., Chicago, Ill.—Authority to determine operating power by direct measurement.

WLS—Agricultural Broadcasting Co., Chicago, Ill.—Authority to determine operating power by direct measurement.

930 Kilocycles

WELI—City Broadcasting Corp., New Haven, Conn.—Modification of license to increase power from 250 watts, 500 watts LS to 250 watts; 1 KW LS.

KROW—Educational Broadcasting Corp., Oakland, Calif.—Authority to determine operating power by direct measurements.

950 Kilocycles

WRC—National Broadcasting Co., Inc., Washington, D. C.—C. P. to increase power from 1 KW; 5 KW LS to 5 KW day and night, install directional antenna for night use. Amended: re antenna.

1040 Kilocycles

KYOS—Merced Broadcasting Co., Merced, Calif.—C. P. to install new transmitter, make changes in antenna, change frequency, power and time from 1040 kc., 250 watts, daytime, to 1390 kc., 500 watts; 1 KW LS, unlimited time. Contingent on KOY going to new frequency. Amended: re: equipment.

1050 Kilocycles

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Modification of license to change frequency and hours of operation from 1050 kc., daytime, to 1130 kc., limited, KSL, using 1 KW power day and night. (Contingent on WJJD's application for change in frequency, B4-P-2532.)

1070 Kilocycles

KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—Authority to determine operating power by direct measurement of antenna power.

1160 Kilocycles

NEW—Old Colony Broadcasting Co., Inc., Brockton, Mass.—C. P. for a new station on 1160 kc., 500 watts, daytime. Amended: To give transmitter site as Torrey and Pearl, Brockton, Mass.

1180 Kilocycles

WDGY—Dr. George W. Young, Minneapolis, Minn.—Authority to determine operating power by direct measurement of antenna power.

1200 Kilocycles

KVEC—Christina M. Jacobson, tr/as The Valley Electric Co., San Luis Obispo, Calif.—Authority to determine operating power by direct measurement of antenna power.

WHBY—WHBY, Inc., Green Bay, Wisc.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

WSKB—McComb Broadcasting Corp., McComb, Miss.—Modification of license to change hours of operation from daytime to unlimited time, using 100 watts power day and night.

KFXJ—R. G. Howell & Chas. Howell, d/b as Western Slope Broadcasting Co., Grand Junction, Colo.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

1210 Kilocycles

NEW—M. W. Plowman & F. Koren, d/b as Midland Broadcasting Co., Watertown, S. D.—C. P. new station on 1210 kc., 100 watts, 250 watts LS, unlimited time. Amended: Antenna.

NEW—Palm Radio Co., Fort Myers, Fla.—Construction permit for a new station on 1210 kc., 250 watts, unlimited time operation.

NEW—M. W. Plowman & F. Koren, d/b as Midland Broadcasting Co., Watertown, S. D.—C. P. for new station on 1210 kc., 100 watts; 250 watts LS, unlimited time. Amended: To request 250 watts power day and night.

NEW—T. Frank Smith, Houston, Texas.—C. P. for a new station on 1210 kc., 250 watts power, unlimited time.

WPID—Petersburg Newspaper Corp., Petersburg, Va.—Modification of C. P. (B2-P-1475) as modified for new station requesting increase in power from 100 watts; 250 watts LS, to 250 watts day and night, and extend commencement and completion dates to 60 days after grant and 180 days thereafter.

KYUM—Yuma Broadcasting Co., Yuma, Arizona.—Modification of C. P. (B5-P-2412) for a new station, requesting approval of antenna and approval of transmitter and studio site at s. w. corner First St. & 19th Avenue, Yuma, Arizona.

WOCB—Harriett M. Alleman & Helen W. MacLellan, d/b as Cape Cod Broadcasting Co., near Hyannis, Mass.—Modification of C. P. (B1-P-1140) as modified, for a new station, requesting increase in power from 100 watts; 250 watts LS, to 250 watts day and night.

1220 Kilocycles

WDAE—Tampa Times, Co., Tampa, Florida.—C. P. to make changes in equipment, install directional antenna for day and night use and increase power from 1 KW; 5 KW LS, to 5 KW day and night.

1240 Kilocycles

KFJZ—Tarrant Broadcasting Co., Fort Worth, Texas.—C. P. to install new transmitter.

1250 Kilocycles

KIT—Carl E. Haymond, Yakima, Wash.—Authority to determine operating power by direct measurement.

1280 Kilocycles

WORC—Alfred Frank Kleindienst, Worcester, Mass.—Construction permit to make changes in equipment and increase power from 500 watts to 1 KW.

1310 Kilocycles

WSGN—The Birmingham News Co., Birmingham, Ala.—C. P. to install new antenna, increase power from 100 watts, 250 watts LS to 250 watts day and night, and move transmitter from 1627 North 20 Way, to 2200 Fourth Avenue, North, Birmingham, Alabama.

WGAU—J. K. Patrick, Earl B. Braswell, Tate Wright, C. A. Rowland & A. Lynne Brennen, d/b as J. K. Patrick & Company, Athens, Ga.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

WSAV—WSAV, Inc., Savannah, Ga.—Modification of C. P. (B3-P-1714) for new station, requesting approval of antenna, and studio site at 7th Floor Liberty National Bank Bldg., Bull and Broughton Sts., Savannah, Ga. Install new transmitter, and give transmitter site as President St., 1 mi. east of Savannah, Ga. Amended: To move transmitter 1200 feet (same address).

WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

WNBH—E. Anthony & Sons, Inc., New Bedford, Mass.—C. P. to install new transmitter, vertical antenna, increase power from 100 watts, 250 watts LS to 250 watts day and night, move transmitter from Atlas Tack Corporation, Fairhaven, Mass., to site to be determined, in or near New Bedford, Mass.

1370 Kilocycles

WLLH—Merrimac Broadcasting Co., Inc., Lawrence, Mass.—Authority to determine operating power by direct measurement of antenna power. For satellite station located at Lawrence, Mass.

WLLH—Merrimac Broadcasting Co., Inc., Lowell, Mass.—Authority to determine operating power by direct measurement of antenna power.

WLLH—Merrimac Broadcasting Co., Inc., Lowell, Mass.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Modification of license of auxiliary to increase power from 100 watts, 250 watts LS to 250 watts day and night.

WMSL—Tennessee Valley Broadcasting Company, Inc., Decatur, Ala.—C. P. to make changes in transmitter and antenna, increase power from 100 watts to 250 watts, change hours of operation from daytime to unlimited, and move studio and transmitter from 418½ North Second Ave., Decatur, Ala., to 511 Bank St., Decatur, Ala.

WCNC—Aubrey G. McCabe & Trim W. Aydlott, d/b as Albemarle Broadcasting Co., Elizabeth City, N. C.—License to cover C. P. (B3-P-2269) for a new station.

WCNC—Aubrey G. McCabe & Trim W. Aydlott, d/b as Albemarle Broadcasting Co., Elizabeth City, N. C.—Authority to determine operating power by direct measurement of antenna power.

KRE—Central California Broadcasters, Inc., Berkeley, Calif.—Authority to determine operating power by direct measurement of antenna power.

WGBR—Eastern Carolina Broadcasting Co., Goldsboro, N. C.—C. P. to make changes in transmitting equipment, and increase power from 100 watts to 250 watts.

KELD—Radio Enterprises, Inc., El Dorado, Ark.—C. P. to make changes in equipment, increase power from 100 to 250 watts day and night.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Modification of license to increase power from 100 watts, 250 watts LS to 250 watts day and night.

NEW—Midwestern Broadcasting Co., Traverse City, Mich.—C. P. for new station on 1370 kc., 250 watts, unlimited time.

1380 Kilocycles

WALA—W. O. Pape, tr/as Pape Broadcasting Co., Mobile, Ala.—Modification of C. P. (B3-P-2242) for increase in power, and move of transmitter requesting approval of antenna and approval of transmitter site at Mobile, Ala.

1390 Kilocycles

NEW—Hazlewood, Inc., Orlando, Fla.—C. P. for a new station on 1390 kc., 1 KW, unlimited time. Amended to request 500 watts, 1 KW LS, power.

1400 Kilocycles

KLO—Interstate Broadcasting Corp., Ogden, Utah.—Modification of license to increase power from 1 KW, 5 KW LS, to 5 KW, day and night, using D. A.

1420 Kilocycles

KABC—Alamo Broadcasting Co., Inc., San Antonio, Tex.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

NEW—Arlington Broadcasting Corp., Arlington, Va.—C. P. for new station on 1420 kc., 250 watts, unlimited time.

NEW—Central Carolina Broadcasting Corp., Burlington, N. C.—C. P. for a new station on 1420 kc., 250 watts, unlimited time.

KXL—KXL Broadcasters, Portland, Ore.—C. P. to install new transmitter and directional antenna for day and night use; change frequency from 1420 kc. to 730 kc.; increase power from 100 watts, 250 watts LS, to 10 KW; change time from shares with KBPS to unlimited time; move transmitter to 7 miles southeast of Portland, Oregon, and move studio to 1101 SW Washington, Portland, Oregon. Amended to request 740 kc., limited time, and changes in directional antenna.

KRBM—KRBM Broadcasters, Bozeman, Mont.—License to cover construction permit B5-P-1542 as modified, for new broadcast station.

1530 Kilocycles

NEW—Grant Union High School District, North Sacramento, Calif.—C. P. for a new station on 1530 kc., 100 watts, daytime. Amended to request 1 KW power, unlimited time, give studio site as Grand Ave., and transmitter site as Grand and Cherry Sts., North Sacramento, Calif.

MISCELLANEOUS

NEW—The Louisville Times Co., Louisville, Ky.—C. P. for new relay broadcast station to be operated on 1646 kc., 50 watts,

A-3 emission. Amended to specify frequencies 1646, 2090, 2190 and 2830 kc.

- NEW—Zenith Radio Corporation, Chicago, Ill.—C. P. for new high frequency broadcast station to be operated on 42800 kc., 5000 watts, special emission for frequency modulation, unlimited time. Amended re emission special for frequency modulation only.
- NEW—Pacific States University, Los Angeles, Calif.—C. P. for a new non-commercial educational broadcast station to be located at 1117 Venice Blvd., Los Angeles, Calif., on the frequency 41300 kc., power of 100 watts, emission A-3.
- W2XAB—Columbia Broadcasting System, Inc., New York, N. Y.—Modification of C. P. (B1-PVB-6) as modified, to extend completion date from 12-16-39 to 6-16-40.
- W2XDR—Radio Pictures, Inc., Long Island City, N. Y.—Modification of license for change in authorized frequencies from 42000-56000, 60000-86000 kc. to 96000-102000 kc., in accordance with revised rules.
- WEGI—The Baltimore Radio Show, Inc. (Portable-Mobile), (Baltimore, Md.)—License to cover C. P. (B1-PRE-282) to make changes in equipment and increase power from 1 watt to 2 watts.
- WEGJ—The Baltimore Radio Show, Inc. (Portable-Mobile), (Baltimore, Md.)—License to cover C. P. (B1-PRE-283) to make changes in equipment and increase power from 1 watt to 2 watts.
- NEW—The Yankee Network, Inc., north of Alpine, N. J.—Construction permit for a new high frequency broadcast station at north of Alpine, N. J., on 43000 kc., 50 KW power, special emission.
- NEW—The Yankee Network, Inc., Mount Washington, N. H.—Construction permit for new high frequency broadcast station on summit of Mount Washington, N. H., on 42600 kc., 5 KW power, special emission.
- WAIN—Peoria Broadcasting Co., area of Peoria, Ill.—License to cover C. P. (B4-PRY-189) for new relay station.
- W9XAL—First National Television, Incorporated, Kansas City, Mo.—Modification of license for change in frequencies from 42000-56000, 60000-86000 kc. to 41000-50000 kc., in accordance with new rules.
- WHPT—Radio Station WMFR, Inc., High Point, N. C.—Modification of C. P. (B3-PRY-168) for replacement of transmitter.
- NEW—WCAU Broadcasting Co., Philadelphia, Pa.—Construction permit for new television station located at site to be determined, Philadelphia, Pa., on 78000-84000 kc., 1 KW power, A-5 emission, unlimited time. Amended to add A-3 for aural broadcast and add aural transmitter.
- W9XK—University of Iowa, Iowa City, Iowa.—Modification of license to request frequency band 210000-216000 kc., and make changes in equipment.
- WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Authority to determine operating power by direct measurement of antenna power.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

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

American Tobacco Company, New York, has been served with a complaint alleging violation of the Robinson-Patman Act in the sale of tobacco products.

The complaint alleges that the respondent company discriminated in price between different purchasers of its products of like grade and quality by including in sales to certain customers and not to others, so-called free goods for which no specific charge was made. It is alleged that the amount which the favored retail distributors paid for the tobacco products included in

such orders was, by reason of the so-called free goods, substantially less than the amount which competing retailers paid for an equal quantity of the respondent's products of like grade and quality.

It is alleged that The American Tobacco Company compensated certain distributors, such as chain stores and other retailers, for furnishing services and facilities such as counter and window displays of the respondent's products. Such payments, it is alleged, were not available to other competing distributors.

To some jobbers, the respondent is alleged to have allowed a longer period for payment at a 2 per cent cash discount than the 10 days usually allowed to others for payment at the same discount. This allowance of time allegedly constituted a service to American Tobacco Company's customers which became of greater value as the length was extended.

The complaint charges that the respondent has established the relationship of seller and customer between it and retail tobacco distributors by means of its many dealings with them and particularly through the medium of its salesmen or "missionary men." (3927)

Charles of the Ritz Distributors Corp.—In a complaint, Charles of the Ritz Distributors Corporation, 9 University Place, New York, was charged with the dissemination of misleading representations in the sales of "Charles of the Ritz Rejuvenescence Cream."

According to the complaint, the respondent untruthfully represented that its cosmetic preparation will rejuvenate the skin of the user and restore youth and the appearance of youth to skin to which it is applied, regardless of the condition of the skin or the age of the user, when such are not the facts. (3923)

Federal Yeast Corporation—A complaint has been issued against the Federal Yeast Corporation, Colgate-Highlandtown, Baltimore, charging it with price discrimination in violation of the Robinson-Patman Act.

According to the complaint, the respondent has been discriminating in price by allowing to certain purchasers of its bakers' yeast used in the manufacture of bread and allied products, different prices than allowed other of its competing purchasers for products of like grade and quality. It is alleged that further discrimination in price between different competing purchasers of its products is brought about as a result of the respondent's delivering, without specific charge, large quantities of bakers' yeast to certain of its purchasers, in addition to yeast actually sold to these same customers, thus reducing the cost to favored purchasers of the yeast actually bought, while at the same time not furnishing such additional yeast to other competing purchasers who pay the same price per pound for the product. The respondent also has allegedly been granting cash discounts of 1 per cent to 2 per cent to certain of its purchasers and not to others who pay in the same manner and within the same time as those receiving such discounts. (3926)

Fine-Crahan Candy Company—In a complaint issued against Fine-Crahan Candy Company, 222-224 West Fourth St., Oklahoma City, the company was charged with the use of lottery schemes in the sale of candy.

According to the complaint, the respondent supplied dealers with push cards for use in the sale and distribution of its candy by means of a lottery scheme. (3925)

Liggett & Myers Tobacco Company, Inc.—Two additional complaints against tobacco companies alleging violation of the Robinson-Patman Act have been issued. Respondents are Liggett & Myers Tobacco Company, Inc., New York, and Stephano Brothers, Philadelphia.

Price discrimination is alleged to have taken place in connection with the Liggett & Myers company's practice of including in sales to certain customers and not to others, so-called free goods for which no specific charge was made. It is alleged that the amount which the favored retail distributors paid for the tobacco products included in such orders was, by reason of the so-called free goods, substantially less than the amount which competing retailers paid for an equal quantity of the respondent's products of like grade and quality.

To some jobbers, the Liggett & Myers company is alleged to have allowed 60 days for payment at a 2 per cent cash discount,

while generally to others 10 days was allowed for payment at the same discount. This allowance of time allegedly constituted a service to the respondent's customers which became of greater value as the length was extended.

It is alleged that both respondents compensated certain distributors, such as chain stores and other retailers, for furnishing services and facilities such as counter and window displays of the respondent's products. Such payments allegedly were not available to other competing distributors.

The complaints allege that the respondents have established the relationship of seller and customer between them and their "indirect buying customers" who are not on their "direct list" by means of their many dealings with them and particularly through the medium of their salesmen or "missionary men."

For illustration of a common practice in this connection, the complaint against Liggett & Myers recites that on January 12, 1939, one of this company's missionary men sold to Indianapolis retail distributors "not on direct list," "Velvet Tobacco" at \$1.12 a dozen, with one package free with each dozen, or at approximately \$1.03½ a dozen, when its standard price to jobbers in that city was about \$1.12½ per dozen. It is alleged that Liggett & Myers thus sold to such retail distributors at a lower price than it was selling the same tobacco in the same and larger quantities to Indianapolis jobbers. Such retailers, it is alleged, were thus enabled to sell at 10 cents each package of "Velvet Tobacco" advertised as the "regular 15 cent size." (3921-3922)

Stephano Brothers—See Liggett & Myers Tobacco Company, Inc.

Von Schrader Manufacturing Company—In a complaint, Von Schrader Manufacturing Company, Racine, Wis., was charged with the dissemination of misleading representations in the sale of an electric machine designed "Von Schrader Portable Carpet Washer."

According to the complaint, the respondent represented directly or by implication that its carpet washers remove germs and microbes from carpets and rugs, and restore and renew the colors and shades of carpets and rugs, when such are not the facts.

The respondent allegedly also advertised that purchasers of its carpet washers normally earn \$200 a week, \$400 a month and various similar sums, when in truth the earnings of such persons are substantially less than these amounts. (3924)

White King Soap Company—In a complaint, White King Soap Company, 617 East First St., Los Angeles, was charged with the dissemination of misleading representations in the sale of "White King Granulated Soap" and "White King Toilet Soap."

According to the complaint, the respondent misleadingly represented that White King Granulated Soap, a laundry soap, is the only soap with which articles can be satisfactorily washed in cool water and in water at 98 degrees temperature; that it is three times as efficient in the cleansing of articles as other soaps; that its use in washing textiles removes the necessity for use of bleaching and bluing, and that it will remove all spots and stains from articles, when such are not the facts. Further alleged misleading representations are that White King Granulated Soap prevents fine fabrics from fading or shrinking; that its ingredients are superior to that of all other soaps; that the washing of clothes in cool water causes them to be brighter and whiter than washings in hot water, and that the washing of fabrics in hot water injures the fabrics and causes them to shrink, when such are not the facts.

The complaint also charges the respondent with having untruthfully advertised that the use of White King Toilet Soap keeps the skin fresh and supple regardless of the age or condition of the skin of the user, and that it prevents and removes wrinkles, when such is not the case. (3928)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Coty, Inc., Wilmington, Del., and **Coty Products Corp.**, 423 West 55th St., New York, were ordered to discontinue misleading representations in the sale and distribution of perfume.

Under the order, the respondents are to cease representing through the use of the term "Paris" or "Paris, France," or of any other terms, symbols, or picturizations indicative of French or other foreign origin of such product, or in any manner, that perfumes which are made in the United States are made in France, or in any other foreign country, provided that the country of origin of the various ingredients may be stated when immediately accompanied by an explanation that such product is made in the United States. The order further prohibits use of any French or other foreign terms to refer to perfumes made in the United States, unless the English translation or its equivalent appears as conspicuously and in immediate conjunction therewith.

The respondents are also ordered to cease using the terms "Coty, Parfums de Luxe" or any other French or other foreign words as brand or trade names for perfumes compounded in the United States, without clearly and conspicuously stating that such products are compounded in the United States.

Due to the dissolution of Coty Processing Co., Inc., Coty, Inc., of New York, Coty Company, Ltd., a Maryland corporation, Coty Company, Ltd., a Tennessee corporation, Coty California Corporation, Coty New Jersey Corporation and Coty Sales Corporation, the Commission closed its case against these concerns, without prejudice to its right to reopen it and resume prosecution, should future facts so warrant. (3325)

Coty Products Corp.—See Coty, Inc.

Cuban Health Products, Inc., 125 E. Kalamazoo St., Lansing, Mich., has been ordered to discontinue misleading representations in the sale of "El Aquinaldo Cuban Honey."

Under the order, the respondent is to cease advertising that its product is a cure for coughs, colds, asthma, bronchitis, or similar respiratory disorders, and is a treatment for such conditions other than as a palliative for coughs due to local throat irritations or for local irritations of the nose. The order further prohibits representations that the respondent's product is a cure or treatment for stomach ulcers, other than as a bland food where a bland diet would be prescribed. (3733)

Dewberry Engraving Company—Ralph Dewberry, trading as Dewberry Engraving Company, Birmingham, Ala., has been ordered to discontinue unfair disparagement of competitors' products in the sale of engraved stationery, business and social cards and allied products.

Findings of the Commission are that the respondent distributed to prospective customers letters containing, in part, the following:

"You will be disappointed if you read this letter— . . . Disappointed in the price you have been 'soaked' for engraving in the past. Not that your engraver could really help charging you so much; with old-style, out-of-date equipment, he had to get a high price.

"Our prices are the LOWEST in the United States because we have the most modern plant in the country and specialize on engraved stationery. . . ."

Further findings show that the pantograph method of engraving, used by approximately 90% of the engravers in this country, and which is particularly disparaged by the respondent, is not accomplished with "old-style," "out-of-date" or obsolete equipment.

Under the order, the respondent is prohibited from representing that engraving produced from plates incised by hand or by the pantograph method or by any method other than that used by the respondent is old-style, out-of-date, antiquated or inferior. (3135)

Ward Manufacturing Company—Ward M. Jones and John H. Jones, trading as Ward Manufacturing Company, 109 East Milwaukee Ave., Detroit, have been ordered to discontinue misleading representations in the sale of "Hydro-Flue," a flue attachment to be used instead of stove pipes in gas ranges.

Findings of the Commission are that the respondents misleadingly represented that their device is the only satisfactory flue attachment on the market, when, in truth, it is sold in competition with similar devices. Further findings are that the respondents claimed their device constitutes a safe substitute for stove pipes on gas ranges, when actually there is no device which will effectively remove carbon monoxide fumes from the products of combustion emitted by gas-burning appliances.

Under the order, the respondents are prohibited from representing that "Hydro-Flue," or any similar device, is the only attachment which is a satisfactory substitute for stove pipes on gas ranges; that its use is safe, or that it eliminates or removes the carbon monoxide gas emitted by gas ranges. (3509)

STIPULATIONS

The Commission has entered into the following stipulations:

Birnbaum Company—Maurice Birnbaum, trading as Birnbaum Company, 20 Bond St., New York, agreed to cease representing that his products, such as zipper key ring cases, are made of leather when such is not a fact. If the products are made in substantial part of leather and in part of some other material, and the word "leather" is used to describe such leather content, then the word "leather" shall be accompanied by some other words printed in equally conspicuous type so as to indicate clearly that such products are not composed wholly of leather or that they are composed in part of a material other than leather. (2551)

Chabbott's—Joseph Chabbott and Julius Chabbott, trading as Chabbott's 941 F Street, N. W., Washington, D. C., stipulated that they will cease representing that banquet cloths or other articles consisting of cotton filet laces made in China to imitate Tuscany Lace are in fact "Tuscany Lace." (02449)

Floradex Company—See Van De Mark Advertising, Inc.

International Importing Company, Inc., 322 Tremont St., Boston, agreed to cease representing that its "Agorole Olive Oil" is packed and certified by the Olive Oil Institute of America, or any other "institute," unless it is actually certified and packed by an "institute" properly so constituted; that its product is the only "certified" Greek virgin olive oil, or the only "certified" virgin olive oil in America, or that it contains vitamins B, D and E. The respondent also agreed to discontinue representations that refined olive oil contains no vitamins; that "Agorole Olive Oil" contains any specific medicinal ingredients; that its product is a treatment for ulcers of the stomach and gall bladder disorders, or that authorities do not recognize the difference between refined and virgin olive oil. (02448)

Joseph M. Julian Company, trading as Marney Food Company and Dr. Marney's Animal Food Company, Huntington Park, Calif., entered into a stipulation to discontinue misleading representations in the sale of "Marco," a dog food. (2446)

Marney Food Company—See Joseph M. Julian Company.

Dr. Marney's Animal Food Company—See Joseph M. Julian Company.

William C. Moore & Co., Inc., Newark, N. Y., stipulated that in connection with its sale of nursery stock through agents and salespersons, it will cease representing that all persons, regardless of age, sex, location, education, experience or business qualifications, can succeed as its salespersons. Further representations to be discontinued are that the free "Salesmanship and Landscape Lessons," given by the respondent to its salespersons, imparts a knowledge of landscape work that enables even the most inexperienced men to properly advise owners in regard to location, planting and ordering of correct trees, shrubs or vines. The respondent will also cease representing by the use of the phrase "must be satisfied with \$35 weekly at the start" or in any other manner, that it has a vacant position consisting of landscape work and handling orders for old and new customers carrying a definite salary of \$35 weekly to be paid from the start to the person selected to fill such vacancy. (02446)

Plymouth Electric Dry Shaver Company—Bernard Cohen, trading as Plymouth Electric Dry Shaver Company and Plymouth Electric Supply Company, 2013A Jerome Ave., New York, agreed to cease representing that his electric shaver is of any value in excess of the price for which the same or similar instruments may be available in the retail market in the usual course of business; that it is in any way comparable to the high grade electric shavers on the market; that the instrument is guaranteed unless clear disclosure is made of exactly what is offered by way of security; that exaggerated earnings may be expected by sales persons, or distributors of his merchandise, or that any article is given free when such offer is contingent upon any condition not clearly disclosed. It was also agreed that the respondent will discontinue supplying others with lottery devices to be used in the sale of any merchandise, or selling any merchandise by means of lottery devices. (2550)

Plymouth Electric Supply Company—See Plymouth Electric Dry Shaver Co.

Silver Knit Hosiery Mills, Inc., High Point, N. C., agreed to discontinue use of the word "silk," alone, or with any other words, in any way to represent hose which is not composed of silk. The respondent further agreed to cease using the words "Silk and Rayon" or "Rayon and Silk" to describe hose which is not composed of the two fibers. The stipulation provides that if the body or leg of the hose is composed of silk, or of silk and rayon, or rayon and silk, with the top, heel, toe and sole of the hose composed of fibers other than those named, and the words "Silk," "Silk and Rayon," or "Rayon and Silk" are used to properly describe such body or leg, then such terms shall be prominently accompanied by other words clearly indicating that the hose is not composed wholly of silk, silk and rayon, or rayon and silk. If the hose, or a portion of it, is composed of silk and rayon, and these fiber names are used to describe the hose or a portion of it, then the names of the fibers shall be arranged in the order of their predominance by weight, as for example, "Rayon and Silk" where the rayon predominates. The respondent also agreed to cease using the word "linen," either alone or in connection with the words "Pure Irish," or with any other words, as descriptive of hose, or any portion of it, which is not composed of linen. (2552)

Ta-Kay Laboratories—Charles A. Thayer, trading as Ta-Kay Laboratories, and T-K Laboratories, Topeka, Kans., agreed to cease advertising that "Ta-Kay" or any similar medicinal preparation, is an effective treatment for eczema, inflammation of the skin due to any but minor superficial causes, hickies, itching skin conditions, insect bites, sore hands, pimples, rash, scabies, athlete's foot, hives, or shingles, or that it will do more than temporarily relieve itching irritations and minor pains where due to or associated with superficial skin conditions, or caused by or associated with the above disorders. (02450)

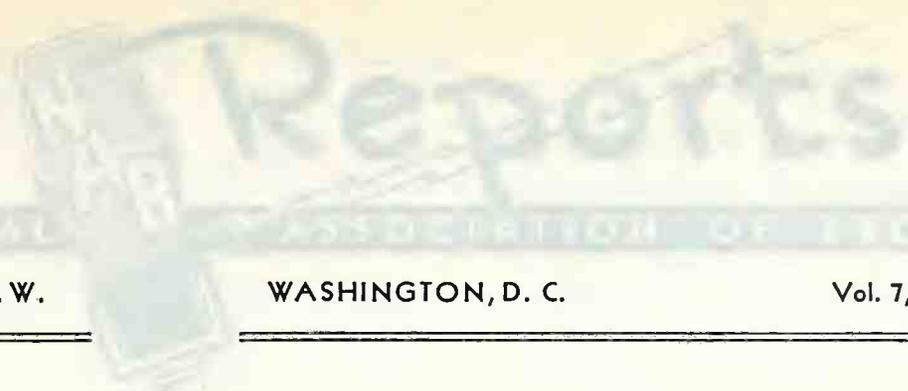
T-K Laboratories—See Ta-Kay Laboratories.

Van De Mark Advertising, Inc., Times-Star Tower, Cincinnati, Ohio, has entered into a stipulation to discontinue misleading representations in the advertisement of "Floradex," a medicinal preparation distributed by Harold T. Maloney, trading as Floradex Company, Columbus, Ohio.

This is the third case in which an advertising agency has entered into a stipulation with the Commission to discontinue misleading representations in connection with the advertising copy of one of its accounts.

The agency agreed to cease disseminating advertisements which represent directly or by implication that "Floradex" is a treatment for constipation; is marvelous or new; will keep a person from being sick; will restore or build health; will enable one to gain vim and vigor, or that it is beneficial in removing the cause of most common ailments. The respondent further agreed to cease representing that constipation is the factor behind most human ills and ailments, and to discontinue using the word "Food," or any similar words, so as to imply that the preparation has any food value.

Harold T. Maloney had previously entered into a stipulation with the Commission in which he agreed to discontinue the practices in the same manner as set forth in this stipulation. (02447)



FCC Chairman Commends Code

James Lawrence Fly, chairman of the FCC, commended the NAB Code this week, saying that its adoption was "an example of democracy at work".

"Democracy can hardly mean either in a game or in a form of Government that those who have adopted the regulations will abide by them only so long as they serve their own particular interest," Mr. Fly said in a CBS broadcast Thursday night.

"Any set of regulations, even when self-imposed is apt at some point along the line to apply to every particular person who has adopted the regulation. No one particularly enjoys the regulation the moment it restricts his own activity; but still, he should be capable of reviewing the over-all benefits which may be derived from a comprehensive and effective set of rules applicable to all alike. But control of radio in the public interest is more serious than any game."

Mr. Fly had preceded these remarks by saying that "it may be obvious that even self-regulation, voluntarily imposed, may at times *actually regulate*."

"We are reminded of the boy, who, understanding the problem, gets with a group and decided upon the rules of the game which shall be applicable to all concerned," he said. "Thereafter, when one of the particular rules has its impact upon his own conduct, and the boy breaks up the game, picks up his playthings and goes home, he is hardly displaying the highest type of sportsmanship".

Here is the full text of Mr. Fly's remarks which the NAB is certain will be of interest to all broadcasters:

As you all know, the art of radio broadcasting is still young. Virtually unknown during the World War, radio has developed tremendously in the past two decades. Its march has been strong and vibrant. The swift movement in the scientific phases of radio has been such that we have a tendency to overlook the tremendous impact of the radio as a social force.

It is therefore essential not only that we recognize radio as a great scientific achievement, but also be conscious of its great impact upon the lives and upon the pattern of thought of the people themselves. We all recognize the importance of having the radio serve a genuine public interest and of avoiding subservience to forces peculiarly selfish in nature.

The forward march in the art of the radio has pre-

sented to us concretely the problem of utilizing this public facility to accomplish the greatest good for the most people. Important issues have thus arisen.

It hardly behooves anyone to speak in a tone of finality, particularly where, as in my own case, the speaker does not have a thorough-going background in the field. It may be suggested that no one with due regard for the gravity of the problems, can set himself before the world as having power promptly and finally to adjudge all the serious problems of radio policy.

By the same token, many of the existing *rules* to govern practices in radio operations cannot be deemed the ultimate guide for the conduct of broadcasting activities. The industry is young; technically, it moves forward from day to day. We all have much to learn. It must be

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

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

FCC CHAIRMAN COMMENDS CODE

(Continued from page 3791)

true, therefore, that any rule or set of rules can hardly be deemed unchangeable. At the same time, it does not follow that rules of conduct should not be laid down and generally observed.

Such is the force of the radio that in the interest of all concerned, it must operate in the public interest. That the problems may change and that even our judgment upon particular rules may change in the light of experience is no reason why the industry should leave its important problems unattended. I, for one, strongly feel that the operations of the industry should be gradually and thoughtfully forged into a pattern of service in the public interest. All of us interested in the development of policies and rules of conduct should maintain an open and tolerant mind toward the views of others as experience accumulates and principles emerge.

The Federal Communications Commission was created by the Congress in an endeavor to effectuate the public interest in radio broadcasting and in related fields of communications. As a matter of necessity, the radio industry is subjected to strict regulation by the Government. Were this not true, radio could not exist. Millions of people may listen—only a few speak to them. Radio channels through the air are severely limited. There can be no private property interest in a radio channel. The concern of the Government and the concern of the Commission is primarily to see that the limited broadcast facilities which may be permitted on the air render a broad and effective public service.

To be perfectly frank with my audience tonight, in my judgment the solution to most of the problems which are constantly arising in connection with the regulation of radio is found in the answer to the question: "How would the interest of the listener of radio facilities be affected?" This simple question is bound up in the expression "public interest, convenience and necessity." Radio stations are licensed to serve that end. However general in character it may appear, the test in substance reduces itself to this question: "How will the listening audience be affected by any particular conduct of a radio licensee?"

Even a superficial review of the problem will indicate

why, as a matter of fact and as a matter of law, the great interest involved is the public interest; more particularly, the interest of the listener. Contrary to the notion occasionally expressed that the air is free, only a limited number of channels are available in the entire radio spectrum. On the few stations which may be on the air there is a definite and inelastic limitation of time. There is no way to extend the total time available for all the purposes of that limited number of stations. Over those limited facilities must be crowded the complete performance of the operating stations in terms of education, information and entertainment.

This is the reason the radio is not a common carrier; in the nature of things broadcast facilities cannot be available to the public generally. Only a few can be accommodated.

In contrast to the limited number of individuals who may broadcast, there is the public as a whole who may listen. Obvious is the fact that the essential service being rendered is the service to the radio audience and not the service to those before the microphone. And again, may I suggest that the public interest to be served under the law is primarily the public interest of the millions of citizens. The citizen cannot be placed in the attitude of sitting at the loud speaker listening to his master's voice. In this case the plain fact is that it is the servant who speaks while the master listens.

I do not mean to suggest that there is no room for the private business concern. It can and does carry on the public service as a private business venture and with a view to success as a private enterprise. The whole American system of broadcasting by private concerns is based on the fortunate fact that in general the best public service is the best business. To succeed the listeners must be attracted and held. Thus, the private benefit emerges from an effective public service.

Neither the Congress nor the Commission undertakes to act as a general overlord to the industry. There particularly should not and cannot be a censorship of radio broadcasts. Certainly, the Commission neither asserts nor seeks the power to censor.

The Federal Communications Commission Act has been operative largely in terms of keeping people off the air. It was early recognized that with everybody on the air nobody could be heard. Since radio transmitting sets can be easily and cheaply constructed, literally thousands of sets could be readily placed in operation. Various trivial devices are capable of some transmission of radio waves. They would cause a bedlam of interference, and must be either prohibited or strictly regulated. The many citizens and the many devices as a matter of necessity are literally excluded from the air. This is done for the simple basic purpose of making effective the service which is being rendered over the limited number of available channels.

The reason for these restrictions upon the activities of the many citizens and the protection of these channels is not primarily to assure the success of the private operation of the broadcast station. But it is to assure that the citizen receiving the broadcast in his home receives an efficient and adequate service. The Federal Communications Act has operated over a broad field by this manner of exclusion and restriction.

The law further provides for the regulation of the industry upon a somewhat broader scale in order to insure that the operations are in the interest of the citizens as a whole.

It is, of course, important that where the Commission has explicitly exercised a power delegated to it by the Congress, there should be no encroachment in this field by other agencies. At the same time, there is beyond the field presently occupied by Commission regulation, a substantial area where industrial self-regulation should have a fair opportunity to work. There is no reason why self-regulation may not be in the public interest and may not to a certain extent supplement the work of the Government. I want to make clear my own thought that one should not assume in dogmatic fashion the finality of any rule created by the industry. At the same time certain of those rules which have been adopted by the great majority of the industry should be given a fair opportunity to function.

An example of industrial self-regulation in the radio field is the Code adopted by the National Association of Broadcasters last July. I shall not endeavor to discuss the Code in detail, but a few significant points may be noted. The Code adopted by a vote of the members of the Association covers six subjects: children's programs, controversial public issues, educational broadcasting, news, religious broadcasts and commercial programs. It is well to bear in mind the scope of the undertaking in order that the discussion of one particular phase may not tend to obscure the other phases. Public controversy, however, has not centered around the rules as a whole, but primarily around the provisions relating to controversial issues.

It may be obvious that even self-regulation, voluntarily imposed, may at times *actually regulate*. We are reminded of the boy, who, understanding the problem, meets with a group and decides upon the rules of the game which shall be applicable to all concerned. Thereafter, when one of the particular rules has its impact upon his own conduct, and the boy breaks up the game, picks up his playthings and goes home, he is hardly displaying the highest type of sportsmanship.

The adoption of the Code and its self-imposition by the broadcasters is an example of democracy at work. Democracy can hardly mean either in a game or in a form of Government that those who have adopted the regulations will abide by them only so long as they serve

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their own particular interest. Any set of regulations, even when self-imposed, is apt at some point along the line to apply to every particular person who has adopted the regulation. No one particularly enjoys the regulation the moment it restricts his own activity; but still, he should be capable of viewing the over-all benefits which may be derived from a comprehensive and effective set of rules applicable to all alike.

But control of radio in the public interest is more serious than any game.

A ready illustration of the character of the problems and the necessity of supplementing existing regulation was demonstrated by conditions at the outbreak of the current war. The crisis precipitated serious problems of completeness, fairness and accuracy of war news, and of the delineation and proper identification of war propaganda. Broadly, the integrity of the service was at stake. The problem of neutrality itself was involved. In that instance, representatives of the broadcasting industry drafted, and, to their credit, most of the broadcasters adopted, a code of practices concerning war news and comment, effectively meeting these problems.

It should be noted that neither this nor the general code already adopted was the work of the Communications Commission. They are none the less important as examples of self-regulation consistent with the public interest.

To return to the provision of the Code voluntarily adopted last July which has provoked considerable discussion, the one having to do with the handling of controversial issues. This article recognizes that a well-balanced program of a radio broadcasting station should include, as part of the station's public service, time for the presentation over the air of public questions, including questions of a controversial nature. However, it is provided that time for the presentation of controversial issues over the air shall not be sold except for political broadcasts. The Code does not prohibit selling time for the discussion of controversial public issues in the public forum type of program when such program is regularly presented as a series of two-sided discussions of public issues.

It seems to me that here again, the problem is one of giving the rule a fair opportunity to work. The job of the broadcaster is to see that the public has opportunity to hear free debate upon all controversial problems.

The one limitation in the Code is that time on the air may not be sold for the presentation of controversial issues. The Code places the duty on broadcasters to bring both sides of such issues to the public regardless of the ability of the speakers to pay for the time. It has been, and we may expect it to continue to be, the policy of the broadcasting companies to give free time to the responsible leaders who desire to speak on controversial issues. And at the same time to provide for the listeners an equal opportunity to hear the other side.

The really grave issue is whether or not the right to speak and to present one-sided arguments on public questions shall be limited to those who can buy the time. In other words, shall single individuals or groups of individuals through sheer economic power be permitted to buy the limited amount of time and space in these limited channels of expression in order to advocate in a one-sided manner the views which they themselves desire to promote. Shall this mode of expression be sold to the highest bidder? If carried to the logical extreme, how then can the millions of the public constituting the radio audience be assured of receiving the complete and balanced discussions of public issues which they are entitled to receive. The least freedom exists in those countries today where only limited groups of powerful individuals can utilize the radio waves with absolute freedom.

It is worthy of repetition that both sides in public controversies should be heard; that there should be as full and complete a discussion of public issues as the time and facilities will permit. In turn, it must follow that no single powerful person or group should be able through the exercise of economic or other power to present only their side of controversial issues, and through the exercise of the same power exclude the other side from the radio channels.

I have no particular brief for any detailed form of rule. It may well be that in the light of experience, the rule need be changed in some particulars, with a view to assuring the public that it does have full opportunity to hear full, free and two-sided discussions of all the great issues. Radio as a social force can only move along the line of giving to the public the fullest and freest expression of information, comment and opinion on all the great problems. Under the true system of democracy it can never be made available exclusively to the limited and powerful group who will present only their own side of any issue.

It should be borne in mind that the Government does not license the radio station itself because it thinks that the owner has any legal right to be heard. The real reason the station is permitted to operate is because of

the service which that station undertakes to give to all of you—the radio audience. I repeat, *that* much is basic.

And I venture to repeat that all of us who are concerned with this problem should move into the field conscious of the needs for self-limitation. No one of us is qualified to claim the power finally to adjudge the issues and to lay down an arbitrary and unchanging rule of conduct. It is a field where tolerance is essential. It is a field that should be subject to continual review in the light of experience. And it is a field where proper rules of conduct, voluntarily and deliberately self-imposed, should be given a fair opportunity to demonstrate whether or not, in actual practice, they will promote the public interest.

SWEENEY SURVEY

Representative Martin L. Sweeney, Democrat, of Cleveland, Ohio, in a speech prepared for delivery in the House on Friday, October 27, said that the FCC's action denying 500 kw. power to clear channel stations was "arbitrary, unwarranted and capricious."

Mr. Sweeney said that the decision in the WLW case "meant that people living in rural areas in many states in the United States would be left with poor, and in a great percent of the instances, without any satisfactory radio reception."

To prove his point, Mr. Sweeney said he had sent cards to 25,000 rural box holders in Louisiana, Kentucky, Michigan, Florida, Virginia, Kansas, Missouri, West Virginia, Alabama, North Carolina, Mississippi, Ohio, Indiana, Arkansas, "asking them to select the first four stations of their choice." He received a 10 per cent return.

The tabulated results will be sent to any member upon request.

CODE SPEAKERS

David Lawrence, noted newspaper columnist, will discuss the NAB Code in a CBS broadcast, Sunday, October 29, at 1:35 p. m., Eastern Standard Time.

The following Sunday, Edgar Bill, WMBD, chairman of the code committee, is scheduled to speak.

Neville Miller, NAB president, talked last Sunday. Copies of his talk are being sent to all members. Additional copies are available at headquarters.

MILLER ADDRESSES ADVERTISERS

Neville Miller made the following remarks at the annual convention of the Association of National Advertisers in Hot Sulphur Springs, Va., on October 27. A complete account of the radio aspects of the convention will appear in next week's REPORTS.

I accept the invitation to speak here today with a great deal of interest. The subject of advertising research has been called especially to my attention during the last year and a half. The

plan for reorganization of the National Association of Broadcasters, which created the position with the Association I fill, detailed a comprehensive research campaign to be undertaken. In the time since I accepted the presidency of the NAB, July 1st of last year, the problems of the broadcasting industry have been such that I have not been able to give the subject of industry research the attention which is its due. You can realize, I am sure, the personal problem I have had to acquaint myself with the radio industry which is but little more than fifteen years old but which has grown during that short period to a commanding position in the advertising fraternity. During the past year I have had to assume the role of student to acquaint myself with the nature of the broadcasting industry in order that I may understand its problems.

It has been a real pleasure for me to hear, this morning, the discussions of the research problems of other media. I feel that you have contributed materially to my educational needs for leadership in my industry. When you compare the time it took to develop radio into an advertising medium with the development of printing into an advertising medium, I think you will realize that there are many things in our industry which make it different from other media and yet there are certain factors which are the same.

From my observation the radio industry has been acutely conscious of research value. It is only natural that it should be, since radio, because of its physical characteristics, does not lend itself to caliper measurement such as the distribution of publications. A scientific approach to a like measurement for radio, however, is enshrouded in the mysticism of such variables as "wave propagation," "attenuation characteristics," "noise level" and "ionospheric reflection." Under such conditions, I am sure you can readily appreciate that some alternative measurement might logically be attempted. And so, to date broadcasting has not developed a standardized measurement of circulation, nevertheless, devices for more exacting measurement have been developed. I would like to say, with due modesty, that I believe radio through its pioneering research, has to some extent been responsible for stimulating more concerted thought on the entire field of advertising research. Certainly your own endeavor, the Cooperative Analysis of Broadcasting, has set a pace in advertising research in its implication of social acceptance of the individual vehicles of advertising messages.

Before touching on the subject of research let me give a thumb nail picture of the major problems confronting radio in which you have an interest. At the first of this month there were 743 stations operating in the United States and its possessions and the Federal Communications Commission has granted permits for the construction of 57 more which will bring the count to 800 stations. The operation of radio broadcasting stations is limited to frequencies between 550 and 1600 kilocycles by international agreement and Federal decree. In the early days of broadcasting, pandemonium reigned because each station operator could select any frequency he desired and begin broadcasting. Radio itself appealed for assistance and the federal government answered the call, volunteering to act as the traffic officer to our industry. The radio law was written and the Federal Radio Commission created which has since become the Federal Communications Commission when the law was expanded to regulate all communication within one commission.

Government regulation and the radio law which creates this regulation have established a peculiar characteristic in our industry. There can be no argument that all advertising is contingent upon public acceptance in some degree. Radio as an advertising medium has always been fully conscious that its advertising worth is fully dependent upon its ability to reach people. Radio is unique among advertising media in that by law it is required to command public acceptance. The law reads that each broadcaster must serve in "public interest, convenience and necessity."

Surrounding the charge by national law that broadcasting be carried on in "public interest," the broadcasting industry has been conscious for some time of a need for self-regulation. The term, "Interest, convenience and necessity" has never been legally defined. There has existed a constant question as to what proper definition there could be since the radio law definitely denies the right of censorship in regulation.

In the late summer of last year the Association tackled the problem of self-regulation. Our approach to the problem has been with recognition of the social significance of radio broadcasting in the national life. We believe that broadcasters have sufficient experience in serving the public to share their program and operating experiences in the adoption of a new Code so that a more uniform and higher level of public service might result through-

out the length and breadth of American radio. At our annual Convention last July the membership of our Association adopted a new Code which became effective on the first of this month. This Code, conceived in public interest is a step forward in improving radio's value to the public and, perforce, radio's value to you as an advertising medium. I realize as you do that any Code is only as good as the will and determination of the parties to it live up to its provisions, for after all, it is not good intentions but rather good actions that count.

Another problem of the broadcasting industry is that of music copyright, one which has been troublesome from practically the beginning of radio. You have read undoubtedly in trade publications and in the press, comments on the industry's action in its attempt to deal with the American Society of Composers, Authors and Publishers. We have stated frequently that we realize the value of music to broadcasting and that broadcasters are ready and willing to pay a fair and reasonable price for the use of music. The present contracts with the American Society of Composers, Authors and Publishers require stations to pay 5% of their receipts from the sale of station time, paying on revenues derived from the sponsorship of dramatic shows, news broadcasts, sports broadcasts and many other broadcasts where not one note of ASCAP music is played; and also on programs which contain music but which is not ASCAP music. We are now able to take a strong and fair stand on the ASCAP matter. This problem is of interest to you because music copyright is one of the major items of cost in broadcasting. Last year our bill to ASCAP alone was just short of \$4,000,000 and this does not take into account the license fees paid to the Society of European Stage, Authors and Composers, Associated Music Publishers, Inc., Ricordi and Company, and other music licensing organizations. Experience in the past has been that upon the expiration of each contract the demand from broadcasters for music fees is raised higher and higher. We must put the brakes on our rising costs.

These are but the top rank of the many problems which have confronted the Association during the past year and which in turn have absorbed my attention. Coming back to the problem of industry research; I have experienced an increasing awareness of the industry's needs for basic information on radio as an advertising medium. I must hasten to point out, however, that our research needs are not confined to advertising values. The research which we undertake must be so conceived to develop broad information on the social significance of broadcasting, an industry having its economic base in advertising. The National Association of Broadcasters recognized sometime ago its advertising research needs and from this realization sprung the cooperative undertaking known as the Joint Committee on Radio Research in which your Association, the American Association of Advertising Agencies and NAB undertook to make some fundamental studies on radio research methods. The Joint Committee has had some real progress to report, however, it has not as yet reached definite conclusions. The work of the Joint Committee has naturally been affected by the trials of reorganization within my own Association.

I am in full accord with the original concept which brought the Joint Committee on Radio Research into existence. That concept in which the parties interested (in this case buyers, agents and sellers of broadcast advertising) join in seeking a solution to the problem of furnishing intelligent and accurate basic information, acceptable to all three parties.

I can report real progress on one store of basic information which was included in the scope of studies under Joint Committee consideration. I refer to the number and distribution of radio sets. The Assistant Director of the Census recently stated that, in connection with the Census of Housing, the question will be asked whether each household is equipped with a radio. The Housing Census is contingent upon Congressional appropriation in the first deficiency bill due for consideration early in January. However, there is every indication that the necessary funds will be appropriated. This basic information is of great significance to the broadcasting industry. It is included in the Census largely by request of the Federal Communications Commission. It is expected that in addition to reports by counties and cities the information will be presented by family income classes and perhaps by educational indices. I fully realize that the inclusion of this count in the Census will not eliminate the problem for future years of determining the change since Census date. I am informed that this second Census report will constitute a statistical refinement in the processes of estimating which should simplify the problem.

It is my sincere hope that the NAB can soon resume the approach to the broadcasting industry research problem. In this connection I feel that we can look to the Advertising Research Foundation

for support since the basic objectives of the Joint Committee on Radio Research are essentially the same as those of your Foundation. The duplication of personnel on your Board of Directors and the Joint Committee should simplify the contact between these two worthy enterprises and there should be no problem in advancing this cooperative undertaking.

FREC "SERVICE BULLETIN"

The "Service Bulletin," new organ of the Federal Radio Education Committee, will make its appearance within the next week or ten days.

The "Bulletin" is the first of several activities of both immediate and long range purpose planned by the Committee to further the interest of education through the cooperation of educators and broadcasters. Its four primary functions will be to serve as a clearing house for ideas, suggestions, and comment in the field of radio education; to serve as an authoritative source for information about the Committee and its program; to present news of the results of research, experimentation and fact-finding surveys in the field of radio education; and to provide a means through which broadcasters may keep informed of the activities of educators, and educators may keep informed of the activities of broadcasters, in so far as their interests meet in the field of radio education.

Kenneth Jones, who edits the "Bulletin," has just been appointed Director of Information of the Federal Radio Education Committee. He comes by way of Station WHAS, Louisville, Kentucky, and previously was Publicity Director of the Louisville Community Chest, and Executive Secretary of the National Committee on Public Education for Crime Control, of New York City.

MR. R. J. WASMUND, "TELL"

Done Searle, general manager of KOIL, Omaha, reports that a Mr. R. J. Wasmund is carrying an unauthorized letter from him, endorsing a plan for publicizing radio programs in the magazine "Tell." Mr. Searle asks any member hearing anything about this to get in touch with him.

PAUL WHITEMAN APPEAL

All parties in the RCA-Paul Whiteman-WNEW case have appealed from the decision handed down July 15 by United States District Judge Vincent L. Leibell in the Southern District of New York (See NAB REPORTS, Vol. 7, No. 29, p. 3608-9, July 21).

On October 20, Whiteman appealed from the decree entered in the case, except that part that was favorable to him. On October 23, RCA appealed from that part of the decree that was favorable to Whiteman and from the failure of the decree to award RCA a common law property right in records by virtue of the technical skill in the manufacture of the records. On October 25, Stuart Sprague, in behalf of WNEW, appealed from so much of the decree as affected the station.

Decision in WMCA Case

The FCC, by unanimous decision of its seven members, this week entered an order in the case of Station WMCA, New York City, owned by the Knickerbocker Broadcasting Company, Inc., which was heard September 27, 1939, for alleged interception and broadcasting of secret radio communications of the Governments of Germany and Great Britain in violation of Section 605 of the Communications Act.

After reciting the facts in the case, as it found them, the FCC said:

That the broadcasting of the substance of the messages described runs counter to the provisions of Sec. 605 of the Communications Act admits of little doubt. The evidence in this case shows conclusively that the messages in question were important orders of the governments of Germany and Great Britain, respectively; that they were to govern important ship movements in anticipation of, and perhaps during war; that they were addressed communications, albeit to multiple addresses; that they were intercepted without the authority of the senders; and that WMCA knowing that the messages had been obtained by means of interception, broadcast the substance thereof from its station. This conduct of the station must be viewed in the light of the great international stress then prevailing and of the special duty of American broadcasters, who are licensed for the purpose of serving the public interest, to conduct their operations with a corresponding degree of care.

While, as has already been pointed out, the specific statutory prohibition now before us applies generally, a violation of it by a holder of a radio broadcast license must command our special attention. Especially is this true since there threads throughout the statute both generally and specifically the notion that broadcasters perforce of law undertake to serve the public interest. The legal concept of public interest is not different in time of crisis although its factual content may vary from time to time as the public necessarily and properly shifts the emphasis of its concern from one predominant fact to another.

Apart from the broadcasts of the station and the inadequate response to the Commission's order to show cause, the irresponsible actions of the licensee in connection with the full-page advertisement quoted above warrant comment. Regardless of the legality of such advertising as a trade practice it raises a question as to the character and responsibility of the management in the light of its obligation to operate the station in the public interest. More than honesty is at stake. The advertisement creates the possibility that competing broadcast stations will be drawn toward the same line of illegal broadcast activity boasted by this station. The President of the licensee corporation, Donald Flamm, admitted that the statements the station quoted from the George Ross column were false and that although he examined the "layout" of the advertisement, neither he nor anyone else in his organization made any investigation or gave consideration to the question as to truth of the representations. When asked what disciplinary action had been taken in this connection Flamm replied merely that he had given directions that all future advertisements were to be submitted to the attorney for the station.

By their conduct throughout this chain of events—the broadcast, the advertisement to the industry, the evasive written response to the Commission's order, the uncandid character of their oral testimony—Flamm and his co-executives managed to create a question as to their possessing any substantial sense of responsibility to the public or the ability to recognize even roughly the public interest properly involved in the operation of a broadcast station. Just as it may be a powerful instrumentality for public good, so a broadcast station has potentialities of causing great public harm, and it is accordingly imperative that the limited broadcast channels belonging to the public should be entrusted to those who have a sense of public responsibility.

On behalf of the licensee it is recognized that the broadcasts in question occurred during a period of unusual activity in the gathering and dissemination of news of special interest to the public. Speed in transmitting through the air news flashes bearing

on the European crisis was assumed to be of the essence of this and other stations' service. The same international stress which made the conduct grave created the urge to scoop the other stations. As was recognized broadly, new and important problems in connection with radio broadcasting arose from the war crisis. Under these circumstances the Commission will assume that these particular broadcasts were provoked by the occasion and are not necessarily indicative of more widespread infractions in the course of this station's broadcast activities.

After consideration of the record and all the attendant circumstances in this matter, the Commission is of the opinion that an order of revocation need not be entered at this time. On the whole, however, grave doubt has been cast upon the licensee's qualifications to operate its station in a manner consistent with the public interest. Accordingly the record made in the different phases of this proceeding must be of cumulative weight in determining the disposition to be made upon any future examination into the conduct of this station.

FCC APPOINTS BOSTON MAN AS ASSISTANT TO FLY

The Federal Communications Commission today announced the appointment of Nathan H. David of Newton Highlands, Mass., as Assistant to the Chairman, James Lawrence Fly.

Mr. David was born at Somerville, Mass., on August 1, 1913. He was graduated from Yale University in 1934 magna cum laude and stood fourth in his class when graduated from Harvard Law School three years later.

Since 1937 Mr. David has been associated with the Boston law firm of Burns and Brandon, (John J. Burns was formerly General Counsel of the Securities and Exchange Commission). He assisted in the preparation of evidence and law in support of New England's position in the Southern Governors' Rate Case. He has also specialized in work involving the Securities Act, the Exchange Act, the Public Utilities Holding Company Act, the Fair Labor Standards Act, the Labor Relations Act, and motor vehicles regulations.

FCC ORDERS LICENSE REVOKED

The FCC has announced issuance of an order for revocation of license of Station WSAL at Salisbury, Maryland, and ordered hearings on renewal of licenses for stations WBAX at Wilkes-Barre, Pennsylvania, and WQDM, at St. Albans, Vermont.

The WSAL license revocation is effective November 13, 1939, unless the licensee applies for a hearing, in which case it will stand suspended until decision of the Commission following such hearing.

Stations WBAX and WQDM have been granted temporary licenses pending hearing.

On January 13, 1938, Frank M. Stearns was licensed to operate station WSAL, daytime hours on 1200 kc, with 250 watts. He was held to have made false and fraudulent statements and failed to make full disclosure to the Commission concerning the financing of station construction, equipment used, and ownership, management, and control, facts which would have warranted refusal to grant construction permit and station license had they been known

to the Commission. It further appears that the rights granted under the terms of the license have, without the Commission's written consent, been transferred, assigned or otherwise disposed of by the licensee, in violation of the Communications Act of 1934, as amended. There was evidence that Glenn D. Gillett, mortgagee, has been in actual control of the station, the FCC said.

Gillett is also in apparent control of stations WBAX and WQDM, in violation of Section 310 (b) of the Act, the FCC said. License for WBAX, (1210 kc, 100 watts, unlimited time) is in the name of John H. Stenger, Jr. That for WQDM (1390 kc, 1 KW, day) is held by E. J. Regan and F. Arthur Bostwick.

LA GUARDIA CASE HEARD

Mayor La Guardia and a number of other witnesses appeared this week before a special committee of three members of the Federal Communications Commission. The committee consisted of Commissioner Case, as chairman, and Commissioners Craven and Payne.

The hearing dealt with the matter of amendment to rules 177 and 177.1 to allow domestic municipally owned stations to rebroadcast the programs of international high frequency stations.

Among appearances were included: Mayor La Guardia and representatives of the National Committee on Education by Radio, Westinghouse Electric and Manufacturing Company, American Federation of Musicians, World-Wide Broadcasting Corporation, and National Broadcasting Company.

The first witness was Mayor La Guardia himself. He presented a statement explaining that Station WNYC owned and operated by the City of New York would like to pick up on a receiver the short wave of the international broadcast Station WRUL (until recently W1XAL) and retransmit them in the regular broadcast band from WNYC. He pointed out that, as a layman, he could not understand why he is permitted to rebroadcast international programs originating abroad but not those originating in this country, and went on to say that non-commercial stations should be given this privilege. He stated that there were not enough non-commercial stations in this country. There ought to be, he thought, at least one non-commercial to every commercial station in operation.

Mr. Novik, Director of WNYC expanded the statement of Mayor La Guardia and gave some information on the cost of operation of a non-commercial station. The annual cost of operating WNYC is \$110,000. No money is spent on programs except to buy records and transcriptions. Live programs are apparently provided free of cost. Mr. Novik estimated that the WNYC programs would cost a commercial station about \$500,000 annually.

Other witnesses were Mr. Schooley of the National Association of Educational Broadcasters, Mr. Walter

Lemon of WRUL, Professor Elliott of Harvard. All these expressed their belief that the rebroadcast of international programs without the cost of telephone lines or the delay of making and sending transcriptions would be of great benefit to the American listener. Mr. Lemon explained the feasibility of such a procedure, and expressed the desire to carry it out for a short period experimentally.

Mr. Ring of the FCC explained the difficulties of obtaining reliable reception in the United States and stated that the cost of a receiver and antenna for rebroadcast would amount to several thousand dollars. Mr. Novik had stated he expected to spend one thousand dollars on the receiving equipment for WRUL.

COURT DISMISSES WCOP APPEAL

Court of Appeals of the District of Columbia this week dismissed the appeal of WCOP, Boston, which was companion to the Yankee Network case (see NAB REPORTS, Aug. 25, p. 3676).

In this case, WCOP appealed from a decision of the Federal Communications Commission granting the application of WMEX for a construction permit to operate on 1470 kilocycles, 5000 watts, unlimited time, using a directional antenna. The appeal was made by WCOP because of the failure of the Commission to find and conclude that the financial and economic interests of that station would be adversely affected by the granting of the application of WMEX.

FEDERAL COMMUNICATIONS COMMISSION

FCC FINAL ORDERS

The Federal Communications Commission this week announced a final order granting the application of the Spartanburg Advertising Company for a new station in **Spartanburg, South Carolina**, to operate on **1370 kilocycles**, 100 watts night, 250 watts until local sunset, unlimited time. Commissioner Payne did not participate.

The Commission also entered final order granting the application of KRSC, **Seattle, Washington**, for a construction permit to make changes in transmitting equipment, move transmitter site, and increase power of station from 250 watts to 1,000 watts, operating on **1120 kilocycles**, unlimited time. Chairman Fly and Commissioner Payne did not participate.

The Commission denied the application of the Moody Bible Institute Radio Station, **Chicago, Illinois**, for a

permit to construct a new non-commercial educational broadcast station to operate on **41,300 kilocycles**, 100 watts power, unlimited time. Commissioner Payne did not participate.

The Commission granted the application of the Saginaw Broadcasting Company for a new station at **Saginaw, Michigan**, to use **1200 kilocycles**, 100 watts night, 250 watts LS, with specified hours of operation; and the application of Gross and Shields for a new station at **Saginaw** to operate on **950 kilocycles**, 500 watts, daytime hours. Commissioner Payne did not participate.

The Commission also entered a final order granting the application of the Greater New York Broadcasting Corporation for a license to operate a broadcast station in **New York City** on **1100 kilocycles**, 5,000 watts, unlimited time. Station WPG, **Atlantic City, New Jersey**, which now operates on **1100 kilocycles**, 5,000 watts, sharing time with WBIL, **New York City**, will cease to operate in **Atlantic City** and WOV **New York City**, now operating on **1130 kilocycles**, 1,000 watts power, will also cease operation and instead a station will operate in **New York City** on **1100 kilocycles**, 5,000 watts, unlimited time. Commissioner Payne did not participate.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases for the week beginning Monday, October 30. They are subject to change.

Monday, October 30

WCSC—South Carolina Broadcasting Co., Inc., Charleston, S. C.—C. P., **1360 kc.**, 1 KW, unlimited time. Present assignment: **1360 kc.**, 500 watts, 1 KW LS, unlimited time.

Thursday, November 2

Oral Argument Before the Commission

Report No. B-74:

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Modification of license, **550 kc.**, 1 KW, unlimited time. Present assignment: **1390 kc.**, 1 KW, unlimited time.

NEW—Samuel M. Emison, Vincennes, Ind.—C. P., **1420 kc.**, 100 watts, unlimited time.

FUTURE HEARINGS

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

November 20

Further Hearing

- NEW—Sanfeliz Enrique Abarca, San Juan, P. R.—C. P., 580 kc., 1 KW, 5 KW LS, unlimited time.
NEW—United Theatres, Inc., San Juan, P. R.—C. P., 580 kc., 1 KW, 1 KW LS, unlimited time (DA day and night).

November 27

- WINS—Hearst Radio, Inc. (Assignor), Metropolitan Broadcasting Corp. (Assignee), New York, N. Y.—Voluntary assignment of license, 1180 kc., 1 KW, limited time (KEX and KOB).
KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, 1290 kc., 100 watts, daytime.
WJBW—Charles C. Carlson, New Orleans, La.—Modification of license, 1200 kc., 100 watts, unlimited time. Present assignment: 1200 kc., 100 watts, specified hours.

December 11

Hearing Before Commissioner Case

- WHDH—Matheson Radio Co., Inc., Boston, Mass.—C. P., 830 kc., 5 KW, unlimited time (DA night). Present assignment: 830 kc., 1 KW, daytime (KOA).

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

- WAZL—Hazleton Broadcasting Service, Inc., Hazleton, Pa.—Granted C. P. to make changes in equipment and increase power from 100 to 250 watts.
W2XAG—Carman R. Runyan, Jr., Yonkers, N. Y.—Granted modification of license of developmental broadcast station to change classification to high frequency broadcast and change frequency to 117190 kc.; 5 KW power.
WMFR—Radio Station WMFR, Inc., High Point, N. C.—Granted modification of C. P. to make changes in equipment, increase power from 100 watts to 250 watts, unlimited time; also extension of commencement date to 10 days after grant and completion date to 15 days thereafter.
WILM—Delaware Broadcasting Co., Wilmington, Del.—Granted C. P. to make changes in equipment and increase power from 100 to 250 watts, unlimited time.
NEW—McNary & Chambers, Bethesda, Md.—Granted C. P. (Craven, Commissioner, not participating) for new high frequency broadcast station to operate on frequency 42600 kc., with 100 watts, special emission, for frequency modulation.
WTMV—Miss. Valley Broadcasting Co., Inc., East St. Louis, Ill.—Granted authority to transfer control of corporation from Lester E. Cox to William H. West, Jr.
KFBK—McClatchy Broadcasting Co., Sacramento, Calif.—Granted extension of special experimental authority for a period of three months from November 1, 1939, for facsimile broadcasting from 12 o'clock midnight until 6 a. m., PST.
WFMJ—William F. Maag, Jr., Youngstown, Ohio.—Granted modification of license to change hours of operation from daytime to unlimited, using 100 watts power.
WGRM—P. K. Ewing, Grenada, Miss.—Granted modification of license to increase nighttime power from 100 to 250 watts.
KATE—Albert Lea Broadcasting Co., Albert Lea, Minn.—Granted modification of license to increase nighttime power from 100 to 250 watts.
KXL—KXL Broadcasters, Portland, Ore.—Granted modification of license to increase nighttime power from 100 to 250 watts.
WGAU—J. K. Patrick, Earl B. Braswell, Tate Wright, C. A. Rowland and A. Lynne Brannen, d/b as J. K. Patrick & Co., Athens, Ga.—Granted modification of license to increase nighttime power from 100 to 250 watts.
KLCN—Charles Leo Lintzenich, Blytheville, Ark.—The Commission set aside its action in designating for hearing the application of KLCN for renewal of license, scheduled to be

heard on November 3, and granted same. Also granted license to cover C. P. authorizing move of transmitter locally, installation of vertical radiator and new equipment.

- KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Granted authority to determine operating power by direct measurement of antenna input.
KGNO—The Dodge City Broadcasting Co., Inc., Dodge City, Kans.—Present license extended on a regular basis.
WHP—WHP, Inc., Harrisburg, Pa.—Present license extended on a regular basis.
KINY—Edwin A. Kraft, Juneau, Alaska.—Present license extended on a regular basis.
KLO—Interstate Broadcasting Corp., Ogden, Utah.—Present license extended on a regular basis.
KLPM—John B. Cooley, Minot, N. Dak.—Present license extended on a regular basis.
KRLC—H. E. Studebaker, Lewiston, Idaho.—Present license extended on a regular basis.
KXYZ—Harris County Broadcast Co., Houston, Tex.—Present license extended on a regular basis.
WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—Present license extended on a regular basis.
WING—WSMK, Inc., Dayton, Ohio.—Present license extended on a regular basis.

DESIGNATED FOR HEARING

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

- NEW—William F. Huffman, Wisconsin Rapids, Wis.—Application for new station to operate on 1310 kc., 100 watts night, 250 watts day, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval.
NEW—Joe W. Engel, Chattanooga, Tenn.—Application for new station to operate on 1370 kc., with 250 watts, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval.
NEW—Lookout Mountain Company of Georgia, Lookout Mountain, Ga.—Application for new station to operate on 1370 kc., 100 watts night, 250 watts day, unlimited time. Exact transmitter site to be determined (Rossville, Ga.) and type of antenna with Commission's approval.
NEW—Valley Broadcasting Co., West Point, Ga.—Application for new station to operate on frequency 1310 kc., 250 watts, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.
KIEV—Cannon System, Ltd., Glendale, Calif.—Designated for hearing the application for renewal of license for station KIEV, upon the following issues: (1) to determine the nature and character of program service rendered; (2) to determine whether the station's program service has been and is now in conformity with the representations made to the Commission in support of the original application for C. P. or license, and all subsequent applications, by licensee; (3) to determine whether statements made to the Commission in financial reports submitted by licensee for the calendar years 1937 and 1938 and various applications for renewal of license, with particular reference to expenditures for program service and talent, are true and correct; (4) to determine whether or not the Cannon System, Ltd., has been at all times and is now exercising actual control of the operations of KIEV; and (5) to determine whether the granting of this application and continued operation of the station will serve public interest, convenience and necessity. A temporary license was granted for the period November 1, 1939, to February 1, 1940, pending hearing, and subject to whatever action may be taken upon the renewal application.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period: WBNS, Columbus, Ohio; WCBA, Allentown, Pa.; WBBR, Brooklyn, N. Y.; WEVD and auxiliary, New York, N. Y.; WGAR, Cleveland, Ohio; WGES, Chicago, Ill.; WHBL, Sheboygan, Wis.; WHIP, Hammond, Ind.; WHIS, Bluefield, W. Va.; KID, Idaho Falls, Idaho; WKBH, La Crosse, Wis.; WMBD, Peoria, Ill.; WMBG and auxiliary, Richmond, Va.; WMPs, Memphis, Tenn.; WORK, York, Pa.; WROK, Rockford, Ill.;

WSAI, Cincinnati, Ohio; WSAN, Allentown, Pa.; WSBT, South Bend, Ind.; WVFW, Brooklyn, N. Y.; KELA, Chehalis, Wash.; KGIR, Butte, Mont.; KGNF, North Platte, Nebr.; KIEM, Eureka, Calif.; KOMA, Oklahoma City, Okla.; KMO, Tacoma, Wash.; KOY, Phoenix, Ariz.; KTBS and auxiliary, Shreveport, La.; WBIG, Greensboro, N. C.; WIRE and auxiliary, Indianapolis, Ind.

The present licenses of the following stations were extended on a temporary basis only pending determination upon the application for renewal of license, for the period ending December 1, 1939: WHK, Cleveland, Ohio; WCKY, Covington, Ky.; WCSC, Charleston, S. C.; WHEC, Rochester, N. Y.; WSMB, New Orleans, La.; KFAC, Los Angeles, Calif.; KRIS, Corpus Christi, Tex.; WBNS, Columbus, Ohio (auxiliary); WGAR, Cleveland, Ohio (auxiliary).

The present license of the following station was extended on a temporary basis only pending receipt of and determination upon the application for renewal of license, for the period ending December 1, 1939: KGCX, Wolf Point, Mont.

The present license of the following station was further extended upon a temporary basis only, pending determination upon application for renewal of license, for the period ending December 1, 1939: KFQD, Anchorage, Alaska.

The present license of the following station was further extended upon a temporary basis only, pending determination upon application for renewal of license, for the period ending December 1, 1939: WNEL, San Juan, P. R.

The present license of the following station was further extended upon a temporary basis only, pending determination upon application for renewal of license, for the period ending December 1, 1939: WBHP, Huntsville, Ala.

The present license of the following station was further extended upon a temporary basis only, pending determination upon application for renewal of license, for the period ending December 1, 1939: KGBU, Ketchikan, Alaska.

The following stations were granted renewal of international broadcast station licenses for the regular period: WCBX and auxiliary, New York, N. Y.; WLWO, Cincinnati, Ohio; KGEL, San Francisco, Calif.; WGEA, Schenectady, N. Y.; WGEO, Schenectady, N. Y.; WNBI, New York, N. Y.; WRCA, New York, N. Y.; WBOS, Boston, Mass.; WPIT, Pittsburgh, Pa.; WRUL, Boston, Mass.; WRUW, Boston, Mass.

The present licenses of the following international broadcast stations were extended upon a temporary basis only, pending determination upon application for renewal of license, for the period ending December 1, 1939: WDJM, Miami, Fla.; WCAB, Philadelphia, Pa.

WAXG—Florida Capitol Broadcasters, Inc., Portable-Mobile.—Present license for relay broadcast station was further extended upon a temporary basis only, until December 1, 1939, pending determination upon application for renewal.

WABG—Memphis Commercial Appeal Co., Portable-Mobile.—Present license for relay broadcast station was further extended upon a temporary basis only, until December 1, 1939, pending determination upon application for renewal.

MISCELLANEOUS

WRUF—University of Florida, Gainesville, Fla.—Granted special temporary authority to operate simultaneously with Station KOA from 6:45 p. m. to the conclusion of the University of Florida v. University of Miami football game on November 18, 1939.

KVAK Carl Latenser, Atchison, Kans.—Granted special temporary authority to operate additional time on October 21 and 27, 1939, in order to broadcast football games only.

WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate additional time on November 4, 1939, in order to broadcast Alfred University v. St. Lawrence University football game only.

KNET—John Calvin Welch, William M. Keller and Bonner Frizzell, d/b as Palestine Broadcasting Association, Palestine, Tex.—Granted special temporary authority to operate additional time on October 20, 27, November 3 and 11, 1939, in order to broadcast Palestine High School football games only.

W2XBT—National Broadcasting Co., Inc., New York, N. Y.—Granted extension of special temporary authority to operate television broadcast station (experimental) W2XBT on the frequency band 156-162 mc., for the period beginning November 11, 1939, to December 10, 1939, pending adjustment of the license to conform with the provisions of Section 4.74.

WRCA-WNBI—National Broadcasting Co., New York, N. Y.—Granted extension of special temporary authority to transmit programs consisting of Spanish news to be rebroadcast by Cuban Stations CMX and COCX, for the period October 28, 1939, to November 26, 1939.

WSBT—The South Bend Tribune, South Bend, Ind.—Granted motion for continuance of hearing from November 14, indefinitely, in re application for C. P. to change frequency and time of operation.

KXOK—Star-Times Publishing Co., St. Louis, Mo.—Granted petition to accept amendment to application so as to request a change in frequency to 630 kc., with 5 KW power both day and night.

NEW—Broadcasting Corp. of America, Riverside, Calif.—Granted authority to take depositions in re application for new station.

WABI—Community Broadcasting Service, Inc., Bangor, Maine.—Granted without prejudice to the filing of petitions to intervene by WFIL and WIS, motion to strike appearances of stations WFIL and WIS, in re application of WABI for C. P. to change frequency and power.

WABI—Community Broadcasting Service, Inc., Bangor, Maine.—Denied motion to vacate order and dismiss station WLBZ, Maine Broadcasting Co., Intervener, in re above application for C. P.; exception noted by counsel for WABI.

KNOW—Frontier Broadcasting Co., Inc., Austin, Tex.—Granted modification of C. P. to make changes in equipment, approval of transmitter site and installation of vertical radiator.

WSPB—WSPB, Inc., Sarasota, Fla.—Granted modification of C. P. approving studio and transmitter site, installation of new equipment and vertical radiator.

KUIN—Southern Ore. Broadcasting Co., Grants Pass, Ore.—Granted modification of C. P. approving studio and transmitter sites and installation of vertical radiator.

KTKC—Tulare-Kings Counties Radio Associates, Visalia, Calif.—Granted authority to determine operating power by direct measurement of antenna input.

WOPI—Radiophone Broadcasting Station WOPI, Inc., Bristol, Tenn.—Granted license to cover C. P. authorizing new equipment, move of transmitter locally, installation of vertical radiator and increase in power to 250 watts, unlimited time.

WEHL—Community Broadcasting Service, Inc., Bangor, Me.—Granted modification of high frequency relay broadcast station license to change frequencies to 1622, 2058, 2150 and 2790 kc.

WCAR—Pontiac Broadcasting Co., Pontiac, Mich.—Granted modification of C. P. for approval of transmitter and studio sites, and installation of vertical radiator.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Granted modification of C. P. extending completion date to January 1, 1940. Also granted modification of license to increase night power of auxiliary transmitter from 100 to 250 watts.

WBRK—Harold Thomas, Pittsfield, Mass.—Granted authority to determine operating power by direct measurement of antenna input.

KVEC—The Valley Electric Co., San Luis Obispo, Cal.—Granted authority to determine operating power by direct measurement of antenna input.

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Granted authority to determine operating power by direct measurement of antenna input.

WHB—WHB Broadcasting Co., Kansas City, Mo., Portable-Mobile.—Granted C. P. for new low frequency relay broadcast station; frequencies 1622, 2058, 2150, 2790 kc., unlimited, 100 watts.

KFRO—Voice of Longview, Longview, Tex.—Granted modification of C. P. to move transmitter site, install new equipment and make changes in antenna system; extend commencement date to 60 days after grant and completion date to 180 days thereafter.

W3XDS—RCA Manufacturing Co., Inc., New York, N. Y.—Granted extension of special temporary authority to operate General Experimental Station W3XDS using frequency of 950 kc., with a power of 1 KW to conduct a comprehensive field survey to study the effects of fading on amplitude modulated facsimile emission during the hours 2:00 to 7:00 a. m., EST, on Sundays, midnight to 5:00 a. m., EST, Mondays, and 1:00 to 5:00 a. m., EST, from Tuesday through Saturday, for the period October 23, 1939, to not later than November 21, 1939.

- KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period beginning October 21, 1939, and ending in no event later than November 19, 1939, pending settlement with Station KWLC and filing of application for installation of new equipment.
- WBRY—American Republic, Inc., Waterbury, Conn.—Granted extension of special temporary authority to operate with the present two unit directional antenna in accordance with the experimental authority granted under license, for the period October 30, 1939, to not later than November 28, 1939, in order to determine necessary steps to change from a Special Broadcast to a Standard Broadcast Station.
- KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate additional time to broadcast high school football games only on November 2, 3, 10, and 11, 1939.
- WGNV—Courier Publishing Corp., Newburgh, N. Y.—Granted special temporary authority to operate additional time on November 7, 1939, in order to broadcast election returns only.
- WSAL—Frank M. Stearns, Salisbury, Md.—Granted special temporary authority to operate additional time on November 4, 11, 18, 25, and 30, 1939, in order to broadcast football games only, as described in letter dated October 14, 1939.
- WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate additional time on November 4, 11, 18, 25, 1939, in order to broadcast football games only.
- WNYC—City of New York, Municipal Broadcasting System, New York, N. Y.—Granted special temporary authority to operate additional time on night of November 7, and morning of November 8, 1939, in order to broadcast election returns only.
- KFGQ—Boone Biblical College, Boone, Iowa.—Granted special temporary authority to operate from 4:00 p. m. to 5:00 p. m., CST, on November 8, 15, 22, and 29, 1939, in order to broadcast children's services.
- WKZO—WKZO, Incorporated, Kalamazoo, Mich.—Granted special temporary authority to operate additional time on November 11, 1939, in order to broadcast Michigan State v. Santa Clara University football game only.
- WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Denied special temporary authority to operate with power of 250 watts night on 1310 ke., for a period not to exceed 30 days, pending change to frequency 1200 ke. power, 250 watts as authorized by grant of C. P. as modified.
- KEX—Oregonian Publishing Co., Portland, Ore.—Granted special temporary authority to operate a portable MOPA 100 watts transmitter on frequency 1140 ke. in the vicinity of Portland, Oregon, for the making of transmitter site tests, during the daytime, for a period not to exceed ten days, from one hour after local sunrise to one hour prior to local sunset, provided no interference is caused to any other station.
- NEW—Bureau of Education, A. Corenson Owner and Manager, Montebello, Los Angeles, Calif.—Adopted proposed findings (B-76), entered on September 13, 1939, denying the application for a new station at Montebello, California, to operate on the frequency 1420 ke. with power of 100 watts, hours of operation limited to daytime only. The order in this case is effective October 21, 1939.
- W9XAA—Chicago Federation of Labor, York Township, Illinois; KLS—Radio Service Corp. of Utah, Saltair, Utah.—Adopted proposed findings (B-53), entered on September 13, 1939, denying the application of the Chicago Federation of Labor for renewal of license and for consent to voluntary assignment of license to Radio Service Corporation of Utah; and dismissing the application of Radio Service Corporation of Utah for construction permit to change the station's equipment and location and increase power output to 10 KW. The order in this case shall become effective on October 24, 1939.
- WEJI—National Broadcasting Co., Inc., New York City (Portable-Mobile).—Granted C. P. to make changes in equipment of high frequency broadcast station, and reduce power to 0.25 watts. Also granted license to cover same.
- WEJL—National Broadcasting Co., Inc., New York City (Portable-Mobile).—Granted C. P. to make changes in equipment of high frequency broadcast station, and reduce power to 0.25 watts. Also granted license to cover same.
- KEJJ—National Broadcasting Co., Inc., Denver, Colo. (Portable-Mobile).—Granted C. P. to make changes in equipment of high frequency relay broadcast station, and add A1 and A2 type of emission.
- KEJK—National Broadcasting Co., Inc., San Francisco (Portable-Mobile).—Granted C. P. to install new equipment in high frequency relay broadcast station.
- KEJL—National Broadcasting Co., Inc., San Francisco (Portable-Mobile).—Granted C. P. to install new equipment in high frequency relay broadcast station.
- KEJA—National Broadcasting Co., Inc., New York City (Portable-Mobile).—Granted C. P. to install new equipment in high frequency relay broadcast station.
- WEJN—National Broadcasting Co., Inc., New York City (Portable-Mobile).—Granted C. P. to install new equipment and add A1 and A2 emission in high frequency relay broadcast station.
- WEJQ—National Broadcasting Co., Inc., Cleveland, Ohio (Portable-Mobile).—Granted C. P. to install new equipment in high frequency relay broadcast station.
- WEJW—National Broadcasting Co., Inc., New York City (Portable-Mobile).—Granted C. P. to install new equipment in high frequency relay broadcast station.
- KFOR—Cornbelt Broadcasting Corp., Lincoln, Neb.—Granted C. P. to make changes in composite equipment.
- WRUW—World Wide Broadcasting Corp., Hatherly Beach, Scituate, Mass.—Granted license to cover C. P. for local move of transmitter of International Broadcast station.
- WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Granted license to cover C. P. authorizing move of transmitter site, installation of new equipment and vertical radiator and increase in day power from 1 KW to 5 KW.
- KOVO—Citizens Voice & Air Show, Provo, Utah.—Granted license to cover C. P. authorizing new station to operate on 1210 ke., 100 watts night, 250 watts day, unlimited time.
- KMJ—McClatchy Broadcasting Co., Fresno, Cal.—Granted modification of C. P. approving transmitter site and installation of vertical radiator.
- WHA—Univ. of Wisconsin, Madison, Wis.—Granted modification of license to change name of licensee from University of Wisconsin to State of Wisconsin, University of Wisconsin.
- WJSV—Columbia Broadcasting System, Inc., Washington, D. C.—Granted modification of C. P. extending completion date to May 20, 1940.
- NEW—King-Trendle Broadcasting Co., Pontiac, Mich.—Denied petition for immediate consideration of its application for C. P. without further hearing. (The Commission on July 27, designated for further hearing the application for a new station to operate on 1440 ke., 250 watts, unlimited time.)
- WCAM—City of Camden, Camden, N. J.; WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Denied petition for review and request for reconsideration of the action taken in the motions hearing on September 8, 1939, in denying petitioners' opposition to petition of WOAX, Inc., licensee of WTNJ, Trenton, N. J., to accept an amendment to its application for modification of license, and motion to strike filed by licensees of WCAM and WCAP; and the Commission, on its own motion ordered the consolidation of Docket No. 5667 and amendment thereto, with Docket 5657 and amendments thereto, requesting the facilities of WCAP and WCAM.
- WALR—WALR Broadcasting Corp., Zanesville, Ohio.—The minute entry of the Commission's action of October 10, in granting increase in power for station WALR, was corrected to read as follows: "Increase power to 250 watts, unlimited time, contingent upon the change of frequency of Station WCOL to 1200 ke."
- WCOP—Scripps-Howard Radio, Inc., Cincinnati, Ohio.—Granted motion for stay of the effectiveness of the Commission's action of October 10 in granting the application of WCOL for C. P. to change frequency from 1210 to 1200 ke. and use 250 watts full time, and suspended the same pending the filing by Scripps-Howard Radio, Inc., of a petition for hearing on or before the twentieth day from Oct. 10, and action upon such petition.
- KWLK—Twin City Brdcastg. Corp., Longview, Wash.—Granted special temporary authority to operate additional time on Nov. 3, 11 and 17, in order to broadcast football games only.
- KOB—Albuquerque Broadcasting Co., Albuquerque, New Mexico.—Granted extension of special temporary authority to operate unlimited time on 1180 ke., using 10 KW, employing DA system after sunset at Portland, Ore. (Oct. 5:30 p. m. and Nov. 4:45 p. m., PST), for the period Oct. 30 to Nov. 28.

KEX—Oregonian Publishing Co., Portland, Ore.—To operate unlimited time on 1180 kc, using 5 KW, for the period Oct. 30 to Nov. 28.

WLEZ—The Norfolk Daily News, Norfolk, Neb.—Granted special temporary authority to operate equipment formerly licensed as relay broadcast station WLEZ on frequency 1622, 2058, 2150 and 2790 kc., 5 watts, without monitor, from 10 a. m. to noon CST on October 26, in order to relay broadcast Madison County Cornhusking Contest to radio station WJAG.

NEW—F. W. Meyer, Denver, Colo.—The Commission reconsidered its former action taken May 16, 1939, denying application for a new station in Denver to operate on 1310 kc., 250 watts day, 100 watts night, and designated the matter for Oral Argument to be held November 9, 1939.

KUMA—Albert H. Schermann, Yuma, Ariz.—Granted special temporary authority to operate additional time on November 24, to broadcast football game only.

WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Granted extension of special temporary authority to rebroadcast sustaining programs to be received from International Broadcast Stations WCBX and WCAB over Station WKAQ, on a non-commercial experimental basis only, for the period October 31 to November 29, 1939.

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted special temporary authority to operate on new directional antenna system as described in application for C. P. granted April 17, day and night for a period not to exceed 10 days, in order to make field intensity measurements, provided such operation shall cease immediately measurements are completed and shall not be resumed until proof of performance submitted and approved.

Columbia Broadcasting System, Inc., New York City.—Granted authority to transmit from Detroit and Dearborn, Mich., through KTSA, San Antonio, Texas, to the following Mexican radio stations the Ford Sunday Evening Hour program for the period ending January 7, 1940: XEQ and XEQQ, Mexico City; XET and XETT, Monterrey; XECZ, San Luis Potasi; XES, Tampico; XED and XEDD, Guadalajara; XEU, Veracruz, and XEME, Yucatan, via facilities of the American Tel. and Telg. Co. and La Compania Telefonica y Telegrafica Mexicana, S.A. and by rebroadcast.

APPLICATIONS FILED AT FCC

570 Kilocycles

KGKO—KGKO Broadcasting Co., Fort Worth, Tex.—C. P. to make changes in directional antenna, for night use only, and increase power from 1 KW; 5 KW LS, to 5 KW.

580 Kilocycles

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—License to cover C. P. (B2-P-2334) as modified for changes in equipment and increase in day power.

680 Kilocycles

KFEQ—KFEQ, Inc., St. Joseph, Mo.—C. P. to install new transmitter, directional antenna for day and night use; increase power from 500 watts, 2½ KW LS, to 5 KW; hours of operation from daytime (LS at San Francisco, Calif.) to unlimited time; and move transmitter from Pickett Road, 5⅜ miles southeast of St. Joseph, Mo., to 5¼ miles north-northeast of St. Joseph, Mo. Amended to request DA for day and night use.

1120 Kilocycles

WTAW—Agricultural & Mechanical College of Texas, College Station, Tex.—Modification of license to change specified hours of operation on Sundays only from 8:30 to 9:30 a. m. to 9 to 10 a. m., CST.

1210 Kilocycles

WCOU—Twin City Broadcasting Co., Inc., Lewiston, Maine.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

1240 Kilocycles

WXYZ—King-Trendle Broadcasting Corporation, Detroit, Mich.—C. P. to install directional antenna for night use, increase power from 1 KW, 5 KW LS, to 5 KW day and night.

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—C. P. to install new transmitter, increase power from 1 to 5 KW, using directional antenna at night.

1260 Kilocycles

WHLD—The Niagara Falls Gazette Publishing Co., Niagara, N. Y.—Modification of C. P. (B1-P-2210) for a new station, requesting approval of antenna and install new transmitter and for approval of transmitter site at Niagara, N. Y.

1310 Kilocycles

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Authority to transfer control of corporation from S. E. Adcock, and S. E. Adcock, Administrator of Estate of Ruth Adcock, deceased, to S. E. Adcock, 124 shares common stock.

WGTM—WGTM, Inc., Wilson, N. C.—C. P. to make changes in equipment and increase power from 100 watts to 250 watts.

WTEL—Foulkrod Radio Engineering Co., Philadelphia, Pa.—C. P. to make changes in equipment, increase power from 100 to 250 watts.

1320 Kilocycles

WSMB—WSMB, Inc., New Orleans, La.—Modification of C. P. (B3-P-2398) for changes in antenna, further requesting changes in directional antenna and increase power from 1 KW, 5 KW LS, to 5 KW day and night; extend commencement and completion dates 30 and 90 days, respectively.

1370 Kilocycles

WMGA—Frank R. Pidcock, Sr., Moultrie, Ga.—Modification of C. P. (B3-P-2390) as modified to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

KMAC—W. W. McAllister and Howard W. Davis, d/b as The Walmac Company, San Antonio, Tex.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

WCOS—Carolina Advertising Corp., Columbia, S. C.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

WPAY—Vee Bee Corporation, Portsmouth, Ohio.—License to cover C. P. (B2-P-2405) for equipment changes.

KVRS—Wyoming Broadcasting Co., Rock Springs, Wyo.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

1420 Kilocycles

WAPO—W. A. Patterson, Chattanooga, Tenn.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

NEW—Worcester Broadcasting Corporation, San Diego, Calif.—C. P. for a new station on 1430 kc., 1 KW, 5 KW LS, unlimited time, facilities of KECA. Amended to request 1420 kc., 250 watts, and omit request for facilities of KECA.

KGLU—Gila Broadcasting Co., Safford, Ariz.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

1430 Kilocycles

NEW—Cascade Broadcasting Co., Inc., Everett, Wash.—C. P. for a new station on 1420 kc., 100 watts, 250 watts LS, unlimited time. Amended to request 1430 kc., 500 watts power, install vertical antenna, make changes in equipment, and specify transmitter site as Pacific Highway, outside city limits, North Everett, Wash.

1440 Kilocycles

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Authority to determine operating power by direct method.

1500 Kilocycles

KDRO—Albert S. and Robert A. Drohlich, d/b as Drohlich Brothers, Sedalia, Mo.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

MISCELLANEOUS

NEW—National Broadcasting Co., Inc., area of Washington, D. C.—C. P. for new relay broadcast station on 31220, 35620, 37020, 39260 kc., 25 watts, A1, A2, A3.

NEW—National Broadcasting Co., Inc., area of Cleveland, Ohio.—C. P. for new relay broadcast station on 31220, 35620, 37020, 39260 kc., 0.25 watts, A-3.

NEW—National Broadcasting Co., Inc., Cleveland, Ohio.—C. P. for new relay broadcast station on 31220, 35620, 37020, 39260 kc., 25 watts, A-3.

NEW—National Broadcasting Co., Inc., area of Chicago, Ill.—C. P. for new relay broadcast station on 31220, 35620, 37020, 39260 kc., 25 watts, A1, A2, A3.

NEW—National Broadcasting Co., Inc., area of Chicago, Ill.—C. P. for new relay broadcast station on 31220, 35620, 37020, 39260 kc., 0.25 watts, A-3.

NEW—National Broadcasting Co., Inc., area of Chicago, Ill.—C. P. for new relay broadcast station on 31220, 35620, 37020, 39260 kc., 2 watts, A-3.

NEW—National Broadcasting Co., Inc., area of San Francisco, Calif.—C. P. for new relay broadcast station on 31220, 35620, 37020, 39260 kc., 25 watts, A1, A3, and A2.

NEW—National Broadcasting Co., Inc., area of Denver, Colo.—C. P. for new relay broadcast station on 31220, 35620, 37020, 39260 kc., 25 watts, A-3.

NEW—Edwin A. Kraft, area of Juneau, Alaska.—Construction permit for new relay broadcast station on 1622, 2058, 2150 and 2790 kc., 50 watts power, A-3.

XXXX—Columbia Broadcasting System, Inc., Authority to transmit programs (Ford Sunday Evening Hour program) from stations at Detroit and Dearborn, Michigan, through station KTSA, San Antonio, Texas, to foreign stations in Mexico: XEQ, XEQQ, XET, XETT, XECZ, XES, XED, XEDD, XEU and XEME, for 13 weeks, 10-15-39 to 1-7-40.

NEW—Columbia Broadcasting System, Inc., area of New York, N. Y.—C. P. for new relay broadcast station on 33380, 35020, 37620, 39820 kc., 2 watts power. A-3.

NEW—Columbia Broadcasting System, Inc., area of New York, N. Y.—C. P. for relay broadcast station on 33380, 35020, 37620, 39820 kc., 2 watts power. A-3.

W8XVC—The Cincinnati Times-Star Co., Cincinnati, Ohio.—modification of C. P. (B2-PFB-15) to extend commencement and completion dates from 11-6-39 and 5-6-40 to 5-6-40 and 11-6-40.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

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

American LaFrance & Foamite Industries, Inc.—See Walter Kidde & Co., Inc.

C-O-Two Fire Equipment Co.—See Walter Kidde & Co., Inc.

Fyrout Company, Inc.—See Walter Kidde & Company, Inc.

Harmony Centre—In a complaint Jessie F. Springer, trading as Harmony Centre, 604 West 112th St., New York, was charged with disseminating misleading representations in the sale of a book "The Grape Cure," formerly distributed under the title "The Grape Cure (How I Cured Myself of Cancer)". The book allegedly tells how its author, Johanna Brandt, cured herself of cancer through the use of a method based on the use of grapes.

The method described in the book, it is allegedly claimed by the respondent, will cure or rid one of cancer and practically all other diseases, ailments and conditions which may afflict the human body. Further representations made by the respondent are that salt, inorganic drugs, and patent medicines cause cancer; that poisons result from using aluminum vessels, and that most

diseases originate in the intestines and are caused by poisons due to uneliminated waste.

According to the complaint all such representations are false, for in truth, the system outlined in the book, "The Grape Cure," is not an effective treatment for the diseases named by the respondent; salt, inorganic drugs, and patent medicines do not cause cancer; poisons do not result from the use of aluminum vessels, nor do most diseases originate in the intestines nor are they due to uneliminated waste. (3933)

Hollywood Racket Manufacturing Co., Inc.—A complaint has been issued against Hollywood Racket Manufacturing Company, Inc., 7462 Melrose Ave., Hollywood, Calif., alleging misleading representations in the sale and distribution of tennis, badminton and squash rackets.

According to the complaint, imported Japanese racket frames bearing the mark "Made in Japan" are lacquered, supplied with a leather grip and strung by the respondent, in which processes the mark "Made in Japan" is obliterated and concealed, and in this condition the rackets are sold to the public. It is further alleged that the respondent stamps on such rackets the legend "Hollywood Racket Mfg. Co.," and disseminates advertisements which represent these rackets as being manufactured in Hollywood and of wholly domestic origin, when in truth the frames are made in Japan. (3931)

Walter Kidde & Company, Inc.—Unlawful trade practices involving use of unfair methods of competition and exclusive dealing contracts are alleged in a complaint against five companies engaged in the manufacture, assembly and sale of fire fighting equipment including carbon dioxide fire extinguishing systems and carbon dioxide portable fire extinguishers.

The complaint is directed against the following respondents: Walter Kidde & Co., Inc., 140 Cedar Street, New York; American LaFrance and Foamite Industries, Inc., Elmira, N. Y.; C-O-Two Fire Equipment Company, 560 Belmont Ave., Newark, N. J.; National Foam System, Inc., 1632 Sansom Street, Philadelphia, and Fyrout Company, Inc., 90 West Street, New York.

According to the complaint, the respondents fixed and maintained a uniform price in the sale of unpatented parts, accessories, apparatus and equipment used in the manufacture, assembly or operation of fire extinguishers. It is further alleged that the respondents fixed and maintained uniform prices in the sale of certain couplings used as accessories on hose assemblies of carbon dioxide fire extinguishers, without the requirement of a license or other authority from the owner of a lawfully issued patent on such couplings. The respondents are also charged with having agreed to submit, and with having submitted, identical bids on parts, accessories, apparatus and equipment, where competitive bids were called for by Governmental agencies. (3929)

National Foam System, Inc.—See Walter Kidde & Company, Inc.

W. T. Wagner's Sons Company—Misleading representations in the sale of soda water and other soft drinks are alleged in a complaint against W. T. Wagner's Sons Company, 1920-26 Race St., Cincinnati.

It is alleged that the respondent represents directly or by implication that its "Wagner English Club Soda" is imported from England; that it is made of ingredients imported from England, and that only soda waters made in England have the properties possessed by "Wagner English Club Soda." In truth, the complaint continues, the respondent's product is made in the United States from domestic ingredients. Nor, it is charged, does the respondent's product have any properties possessed by soda waters made in England which are not possessed by other soda waters made in the United States from domestic ingredients. (3932)

Washington Laundry—In a complaint Joseph T. Gibbons, trading as Washington Laundry, 2627 K St., N. W., Washington, D. C., was charged with the dissemination of misleading representations in connection with the interstate activity of his laundry, dry cleaning and dyeing business. (3930)

Withol Beauty Laboratories, Inc.—See Withol, Inc.

Witol, Inc.—Alleging dissemination of misleading representations in the sale of cosmetics, a complaint has been issued against Witol, Inc., Witol Beauty Laboratories, Inc., and their officers, William Witol, Ann Felix and Hattie Blankfeld, 1700 Broadway, New York.

According to the complaint, the respondents misleadingly represented that "Take-Off" is an effective preparation for the treatment of pimples, blackheads, whiteheads, freckles, and superficial blemishes of the skin, and that it removes the outer layer of the skin to give a new, fresh surface skin, when such are not the facts. The respondents, it is alleged, further misleadingly represented that "Witol's New Liquid Skin Peel" is an effective preparation for the removal of the outer layer of the skin, and that it effectively removes within a few days, blackheads, whiteheads, coarse pores, outer freckles, superficial pimples and annoying superficial blemishes, when such are not the true facts. (3934)

STIPULATIONS

The Commission has entered into the following stipulations during the week:

W. K. Buckley, Inc., 26 Forbes St., Rochester, N. Y., in a stipulation supplemental to one entered into in October, 1934, agreed to cease representing that "Buckley's Mixture" will cure colds; is an effective treatment for coughs not due to colds or bronchial irritations, or will act quickly on a cold. (0779)

Harper Method, Inc., 1233 East Main St., Rochester, N. Y., entered into a stipulation in which it agreed to discontinue misleading representations in the sale of a hair tonic and eyelash grower.

According to the stipulation, the respondent will cease representing that the use of the "Harper Method Tonic," or any of the several "Harper Method Ointments" or the Harper methods of application, or any similar preparation or treatment, can prevent baldness, end dandruff, restore scalp health, stimulate growth of new hair, bring renewed vitality and health to the hair, allay "scalp fever," or affect the functioning of oil glands of the hair. The respondent will further discontinue claims that colds make one's hair a social outcast; that dried oils, dust or grime are often the causes of falling hair or baldness, or that removal of such foreign matter by the use of the Harper Method or similar preparations will effectively prevent or remedy falling hair or baldness.

Harper Method, Inc., will also cease representing by statements such as "Eyelash and Eyebrow Grower," or in any similar manner, that the pomade offered by it will grow lashes or brows, or promote their growth or make them longer or silky. (2553)

Hoburt Hosiery Mills—Henry J. Berusch, trading as Hoburt Hosiery Mills, 320 Fifth Ave., New York, agreed to cease using "Mills" as part of his trade name or in any other way so as to imply that he manufactures the products sold by him or that he actually owns, operates or controls the mill or factory in which his products are made, when such is not a fact. (2554)

McKesson and Robbins, Incorporated, trading as Golden Brown Chemical Company, Bridgeport, Conn., agreed to cease advertising that any of its cosmetic preparations penetrates or invigorates the hair roots, or causes blemishes or blotches to disappear; that either the respondent's beauty culture course or diploma, included in its so-called special offers to prospective agents, is of any value, and that any of its so-called special offers is limited to one agent, unless this is a fact. The respondent also stipulated that it will cease misleading uses of the word "free" to describe merchandise offered as compensation to agents for distributing the respondent's merchandise and will discontinue employing the words "Rose" or "Almond" as a part of a trade name of any of its products unless such product is composed principally of rose and almond ingredients. (02452)

Templetons, Inc., 1517 Broadway, Buffalo, N. Y., agreed to discontinue representations that its preparation, "Raz-Mah" will quickly relieve hay fever sufferers from sneezing, itching and ex-

cessive watery secretions in the nose and eyes; will quickly relieve coughs due to bronchial irritation; will prevent bronchial irritations from developing into asthma, or will relieve sufferers from smokers' coughs. (02453)

Vita Products, Inc., Zeeland, Mich., stipulated that it will cease representing that "Nutrimere," a food supplement, supplies any mineral or other substance with the exception of iodine, in therapeutic quantities, or that "Nepter Kelp and Cod Liver Oil Tablets" supply any mineral or other substances except iodine and Vitamin D in therapeutic quantities. The respondent will also discontinue claims that "Nutrimere" is of any value in the treatment of any conditions unless specifically limited to those cases which are due to iodine deficiency, and then only to the extent of supplementing the iodine consumed, or that "Nepter Kelp and Cod Liver Oil Tablets" will be of any greater value unless specifically limited to such results as may be expected by reason of the Vitamin D content, or that either product constitutes a competent or effective remedy for arthritis, anemia, goiter, rickets, asthma, constipation, colds, catarrh, hay fever, or high or low blood pressure.

Vita Products, Inc., also stipulated that in future advertising of "Nutrimere" and "Nepter Kelp and Cod Liver Oil Tablets," it will publish a conspicuous warning to the effect that these products may be harmful to some individuals and in such cases should be taken only under proper medical supervision. (02451)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Avery Salt Company—See Jefferson Island Salt Co.

Carey Salt Company—See Jefferson Island Salt Co.

H. P. Clearwater, Hallowell, Maine, has been ordered to discontinue misleading representations in the sale of medicinal preparations designated as "Rheumatic Arthritis Treatment."

Under the order, the respondent is to cease representing that his training, education and experience have been such as to enable him to determine the causes, correct treatment and cure of arthritis or rheumatism, or that any of his theories as to the causes, method of treatment or cure of rheumatism or arthritis are based upon known and true scientific facts or reflect a consensus or majority of medical opinion, unless that is a fact.

The respondent was further ordered to discontinue representing that his preparations, singly or in combination, constitute a cure, remedy or adequate treatment for arthritis, rheumatism, sciatica or lumbago, or have any therapeutic value in the treatment of such conditions in excess of providing a laxative, tonic-reconstructive and mildly carminative action and providing relief, in some cases, from the pain incident to these conditions. (3777)

Inland Sales Corporation—A. Laskey, J. Samuels and J. P. Sheehan, trading as Inland Sales Corporation, 1719 W. Division St., Chicago, were ordered to discontinue the use of lottery schemes in the sale and distribution of sports jackets, pens, pencils, or any other articles of merchandise.

Under the order, the respondents are prohibited from supplying others with lottery devices for use in the sale of any merchandise, and from selling any merchandise by the use of lottery devices. (3846)

Jefferson Island Salt Company—Orders have been issued against four salt companies prohibiting them from disseminating misleading claims in the sale of their products.

The respondents named in the orders are Jefferson Island Salt Company, Louisville, Ky.; Morton Salt Company, 208 West Washington St., Chicago; Carey Salt Company, Hutchinson, Kans., and Avery Salt Company, Scranton, Pa.

Under the orders, the four respondents are to cease using any words signifying smoke or implying use of smoke to describe

salt offered for sale, or sold, for curing, preserving, smoking, or flavoring meats, unless the salt so described has been directly subjected to the action and effect of the smoke from burning wood during the course of its combustion sufficiently to acquire from such source alone all of its smoke or smoke effects for use in curing, preserving, smoking or flavoring meats.

The Carey Salt Company and the Avery Salt Company were further directed to cease representing that meat, by treatment with their products, acquires the same taste or flavor or other properties or effects, as meat acquires from treatment with salt and subsequent exposure to the smoke from burning wood during the course of its combustion.

In addition, the Carey Salt Company was ordered to discontinue claims that its so-called smoke salt cures and smoke-flavors meat in one operation or that it cures and smokes meat at all or that treatment of meat with its product is as good as, or a thousand times better than, the old smokehouse.

The Avery Salt Company was also ordered to discontinue representing that "Avery Sugar Curing Smoke Salt" does the complete job of curing and smoking meat. (2150-2151-2248-2516)

Morton Salt Company—See Jefferson Island Salt Co.

Pennsylvania Salt Manufacturing Company, Widner Building, Philadelphia, and **Smoked Products Company** and **The Smoked**

Salt Company, Fifth and Butler Sts., Cincinnati, were ordered to discontinue misleading representations in the sale of salt.

Under the orders, the respondents are prohibited from representing that meat cured or treated with "smoked salt" will be subjected to smoke, or that "smoked salt" can do everything that an old smokehouse does in the curing or smoking of meat. (2783-2784)

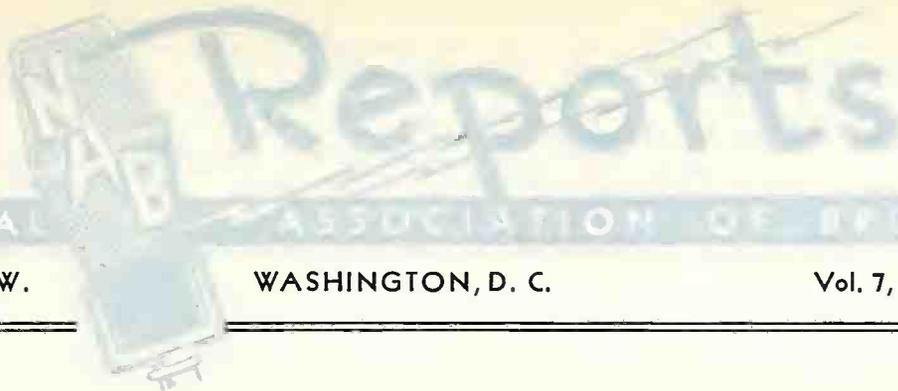
Smoked Products Company—See Pennsylvania Salt Manufacturing Co.

Smoked Salt Company—See Pennsylvania Salt Manufacturing Co.

FTC CLOSES CASE

The Federal Trade Commission closed its case against Robert Theodore Plate, trading as Plate Manufacturing Company, 11302 Chalmers St., Detroit.

The case charging the respondent with unfair methods of competition in connection with the sale of Kant-Run and HoSaver, chemical preparations designed for laundering silk and rayon stockings and lingerie, was ordered closed without prejudice to the right of the Commission to reopen it should conditions so warrant.



A. F. of M. Asks IRNA Increase

The Executive Committee of IRNA met Thursday with the International Executive Board of the AFM in order to exchange views regarding procedure in connection with the approaching expiration of the national plan of settlement between the AFM and network affiliates made in 1937 which expires on January 17, 1940. There were present, representing the IRNA, Walter J. Damm, John Shepard, III, and Samuel R. Rosenbaum, chairman. Also present by invitation were representatives of the three national networks, as follows: Mark Woods of NBC, Lawrence W. Lowman, CBS and Julius F. Seebach of MBS; also, Harold Lafount, president of the National Independent Broadcasters, as representative of independent non-affiliated stations; also, Joseph L. Miller, Director of Labor Relations of NAB.

During the course of the conference Mr. Joseph N. Weber, president of the AFM and chairman of its International Executive Board notified the broadcasters that the position of the Federation is as follows:

(a) In 1937, the Federation required the network affiliates (including network owned and operated stations but not including network key stations) to increase their annual expenditure for staff musicians by an additional sum of \$1,500,000, thereby bringing the gross annual expenditure up to not less than three million dollars. This has been carried out under the plan of settlement during the two years beginning January 17, 1938.

Upon the expiration of the present arrangement, January 17, 1940, the Federation will require that this annual expenditure be increased by a further sum of \$1,500,000 per annum, bringing the gross expenditure of the affiliates as a group for staff musicians up to the sum of not less than \$4,500,000 per annum.

(b) In 1937, the Federation required that the annual expenditure of the three national networks in all their key stations in New York, Chicago and Los Angeles be increased by \$60,000 per annum each for staff musicians and this arrangement has been carried out in the two years since the effective date of the national plan of settlement, January 17, 1938. The Federation will require that this increased expenditure be doubled after the expiration of the present arrangement on January 17, 1940, that is, that all of the key stations of the three national networks, in New York, Chicago and Los Angeles, be equivalent to \$120,000 per annum for each station in excess of the amount that was being spent prior to 1938.

(c) The Federation will deal separately with the independent non-affiliated stations



THE NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

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Neville Miller, *President*

Edwin M. Spence, *Secretary-Treasurer*

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

A. F. OF M. ASKS IRNA INCREASE

(Continued from page 3807)

and its demands from such stations were not communicated to those participating in today's conference.

The representatives of IRNA and the networks were not empowered to give the Federation any reply to these demands.

The Executive Committee of IRNA will promptly communicate with all affiliates in order to obtain facts and figures with which to go back to the Federation for further conference and negotiation.

The Federation notified the IRNA Committee that it should obtain the necessary responses from the affiliates with sufficient promptness to enable the Committee to meet again with the Federation Executive Board on November 20, 1939, the date fixed for the next conference. Statement by Samuel R. Rosenbaum, Chairman of IRNA.

ANA CONVENTION

The 30th annual meeting of the Association of National Advertisers held in Hot Springs, Virginia, October 25, 26, 27, and 28, discussed two subjects of particular interest to broadcasters.

The Consumer Movement

The entire day of October 26th was devoted to reports and discussion of the "Consumer Movement." There has been much discussion of this challenging question to present-day business and the ANA undertook to present a complete factual and unbiased picture of the movement to those most concerned—advertisers, advertising agencies, and advertising media. Reports and discussions were carried on under four topics. Part 1 was devoted to "What the Consumer Movement Is"; Part 2, "The Importance of the Movement in Educational Channels"; Part 3, "The Importance of the Movement in Government"; and, Part 4, "The Scope and Penetration Nationally Among the Consuming Public." Such books as "100,000,000 Guinea Pigs", "Your Money's Worth", and such services as "Consumers Guide" and "Consumers Union" have been instrumental in getting the "Consumer Movement" under way.

Dr. Kenneth Dameron, Professor of Marketing at Ohio State University, at present on leave and engaged in

special research on advertising and consumer relations for the AAAA reported on the importance of the movement in educational channels. He stated that he felt business was neglecting a much needed honest public relations contact with educators. He indicated that the business conception of educators as having radical views on business is basically caused by the failure of business to equip schools with factual material. In the absence of proper information, school teachers, instructors, and professors have accepted the store of information furnished them through such sources as represented by "100,000,000 Guinea Pigs."

After a report on "The Importance of the Movement in Government" outlining the impetus given the movement by various government agencies, Dr. George Gallup, Vice President of Young & Rubicam, Inc., and President of the Institute of Public Opinion, reported the results of a survey on the "Consumer Movement" conducted by the Advertising Research Foundation. The survey was divided into two parts, one directed to consumers and the other directed to educators. Dr. Gallup's report disclosed that 24 per cent of the consumers interviewed knew of the "Consumer Movement" and about half of these had reasonably intelligent ideas about it. The alarming feature was that most of the educators knew and understood the "Consumer Movement." The implication of this finding is that the future consumers represented by those attending school now are being taught the doctrines of the "Consumer Movement" which envisions radical changes in business structure and would eliminate all advertising.

NAB is requesting that a summary of the survey findings reported by George Gallup be furnished for distribution to NAB member stations because of its fundamental significance and the direct bearing on advertising. Information was gathered on consumer opinion of business, distribution and advertising.

The Advertising Research Foundation

On October 27th the entire day was devoted to a discussion under the topic "Precision Tools for Advertising" put on by the Advertising Research Foundation. This Foundation was formed by the ANA in 1935 to fulfill the function of promoting scientific measurement of advertising values. At this meeting a history of the Foundation was presented, detailing the objectives of the organization and its accomplishments to date.

Neville Miller, President of the National Association of Broadcasters, made an address (appearing in last week's REPORTS, volume 7, number 43) on the subject of "The Viewpoint of Radio." Kerwin Fulton, President of Outdoor Advertising, Inc., presented "The Viewpoint of the Outdoor Industry" in which he lauded the Advertising Research Foundation for the work it had done in establishing a method and assisting in the formation of the Traffic

Audit Bureau which is currently releasing standard information on the value of outdoor advertising.

A report was then given on a new project undertaken by the Advertising Research Foundation on the topic of "Measuring Magazine Readership." This undertaking of the Foundation marks the beginning of refined measurement of the value of magazine advertising. There was next reported "The Continuing Study of Newspaper Reading." A history of the undertaking was given and the first produced study of newspaper reading was presented. A standard survey of an Akron, Ohio, newspaper reports the percentage of subscribers reading individual pages of the newspaper and the percentage reading individual articles and advertisements appearing on each page. Separate percentages are presented for men and women and summarized by the various departments of the newspaper. It was announced that this was the first "reading survey" released and that like reports for other newspapers will be released at about two-week intervals. Both the magazine and newspaper studies are being financed by the publishers and produced by the Advertising Research Foundation. In both cases, the studies undertaken will in no way affect the "circulation figures" developed by the Audit Bureau of Circulation. The new studies will supplement and refine the basic circulation data.

This development is important to the broadcasting industry because of the refinements in information being developed by these two media and the work done for the outdoor advertising industry. It indicates the need for radio industry action in the establishment of standard measurements of the advertising value of radio broadcasting. Mr. Miller, in his speech to the ANA, mentioned the

Wage and Hour Act

The Wage and Hour Administration now says it is all right to reduce *weekly* wages when reducing working hours from 44 to 42, if the *hourly* rate is above the minimum of 30 cents. The *hourly* rate must not be cut.

For instance, if an announcer was paid \$44 for a 44-hour week, he can be paid only \$42 for a 42 hour week. If he is kept on a 44-hour schedule, however, he must be paid for two hours overtime at \$1.50 an hour, or \$45 a week. Or he can be paid \$44 for a 43 1/3 hour week.

The Administration held that Section 18 of the Act ("No provision of this Act shall justify any employer in reducing a wage paid by him which is in excess of the applicable minimum wage") referred to the *hourly* wage, not to the *weekly* wage.

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joint undertaking of the NAB with the ANA and the AAAA, known as the Joint Committee on Radio Research. The creation of this committee was a step in the right direction, however its progress has lagged and in the best interests of the radio industry its objectives should be reviewed and understood by each NAB member and concerted action taken to attain a progressive position for broadcast advertising in the matter of honest, standard, lucid information on its advertising value.

CODE EDITORIALS

Included with this issue of the NAB REPORTS are additional newspaper editorials dealing with the Code. A more complete cross section of press opinion will be published in a future NAB NEWS REVIEW.

FDR PRAISES RADIO

President Roosevelt tossed a bouquet to the broadcasting industry last week.

In a speech addressed to the New York Herald-Tribune forum, he said, in part:

I am glad to say a word in this forum because I heartily approve the forum idea. After all, two eighteenth-century forums in Philadelphia gave us the Declaration of Independence and the Constitution of the United States.

It is the magic of radio that has so greatly increased the usefulness of the forum. Radio listeners have learned to discriminate over the air between the honest advocate who relies on truth and logic and the more dramatic speaker who is clever in appealing to the passions and prejudices of his listeners.

We have had an example of objective reporting during recent weeks in the presentation of international subjects, both in the press and the radio. Right here I should like to throw bouquets to the majority of the press and the radio. Through a period of grave anxiety both have tried to discriminate between fact and propaganda and unfounded rumor and to give their readers and listeners an unbiased and factual chronicle of developments. This has worked so well in international reporting that one may be pardoned for wishing for more of it in the field of domestic news. If it is a good rule in one, why is it not a good rule in the other?

* * *

It is a fact increasingly manifest that presentation of real news has sharpened the minds and the judgment of men and women everywhere in these days of real public discussion—and we Americans begin to know the difference between the truth on the one side and the falsehood on the other, no matter how often the falsehood is iterated and reiterated. Repetition does not transform a lie into a truth.

FREE OFFER

Comparative quiet reigned on the "free offer" front last week with only three attempts to obtain radio time "gratis" reported by member stations.

However, one of these involved motion pictures, with the Artists Bureau, Hollywood, Cal., sending out transcribed news programs about forthcoming movie productions and movie personalities for stations to broadcast "free of charge." NAB has advised the above organization of radio's stand on such attempts. It has also tried to impress upon them the advantages of a regular campaign. In this connection, it is interesting to note that the latest public opinion survey of Fortune Magazine reported in the November issue asked this question, "If you had to give up either going to the movies or listening to the radio, which one would you give up?" 79.3% of those interviewed said they would give up the movies; 13.9% said they would be willing to give up radio; 6.8% were undecided. Headquarters has also again advised Radio Program Associates (Doc Sellers True Stories) and Ringling Brothers-Barnum and Bailey Circus that their recent attempts to garner free air time are contrary to the NAB Code of Ethics.

The American Osteopathic Association has objected to being listed in a recent issue of the REPORTS under the heading of free offers. NAB has explained that this information is given for the benefit of members and does not necessarily pronounce judgment on the merits of each individual free offer listed. In this case, apparently, no special commercial objective is sought in offering scripts on good health, etc., to stations. The A.O.A.'s own Code of Ethics prohibits individuals from advertising their services, in accordance with accepted medical practice.

DAVID LAWRENCE DISAGREES WITH BROADCASTERS

David Lawrence, editor of the United States News, spoke over Columbia Broadcasting System, Sunday, Oct. 29, on "Freedom for the Thought We Hate." The talk was in answer to the broadcast by Neville Miller, NAB president, on the previous Sunday, when news and controversial public issues sections of the code were supported over the same network.

Mr. Lawrence asserted his agreement with Voltaire, who is credited with saying "I wholly disagree with what you say, but I will defend unto death your right to say it."

It was his opinion that radio is a form of publishing. Because of this premise he took issue with the broadcasters in many of their conclusions.

"Now my principal contention," said Mr. Lawrence in part, "is that radio broadcasting owners have surrendered their individual freedom by setting up a Code of compliance or enforcement. . . . Some of the radio owners believe that the present statute—which says their licenses

shall be granted by the government only when the stations conduct themselves in accordance with 'the public interest, convenience and necessity'—means that radio itself is somehow affected with a 'public interest' like a public utility and hence is in a different category from the press. I think this is a dangerous interpretation. I regret to say it has already been proclaimed in speeches by various chairmen of the Federal Communications Commission possibly because some day they wish to justify the exercise of wider powers. But in a court test I hope this interpretation will some day be held to be unconstitutional.

"The air itself does not belong to the Government but to the people whose rights are reserved under our written constitution. The air does not belong to the government any more than does the air in an auditorium where people assemble. What is spoken over the long distance telephone wires which makes this very network of nation-wide transmission possible, is no more subject to governmental regulation than would be my voice if carried from a private telephone in my home to an auditorium three thousand miles away where several hundred persons could assemble and listen through what is known as a 'public address' system of amplifying devices such as anybody can lease nowadays from a local telephone company at established rates.

"Yes, of course, there is a limited number of wave lengths. Hence the government has the function of seeing to it that frequencies do not overlap and that mechanical disturbances or collisions are reduced to minimum in order that the 'public interest, convenience and necessity' may be served. But to infer from this that programs may be regulated is to turn back the pages of history to the dark days when well-meaning bureaucrats in our own land sought to regulate, if not censor, the contents of newspapers or periodicals just because of the existence of the second-class mail privilege granted by the government itself. That battle has been fought and won, and so must the battle be won against those bureaucrats in government who have been trying by insidious means to give radio a special status just because it also benefits incidentally from a government-granted privilege.

"Nor has the President of the United States, as some have been led to believe, any lawful power over the radio at any time except while we are at war. During the existence of a foreign war in which we are neutral the Constitution with its guarantees of free speech and a free press is by no means suspended. No governmental commission, therefore, and no executive agency of the government has any constitutional power over radio programs at this time notwithstanding the existence of such a provision approximating that power in one of the provisions of our neutrality laws. Such clauses should be repealed or promptly tested in the courts.

"The National Association of Broadcasters chooses, I regret to say, the path of submission when they concede

that the phrase 'public interest, convenience and necessity' bestows on the federal government any implied power over content of radio programs."

NAB CODE IS NOT CENSORSHIP

"Insofar as the Code bears upon the issues of free speech and censorship, it is one of the most welcome developments we have seen in the United States in a long time."

That was the conclusion reached by Quincy Howe, an executive editor of Simon and Schuster, publishers, New York City, and chairman of the National Council for Freedom from Censorship, in a broadcast over NBC-Red, at 6:45 p. m. November 2.

His ideas were diametrically opposed to those expressed by Newspaperman David Lawrence, over CBS, which appears elsewhere in this issue of NAB REPORTS.

"Censorship (the denial of the right of free speech," said Mr. Howe, "can be exercised only by some public official, some member of the Federal, State, municipal, or community government . . ."

Referring to the Code adopted by NAB, Mr. Howe said that "it is a course which can not fail to meet the full approval of all Americans who dislike censorship . . ."

"Theoretically, any private self-regulation is to be preferred to government regulation since government regulation is censorship. . . . As long as the radio industry remains as honest and competent as it is today, there can be no doubt that the present system of self-regulation, especially if the principles of the present Code are maintained, will be infinitely preferable to a radio industry censored and perhaps finally controlled by the government.

". . . Any discussion of free speech and censorship today must include some reference to the times in which we live. Because we still enjoy free speech in the United States; because we have no censorship over here, we sometimes take these things for granted. We do not realize always that free speech is not an end in itself. Free speech is one of the benefits we have gained under our democratic system, and, like any other benefit, it must be used to be enjoyed."

TO DISCUSS CODE OVER CBS AND NBC

Two radio talks on the NAB Code are scheduled for the week of November 4. On that date Edgar Bill, president of WMBD and chairman of the Committee of Audience Relations, will speak over the Columbia Broadcasting System, 1:45-2 p. m., EST.

On Friday, November 10, 9:30-9:45 p. m., EST, Samuel McCrea Cavert, general secretary of the Federal Council of the Churches of Christ in America, will give his interpretations of the NAB Code over the National Broadcasting Company's Blue Network.

TRANSCONTINENTAL BROADCASTING SYSTEM

According to press reports today, November 2nd, the Transcontinental Broadcasting System, incorporated in Wilmington, Delaware, with seven stockholder directors, is holding its first directors' meeting today. Stockholders are reported to be: H. J. Brennan of Pittsburgh; John Roberts and Clarence Crosby, both of St. Louis; Jack Stewart and Thomas Evans, both of Kansas City; Lester E. Cox of Springfield, Missouri; and Elliott Roosevelt, President of the Texas State Network. John T. Adams of Fort Worth, Vice President of the Texas State Network was elected to head the new chain, with William A. Porter of Washington, D. C., elected a director and vice president.

Mr. Roosevelt is quoted as explaining that all of the stockholders except himself were directors of the new corporation and that he was represented on the Board by John T. Adams. He stated, "The Texas Network is a part of the new chain but I do not want to give the impression that I am the organizer of the chain. I am, as an operator of radio stations, only a one-hundredth part of it."

MONTANA CASE

The following exchange of letters between the County Attorney of Missoula County, Montana, and the FCC was made public Friday, October 27:

"COUNTY OF MISSOULA
State of Montana
MISSOULA, MONTANA

October 7, 1939.

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

DEAR SIR:

As the duly elected prosecuting attorney for the County of Missoula, State of Montana, on June 22, 1939, I filed criminal charges against Gene Buck, Claude Mills, John Paine, Lewis Frohlich, Lenox Lohr, Niles Trammel, A. L. Ashby, John Royal, William Paley, Edward Klauber and Isaac Levy. The Complaints were based on the alleged crimes of Attempted Extortion, Attempt to Obtain Money by False Pretense, both felonies, and Conspiracy to Extort, a misdemeanor.

The defendants, some of whom are officers of the National Broadcasting Company and the Columbia Broadcasting System which own and operate stations under licenses from your body, so long as the public interest is concerned, are resisting extradition. Why?

The proof we have against these individuals is overwhelming. They are participants in one of the most gigantic frauds ever perpetrated on the American people. You perhaps do not realize this, and I am not going to "tip my hand," so to speak, to convince you. However, I do wonder whether it is to the public interest of our citizens to have common fugitives from Justice, and that is what they are, operate valuable public franchises.

They have the money to stand trial. If they are innocent they will be released by a jury of our citizens. Therefore I am asking your Honorable Body not to renew any licenses of any station owned and operated by the National Broadcasting Company and the Columbia Broadcasting System without full hearing as to the reasons why they do not clear themselves of felony and misdemeanor charges in the State of Montana. If they are guilty of these practices in this State, they are guilty elsewhere.

I am sending copies of this letter to the National Broadcasting Company, the Columbia Broadcasting System and to Senator Burton K. Wheeler, Chairman of the Interstate Commerce Committee

of the United States Senate, asking him to hold a hearing on this matter at an early date.

Very truly yours,

EDWARD T. DUSSAULT,
County Attorney.

ETD/jn cc-NBC, CBS
Hon. Burton K. Wheeler."

* * *

"FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C.

October 19, 1939.

Mr. Edward T. Dussault,
County Attorney,
County of Missoula,
Missoula, Mont.

DEAR SIR:

The receipt is acknowledged of your letter dated October 7, 1939, concerning criminal charges against certain individuals, some of whom are officers of either the National Broadcasting Company or the Columbia Broadcasting System.

You request the Commission not to renew any license of any station owned and operated by the National Broadcasting Company and the Columbia Broadcasting System without full hearing as to the reasons why they do not clear themselves of felony and misdemeanor charges in the State of Montana. You will understand, of course, that the Commission cannot set for hearing the renewal application of a licensee corporation because an officer of such corporation is resisting extradition unless the basis of the criminal charge against such officer is such as to indicate that the licensee corporation is not operating its station in the public interest. Without any information concerning the basis of the charges against the officers of the National Broadcasting Company and the Columbia Broadcasting System referred to in your letter, the Commission would not be warranted in ordering a hearing on the renewal applications of these licensees because such officers of the company are resisting extradition.

If you should furnish the Commission with additional facts concerning the basis for the criminal charges referred to in your letter, you may be sure that the matter will be given further consideration by the Commission.

Very truly yours,

T. J. SLOWIE,
Secretary.

MEE/RLW/WCK:1m

FLY SEES PRESIDENT

James Lawrence Fly, Chairman, and Frank R. McNinch, former Chairman of the Federal Communications Commission, conferred with President Roosevelt at the White House early this week. They told newsmen at the end of the conference that they had been discussing a number of radio problems with the President. It was reported at the Commission that the conference dealt with the Telegraph Company merger, data for which is being gathered for the Senate Committee on Interstate Commerce by the Communications Commission together with other Departments.

**FEDERAL COMMUNICATIONS
COMMISSION**

FINAL ORDER

The Federal Communications Commission has ordered that its grounds for decision of November 1, 1938, deny-

November 3, 1939

ing the application of the Travelers Broadcasting Service Corporation, **Hartford, Connecticut**, for voluntary assignment of licenses to the Travelers Broadcasting Company, "be set aside, and upon consideration of complete information concerning the proposed transfer, further ordered the application be denied."

This matter involves the joint application of The Travelers Broadcasting Service Corporation and the Travelers Broadcasting Company, requesting the Commission's consent to assignment of license of radio-broadcast Station WTIC, and short-wave Stations WIXEH, W1XLU, W1XO, W1XT, from The Travelers Broadcasting Service Corporation to the Travelers Broadcasting Company.

The Commission adopted a final order denying without prejudice to the filing of a new application for appropriate facilities the application of the Brown County Broadcasting Company for authority to construct a new station in **Brownwood, Texas**, to use **990 kilocycles**, 1000 watts power, daytime operation.

"The Commission's allocation plan," it explained, "is not an attempt arbitrarily to limit the broadcasting facilities of any community. It is a carefully devised plan, based on experience, to attain the best and most comprehensive service possible for the greatest number of listeners."

PROPOSED FINDING

The Federal Communications Commission has announced the adoption of proposed findings of fact proposing to grant the applications of **WNBC, New Britain, Conn.**, and **KQV, Pittsburgh**, both for modification of licenses to increase operating power on **1380 kilocycles**; **WNBC** from 250 watts night, 1000 watts LS, to 1000 watts unlimited time using a directional antenna; and **KQV** from 1000 watts day, 500 watts night, to 1000 watts unlimited time using a directional antenna at night and to change the phasing of the directional antenna.

**FEDERAL COMMUNICATIONS
COMMISSION DOCKET**

The following hearings and oral arguments are scheduled before the Commission in broadcast cases for the week beginning Monday, November 6. They are subject to change.

Tuesday, November 7

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—C. P., 950 kc., 1 KW, unlimited time. Present assignment: 1120 kc., 100 watts, daytime.
NEW—Lakeland Broadcasting Co., Willmar, Minn.—C. P., 680 kc., 250 watts, daytime.

Wednesday, November 8

Hearing To Be Held in Room No. 4, Twelfth Floor,
Post Office Building, Boston, Massachusetts

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

WAAB—The Yankee Network, Inc., Boston, Mass.—Renewal of license (main and auxiliary), 1410 kc., 1 KW, 1 KW LS (main), *500 watts, 1 KW LS (auxiliary), unlimited time. *Auxiliary purposes only.

Thursday, November 9

Reargument Before a Quorum of the Commission

Report No. I-711:

F. W. Meyer, Denver, Colo.—C. P., 1310 kc., 100 watts, 250 watts LS, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

NEW—Paducah Broadcasting Co., Inc., Hopkinsville, Ky.—Granted C. P. for a new station to operate on 1200 kc., 250 watts, unlimited time.

KELD—Radio Enterprises, Inc., El Dorado, Ark.—Granted C. P. to make changes in equipment and increase power from 100 watts, unlimited, to 250 watts, unlimited time.

WLBK—Bowling Green Broadcasting Co., Bowling Green, Ky.—Granted modification of C. P. approving studio and transmitter site at Cemetery Pike and Lehman Avenue; installation of new equipment and vertical radiator, and increase in night power from 100 to 250 watts.

KMO—KMO, Inc., Tacoma, Wash.—Granted voluntary assignment of license from KMO, Inc., to Carl E. Haymond.

NEW—St. Lawrence Broadcasting Corp., Ogdensburg, N. Y.—Granted amended application for C. P. for a new station to operate on 1370 kc., 250 watts, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

WQXR—Interstate Broadcasting Co., Inc., New York City.—Granted amended application for C. P. authorizing move of transmitter site locally, installation of new equipment, and increase in power from 1 KW to 5 KW. Exact transmitter site and type of antenna to be determined with Commission's approval.

KABC—Alamo Broadcasting Co., Inc., San Antonio, Tex.—Granted modification of license to increase night power from 100 watts to 250 watts.

WSKB—McComb Broadcasting Corp., McComb, Miss.—Granted modification of license to change hours of operation from daytime to unlimited, using night power of 100 watts.

WOGB—Cape Cod Broadcasting Co., near Hyannis, Mass.—Granted modification of C. P. to increase night power from 100 to 250 watts.

WLEU—WLEU Broadcasting Corp., Erie, Pa.—Granted modification of license to increase night power from 100 to 250 watts.

WHBY—WHBY, Inc., Appleton, Wis.—Granted modification of license to increase night power from 100 to 250 watts.

KFXJ—Western Slope Broadcasting Co., Grand Junction, Colo.—Granted modification of license to increase night power from 100 to 250 watts.

KROC—Southern Minnesota Broadcasting Co., Rochester, Minn.—Granted modification of license to increase night power from 100 to 250 watts.

WLLH—Merrimac Broadcasting Co., Inc., Lowell, Mass.—Granted modification of license to increase night power from 100 to 250 watts.

WAPO—W. A. Patterson, Chattanooga, Tenn.—Granted modification of license to increase night power from 100 to 250 watts.

WTJS—The Sun Publishing Co., Inc., Jackson, Tenn.—Granted modification of license to increase night power from 100 to 250 watts.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—Granted modification of license to increase night power from 100 to 250 watts.

WSVS—Elmer S. Pierce, Principal, Seneca Vocational High School, Buffalo, N. Y.—Granted renewal of license to January 1, 1940, and application removed from hearing docket, since application of WBNY for the facilities of WSVS has been dismissed.

DESIGNATED FOR HEARING

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

NEW—J. D. Falvey, Ottumwa, Iowa.—Application for C. P. for new station to operate on 1210 kc., 100 watts, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

NEW—Chilton Radio Corp., Dallas, Tex.—Application for C. P. for new station to operate on 1370 kc., 250 watts, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval. (Applicant requests facilities of station KFJZ, Fort Worth, Tex.)

NEW—V. O. Stamps, Dallas, Tex.—Application for C. P. for new station to operate on 1370 kc., 250 watts, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval. (Applicant requests facilities of station KFJZ, Fort Worth.)

NEW—Harold Thomas, Bridgeport, Conn.—Application for C. P., already in hearing docket, amended so as to request frequency 1420 kc., with 250 watts power, unlimited time. Exact studio and transmitter site and type of antenna to be determined with Commission's approval.

NEW—Ralph M. Lambeth, Greensboro, N. C.—Application for C. P. for new station to operate on 1370 kc., 250 watts, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

NEW—E. E. Krebsbach, Miles City, Mont.—Application for C. P. for new station to operate on 1310 kc., 100 watts night, 250 watts day, unlimited time.

NEW—Star Printing Company, Miles City, Mont.—Application for C. P. for new station to operate on 1310 kc., 250 watts, unlimited time. Exact studio and transmitter site and type of antenna to be determined with Commission's approval.

RENEWAL OF LICENSES

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

KDFN, Casper, Wyo.; KGER, Long Beach, Calif.; KSLM, Salem, Ore.; WBBC (auxiliary), Brooklyn, N. Y.; WQBC, Vicksburg, Miss.

KIJG—Eagle Broadcasting Co., Inc., Portable-Mobile.—Present relay broadcast station license was further extended upon a temporary basis only pending determination upon application for renewal, for the period ending December 1, 1939.

WHK—United Broadcasting Co., Cleveland, Ohio.—Granted extension for period of one month, from November 1 to December 1, pending receipt and determination upon application for extension, of special experimental authorization to transmit facsimile signals from 1 to 6 a. m., EST, using 1 KW power.

MISCELLANEOUS

WSVA—Shenandoah Valley Broadcasting Corp., Harrisburg, Va.—Granted special temporary authority to operate additional time on November 10, 18, 30 and December 2, in order to broadcast football games only.

KBTM—Jay P. Beard, d/b as Regional Broadcasting Co., Jonesboro, Ark.—Granted special temporary authority to operate simultaneously with station KGH1 from 7:30 p. m., CST, to the conclusion of Jonesboro High School football games on November 2, 10 and 24, and University of Arkansas football games on November 4, 11, 17 and 30, from local sunset (November, 5 p. m., CST) to conclusion of game only.

WBAA—Purdue University, W. Lafayette, Ind.—Granted special temporary authority to operate additional time on October 28 in order to broadcast football game originating at Santa Clara.

- WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 2 to 3 p. m., EST, on November 4, 11, 18, 25, December 2, in order to broadcast newscasts, musical programs and other features of public interest; to operate from 8:30 a. m. to 10 a. m. and from 2 to 3 p. m., on November 5, 12, 19, 26 and December 3, in order to broadcast religious services, newscasts and musical programs; to operate unlimited time on November 7, 11, 30, December 1 and 2, in order to broadcast musical programs and newscasts.
- WAAB—The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to rebroadcast reception from a Navy plane flying over Boston and vicinity in order that conversation between the plane and ground may be broadcast generally for reception by the general public on October 27, in connection with Navy Day program.
- WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to operate from 5:30 p. m., EST, until conclusion of Redskins football game only, on October 29, and to operate from 5 p. m. until conclusion of Redskins football games only, on November 5.
- NEW—Springfield Radio Service, Inc., Springfield, Ohio.—Denied without prejudice motion for leave to intervene in the hearing on the application of Radio Voice of Springfield, Inc., for C. P., exceptions noted by counsel for petitioner.
- WHA—State of Wisconsin, University of Wisconsin, Madison, Wis.—Granted petition requesting withdrawal of pending application for C. P. to change frequency and increase power, requesting facilities of WMAQ.
- WPRR—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate additional time on November 5, 12, 19 and 26, in order to broadcast games of semi-pro series only.
- NEW—Radio Voice of Springfield, Inc., Springfield, Ohio.—Adopted an order deleting from the Commission's hearing notice in re application for a new station in Springfield, paragraph 2, which reads as follows: "To determine whether the granting of this application or the application of Springfield Radio Service, Inc., B2-P-2382, or both, will serve public interest, convenience and necessity."
- KFVS—Oscar C. Hirsch, tr/as Hirsch Battery & Radio Co., Cape Girardeau, Mo.—Granted special temporary authority to operate simultaneously with station WEBQ from 8:30 p. m. to 10:30 p. m., CST, on October 27 and November 3 and 17, 1939, and from 7:30 p. m. to 9 p. m., CST, on October 28 and November 9, 1939, in order to broadcast football games only as described in letter dated October 18, 1939.
- WPTF—WPTF Radio Company, Raleigh, N. C.—Denied extension of special temporary authority to operate from 11 p. m. to 12 p. m., EST, for the period beginning October 30, 1939, and ending in no event later than November 28, 1939, in order to broadcast programs as described in letter dated May 27, 1939, pending action on application.
- WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—Granted special temporary authority to operate additional time simultaneously with station WFAS on November 23 and 30, 1939, in order to broadcast football games only.
- KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate additional time simultaneously with station WGBF with reduced power of 250 watts, on November 1, 1939, in order to permit WGBF to broadcast a Soil Conservation Debate.
- WGBF—Evansville on the Air, Evansville, Ind.—Granted special temporary authority to operate simultaneously with station KFRU as above in order to broadcast a Soil Conservation Debate only.
- WMFD—Richard Austin Dunlea, Wilmington, N. C.—Granted special temporary authority to operate additional time after local sunset for the period beginning November 1, 1939, and ending November 30, 1939, in order to broadcast late weather forecasts only.
- WHPT—Radio Station WMFR, Inc. (High Point, N. C.), Portable-Mobile.—Granted license to cover C. P. for low frequency relay broadcast station WHPT, frequencies 1622, 2058, 2150 and 2790 kc., power 50 watts, to communicate as a relay broadcast station in accordance with Sections 4.21 and 4.22(c); to be used with applicant's standard broadcast station WMFR.
- WAIN—Peoria Broadcasting Co., Peoria, Ill., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station, frequencies 1622, 2058, 2150 and 2790 kc., power 25 watts, to communicate as a relay broadcast station in accordance with Sections 4.21 and 4.22(c); to be used with applicant's standard broadcast station WMBD.
- WOI—Iowa State College of Agriculture and Mechanic Arts, Ames, Iowa.—Granted license to cover C. P. for move of studio and transmitter sites and installation of new equipment.
- WMAM—M & M Broadcasting Co., Marinette, Wis.—Granted license to cover C. P. for new station to operate on 570 kc., 250 watts, daytime only.
- WEGV—The Champaign News-Gazette, Inc. (Champaign, Ill.), Portable-Mobile.—Granted license to cover C. P. to make changes in equipment.
- WLPM—Suffolk Broadcasting Corp., Suffolk, Va.—Granted modification of C. P. for approval of studio and transmitter site and installation of vertical radiator.
- WHPT—Radio Station WMFR, Inc. (High Point, N. C.), Portable-Mobile.—Granted modification of C. P. to make changes in equipment.
- WLLH—Merrimac Broadcasting Co., Inc., Lowell, Mass.—Granted authority to determine operating power by direct measurement of antenna input in compliance with terms of Sec. 3.54.
- WLLH—Merrimac Broadcasting Co., Inc., Lawrence, Mass.—Granted authority to determine operating power by direct measurement of antenna input in compliance with terms of Sec. 3.54.
- WWNC—Asheville Citizen-Times Co., Inc., Asheville, N. C.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Sec. 3.54.
- WENR—National Broadcasting Co., Inc., Chicago, Ill.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Sec. 3.54.
- WLS—Agricultural Broadcasting Co., Chicago, Ill.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Sec. 3.54.
- KIT—Carl E. Haymond, Yakima, Wash.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Sec. 3.54.
- WAIJ—WIBX, Inc. (Utica, New York), Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station; frequencies 1622, 2058, 2150, 2790 kc.; power 50 watts; to communicate as a relay broadcast station in accordance with Sections 4.21 and 4.22(c); to be used with applicant's Standard Broadcast Station WIBX.
- WEGI—The Baltimore Radio Show, Inc., Baltimore, Md., Portable-Mobile.—Granted license to cover C. P. to make changes in equipment and increase power to 2 watts.
- WEGJ—The Baltimore Radio Show, Inc., Baltimore, Md., Portable-Mobile.—Granted license to cover C. P. to make changes in equipment and increase power to 2 watts.
- KROW—Educational Broadcasting Corp., Oakland, Calif.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Sec. 3.54.
- WDGY—Dr. George W. Young, Minneapolis, Minn.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Sec. 3.54.
- W1XPW—WDRG, Inc., Meriden, Conn.—Granted special temporary authority to rebroadcast over high frequency broadcast station W1XPW the transmissions from high frequency broadcast station W2XMN, for a period not to exceed 30 days, in order to experiment as to the feasibility of such a system.
- WQDM—Regan & Bostwick, St. Albans, Vt.—Granted special temporary authority to operate from local sunset (November, 4:30 p. m., EST), to 5:15 p. m., EST, on November 4, 11, 18 and 25, in order to broadcast high school football games only.
- WHKC—United Broadcasting Co., Columbus, Ohio.—Denied special temporary authority to operate from local sunset at Los Angeles (November, 7:45 p. m., EST), to 8 p. m., EST, on November 1, 3, 6, 8, 10, 13, 15, 17, 20, 22, 24, 27 and 29, in order to broadcast the "Lone Ranger".
- WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Denied special temporary authority to operate from 5 to 5:15 p. m., EST, for the period November 1 to November 30, in order to broadcast news programs.
- KFJZ—Tarrant Broadcasting Co., Fort Worth, Texas.—Granted C. P. to install new equipment.
- KRBM—KRBM Broadcasters, Bozeman, Mont.—Granted license to cover C. P. for new station to operate on 1420 kc., 100 watts night, 250 watts day, unlimited time.
- KRE—Central California Broadcasters, Inc., Berkeley, Calif.—Granted authority to determine operating power by direct

- measurement of antenna input in compliance with terms of Sec. 3.54.
- KJBS**—Julius Brunton & Sons Co., San Francisco, Calif.—Granted authority to determine operating power by direct measurement of antenna input in compliance with terms of Sec. 3.54.
- KGKO**—KGKO Broadcasting Co., Fort Worth, Texas.—Granted authority to determine operating power by direct measurement of antenna input in compliance with terms of Sec. 3.54.
- WKNY**—Kingston Broadcasting Corp., Kingston, N. Y.—Granted modification of C. P. for approval of studio and transmitter site, changes in equipment and installation of vertical radiator.
- KFAR**—Midnight Sun Broadcasting Co., Fairbanks, Alaska.—Granted license to cover C. P. for new station to operate on **610 kc.**, 1 KW, unlimited time.
- NEW**—E. B. Sturdivant, d/b as Silver Crest Theatres, Yuma, Ariz.—Denied petition for reconsideration and oral argument, in re application of Yuma Broadcasting Company, Yuma, Arizona, for a new station to operate on **1210 kc.**, 100 watts night, 250 watts LS, unlimited time, which was granted by the Commission on August 8, 1939, without hearing.
- NEW**—United Theatres, Inc., San Juan, P. R.—Denied petition for review of ruling by Commissioner presiding at motions docket, in which a petition of Enrique Abarca Sanfeliz, San Juan, was granted to reopen hearing in re application of United Theatres, Inc., and Enrique Abarca Sanfeliz, both for new stations in San Juan.
- WMBQ**—Metropolitan Broadcasting Corp., Brooklyn, N. Y.—The Commission, on its own motion extended the effective date of provision (3) of its order of December 6, 1938, 30 days from November 1, 1939. This order authorized WWRL to include in the operating time of its station the time previously utilized by station WMBQ, on which a further hearing has recently been held.
- WRTD**—The Times-Dispatch Radio Corp., Richmond, Va.; **WRNL**—Richmond Radio Corp., Richmond, Va.—Denied petitions of WRTD and WRNL to rehear or reconsider the application of WMBG, Havens & Martin, Inc., Richmond, Va., for C. P. to increase power on frequency **1350 kc.**, from 500 watts, unlimited time to 1 KW night, 5 KW day, unlimited time, which application was granted by the Commission on June 21, 1939.
- WTMJ**—The Journal Company, Milwaukee, Wis.; **NEW**—Sentinel Broadcasting Corp., Salina, N. Y.—Denied petitions of WTNJ and the Sentinel Broadcasting Corp. in so far as they request final action by the Commission on application of the Sentinel Broadcasting Corp. for a new station to operate on **620 kc.**, 1 KW, unlimited time, prior to the time pending applications for 5 KW power which are related thereto, become available for decision.
- WFLA**—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—Denied petition for review of Commissioner Payne's action in denying leave of petitioner to intervene in the hearing on the application of Stuart Broadcasting Corp. (WROL), Knoxville, Tenn.; affirmed the action of Commissioner Payne, noting petitioner's exception to the order denying intervention.
- WWSW**—Walker & Downing Radio Corp., Pittsburgh, Pa.; **WTMJ**—The Journal Company, Milwaukee, Wis.; **WHJB**—Pittsburgh Radio Supply House, Greensburg, Pa.—Denied petitions in so far as they request final action on the application of WHJB for C. P. to move transmitter, install directional antenna for nighttime use, and increase power to 1 KW on **620 kc.** prior to the time pending applications for 5 KW power, which are related thereto, become available for decision.
- KUTA**—Jack Powers, et al., d/b as Utah Broadcasting Co., Salt Lake City, Utah.—Denied petition of KUTA appealing from the action taken by Commissioner Case presiding in motions hearing on June 30, 1939, granting motion of KDYL, Intermountain Broadcasting Corp., Salt Lake City, to amend the notice of hearing in re application of KUTA to change frequency and power, by adding issues relating to economic interests.
- WEJI-WEJL**—National Broadcasting Co., Inc., New York City, N. Y.—Granted special temporary authority to use RCA Victor Transmitters for operation under New York area licenses relay broadcast stations WEJI and WEJL respectively, as Public Address relay stations in feeding the public address system in the auditorium from points in the area not accessible to wireline service in connection with the National Horse Show to be held in Madison Square Garden for the period November 4 to 11.
- WCAT**—So. Dak. State School of Mines, Rapid City, S. Dak.—Granted special temporary authority to operate additional time on November 3 and 11, in order to broadcast football games only.
- WAIR**—C. G. Hill, Geo. D. Walker and Susan H. Walker, Winston Salem, N. C.—Denied special temporary authority to operate from 5:15 to 5:30 p. m., EST, on November 5, 12, 19 and 26, in order to broadcast The Musical Steel Makers program.
- KGU**—Marion A. Mulrony & Advertiser Publishing Co., Ltd., Honolulu, T. H.—Denied special temporary authority to operate from 10:45 to 11:15 p. m., LST, during the month of November, 1939, in order to serve the public interest, convenience and necessity.
- C. T. Sherer Company, Inc., Worcester, Mass.**—Granted petition of C. T. Sherer Co., Inc., for review of orders of September 11 and September 29, 1939, and the action of the Commissioner presiding at the Motions Docket on September 11, granting petition of Worcester County Broadcasting Corp. to intervene was vacated; the order of the Commissioner presiding in Motions Docket on September 29, denying the petition of the above-entitled applicant to reconsider and vacate the order granting such intervention, was vacated; the petition of intervention filed by Worcester County Broadcasting Corp. on August 17, was denied; and the following named pleadings and documents filed in the above-entitled proceeding by Worcester County Broadcasting Corp. was stricken from the record: (1) proposed findings of fact filed October 12, 1939; (2) motion to strike part of applicant's proposed findings filed October 17, 1939, and (3) motion to dismiss with prejudice filed October 19, 1939.
- WJRD**—James R. Doss, Jr., Tuscaloosa, Ala.—Granted special temporary authority to operate additional time on November 2 in order to broadcast the Northport, McGill School game only.
- WNEL**—Juan Piza, San Juan, P. R.—Granted extension of special temporary authority to rebroadcast sustaining program to be received from International Broadcast stations WNBI and WRCA over station WNEL, for the period November 6 to December 5, 1939.
- KGFL**—KGFL, Inc., Roswell, N. Mex.—Granted special temporary authority to operate additional time simultaneously with station KICA on November 29, in order to broadcast Roswell High School football game only.

APPLICATIONS FILED AT FCC

550 Kilocycles

- WSVA**—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—C. P. to install new transmitter, new antenna, and increase power from 500 watts to 1 KW; move transmitter from 5 miles south of corporate limits, east of Valley Pike, Harrisonburg, Va., to site to be determined, Harrisonburg, Va.
- KFYR**—Meyer Broadcasting Co., Bismarck, N. Dak.—C. P. to install directional antenna for night use, and increase power from 1 KW, 5 KW LS, to 5 KW day and night.

570 Kilocycles

- WNAX**—WNAX Broadcasting Co., Yankton, S. Dak.—C. P. to install directional antenna for night use, increase power from 1 KW, 5 KW LS, to 5 KW day and night.

580 Kilocycles

- WILL**—University of Illinois, Urbana, Ill.—Authority to determine operating power by direct method.

890 Kilocycles

- KARK**—Arkansas Radio & Equipment Co., Inc., Little Rock, Ark.—C. P. to install new transmitter, increase power from 1 to 5 KW.

920 Kilocycles

- KFEL**—Eugene P. O'Fallon, Inc., Denver, Colo.—C. P. to install new transmitter, increase power from 1 to 5 KW.

1010 Kilocycles

- KQW**—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—License to cover C. P. (B5-P-1712) as modified for new

transmitting equipment, directional antenna day and night use, increase power, and move of transmitter.

1120 Kilocycles

- WDEL—WDEL, Inc., Wilmington, Del.—License to cover C. P. (B1-MP-649) for new transmitter and increase in power.
WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Authority to determine operating power by direct measurement of antenna power.

1200 Kilocycles

- KFXD—Frank E. Hurt, Nampa, Idaho.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.
WDLF—Panama City Broadcasting Company, Panama City, Fla.—Modification of C. P. (B3-P-2213) for a new station, requesting approval of antenna and approval of studio and transmitter site at near Cove Hotel, Panama City, Fla.
WSAL—Frank M. Stearns, Salisbury, Md.—Voluntary assignment of license from Frank M. Stearns to Eastern Shore Broadcasting Co., Inc.
NEW—Grand Rapids Broadcasting Corp., Grand Rapids, Mich.—C. P. for a new broadcast station to be operated on **1200 kc.**, 250 watts, unlimited time.
KHBC—Honolulu Broadcasting Company, Ltd., Hilo, T. H.—Modification of license to change name of licensee to Hawaiian Broadcasting System, Ltd.

1210 Kilocycles

- KANS—The KANS Broadcasting Co., Wichita, Kans.—Modification of C. P. (B4-P-2479) for changes in equipment and increase in power, requesting authority to make changes in type of transmitter, extend commencement and completion dates 90 days after grant and 90 days thereafter, respectively.
NEW—Louis R. Spiwak and Maurice R. Spiwak, d/b as L & M Broadcasting Co., Ottumwa, Iowa.—C. P. for new station on **1210 kc.**, 250 watts, unlimited time. Amended: To 100 watts night, 250 watts day.
WKOK—Sunbury Broadcasting Corporation, Sunbury, Pa.—C. P. to make changes in equipment, increase power from 100 watts to 250 watts day and night.
WGRM—P. K. Ewing, Greenwood, Miss.—License to cover C. P. (B3-P-2341) for move of studio and transmitter.
NEW—Dixie Broadcasting Corp., Gainesville, Ga.—C. P. for new station on **1210 kc.**, 250 watts power, unlimited time.

1250 Kilocycles

- KXOK—Star-Times Publishing Co., St. Louis, Mo.—C. P. to install new transmitter; make changes in DA (use day and night); change frequency from **1250 kc.** to **630 kc.**, power from 1 KW to 1 KW, 5 KW LS; move transmitter to site near National City, Ill. Contingent on WGBF and KFRU. Amended to make changes in DA, request 5 KW power day and night, and give transmitter site as near Granite City, Ill.
WKST—Keystone Broadcasting Co., New Castle, Pa.—License to cover C. P. (B2-P-2428) as modified for equipment changes and increase in power.

1290 Kilocycles

- WATR—The WATR Co., Inc., Waterbury, Conn.—Authority to determine operating power by direct measurement.

1310 Kilocycles

- WJPR—John R. Pepper, Greenville, Miss.—License to cover C. P. (B3-P-2312 and B3-MP-823) for new station.
WJPR—John R. Pepper, Greenville, Miss.—Authority to determine operating power by direct method.
KWEW—W. E. Whitmore, Hobbs, N. Mex.—C. P. to change frequency, power, and hours of operation from **1500 kc.**, 100 watts power, daytime, to **1310 kc.**, 250 watts power, unlimited time, and make changes in equipment. Contingent on KFYO, B3-P-2455.
KHUB—John P. Scripps, Watsonville, Calif.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

WLNH—Northern Broadcasting Company, Laconia, N. H.—License to cover C. P. (B1-P-2527) for changes in equipment and increase in power.

NEW—Leonard A. Versluis, Grand Rapids, Mich.—C. P. to erect new station to be operated on **1310 kc.**, 250 watts, unlimited time.

1320 Kilocycles

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, Hawaii.—Modification of license to change name of licensee to Hawaiian Broadcasting System, Ltd.

1330 Kilocycles

KRIS—Gulf Coast Broadcasting Company, Corpus Christi, Tex.—C. P. to install new transmitter and directional antenna; increase power from 500 watts to 5 KW. Amended to request changes in equipment, omit request for changes in antenna, and request 1 KW power.

1370 Kilocycles

- KGFL—KGFL, Inc., Roswell, N. Mex.—Modification of license to change hours of operation from 6 a. m. to 1 p. m. and 4 p. m. to 7:30 p. m., MST, to 6 a. m. to 7:30 p. m., MST. Amended to change requested time from specified hours to unlimited time.
WLLH—Merrimac Broadcasting Company, Inc., Lawrence, Mass.—Extension of special experimental authority to operate a "satellite" station on **1370 kc.**, 10 to 100 watts power, unlimited time, to be operated in addition to WLLH in Lowell, Mass., for period ending 12-1-40, located at Gregg Bldg., Lawrence, Mass.
WCOS—Carolina Advertising Corp., Columbia, S. C.—License to cover C. P. (B3-P-1233) as modified for new broadcast station.
WISE—Harold H. Thoms, Asheville, N. C.—License to cover C. P. (B3-P-1066) as modified for a new station.
KVGB—Helen Townsley, Great Bend, Kans.—C. P. to make changes in equipment and increase power from 100 watts to 250 watts.
KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—License to cover C. P. (B4-P-2528) for changes in equipment and increase in power from 100 to 250 watts.
NEW—Anthracite Broadcasting Co., Inc., Scranton, Pa.—C. P. to erect a new station to be operated on **1370 kc.**, 250 watts, unlimited time.

1390 Kilocycles

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—C. P. to install directional antenna for night use, increase power from 1 KW, 5 KW LS, to 5 KW day and night.

1410 Kilocycles

KMED—Mrs. W. J. Virgin, Medford, Ore.—License to cover C. P. (B5-P-1892) as modified for equipment changes, and increase in power.

1420 Kilocycles

- KSAN—Golden Gate Broadcasting Corp., San Francisco, Calif.—License to cover C. P. (B5-P-2492) for equipment changes and increase in power from 100 to 250 watts.
KWAL—Chester Howarth & Clarence Berger, Wallace, Idaho.—Modification of C. P. (B5-P-1967) as modified for a new station requesting extension of completion date from 11-20-39 to 12-20-39.
NEW—E. D. Rivers, Valdosta, Ga.—C. P. for a new station on **1420 kc.**, 100 watts, 250 watts LS, unlimited time.
WHMA—Harry M. Ayers, Anniston, Ala.—C. P. to make changes in equipment, and increase power from 100 to 250 watts day and night.

1430 Kilocycles

NEW—John P. Scripps, Ventura, Calif.—C. P. for a new broadcast station to be operated on **1430 kc.**, 1 KW, unlimited time.

1500 Kilocycles

WGIL—Galesburg Broadcasting Co., Galesburg, Ill.—Modification of license to change hours of operation from day to unlimited time, using 250 watts power day and night.

- WWSW—Walker & Downing Radio Corp., Pittsburgh, Penna.—License to cover C. P. (B2-P-2391) for new transmitting equipment and antenna and move of transmitter.
- WMEX—The Northern Corp., Boston, Mass.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.
- KOTN—Universal Broadcasting Corp., Pine Bluff, Ark.—Authority to determine operating power by direct measurement of antenna power.

1550 Kilocycles

- WOPI—Radiophone Broadcasting Station WOPI, Inc., Bristol, Tenn.—C. P. to install new transmitter, change frequency from 1500 to 1550 kc., increase power from 250 watts to 500 watts, 1 KW LS.

MISCELLANEOUS

- NEW—Columbia Broadcasting System, Inc., New York, N. Y.—C. P. for new high frequency broadcast station located at Chrysler Bldg., 405 Lexington Ave., New York, N. Y., to be operated on 43000 kc., 50,000 watts, unlimited time, special emission.
- W2XVP—City of New York, Municipal Broadcasting System, New York, N. Y.—Modification of C. P. (B1-PHB-53) as modified for changes in transmitting equipment and extension of completion date from 12-15-39 to 90 days after date of grant.
- W8XAD—WHEC, Inc., Rochester, N. Y.—Modification of C. P. (B1-PHB-81) for approval of transmitter site at 979 Mt. Read Blvd., Rochester, N. Y.
- W3XO—C. M. Jansky, Jr., and Stuart L. Bailey, d/b as Jansky & Bailey, Georgetown, D. C.—License to cover C. P. (B1-PHB-45) as modified for new high frequency relay broadcast station.
- WLWH—The Crosley Corp., Portable.—C. P. to install new transmitter.
- WLWI—The Crosley Corp., Portable-Mobile.—C. P. to install new transmitter and increase in power from 5 to 15 watts.
- WEHG—Columbia Broadcasting System, Inc., Portable-Mobile.—Modification of license to change authorized power from 1.5 watts to 2 watts, and make changes in equipment.
- WEHK—Columbia Broadcasting System, Inc., Portable-Mobile.—Modification of license to change power from 1.5 to 2 watts, and make changes in equipment.
- NEW—Bamberger Broadcasting Service, Inc., Newark, N. J.—C. P. for new relay broadcast station in area of WOR, Newark, N. J., on 31620, 35260, 37340, 39620 kc., 0.2 watt, A-3.
- NEW—Bamberger Broadcasting Service, Inc., Newark, N. J.—C. P. for new relay broadcast station in area of WOR, Newark, N. J., on 31620, 35260, 37340, 39620 kc., 0.2 watt, A-3.
- NEW—Westinghouse Electric & Manufacturing Co., area of KDKA, Pittsburgh, Pa.—C. P. for new relay broadcast station on 31220, 35620, 37020, 39260 kc., 2 watts, A-3.
- NEW—Westinghouse Electric & Manufacturing Co., area of KDKA, Pittsburgh, Pa.—License to cover above.
- NEW—J. T. Ward, tr/as WLAC Broadcasting Service, Nashville, Tenn.—C. P. for new relay broadcast station in area of WLAC, Nashville, Tenn., on 30820, 33740, 35820, 37980 kc., 2 watts, A-3 emission.
- KAOV—KRIC, Inc., Beaumont, Tex.—License to cover C. P. (B3-PRY-192) for new low frequency relay station.
- NEW—W. J. Holey, Atlanta, Ga.—C. P. for new high frequency relay station located at 1368 Northview Ave., N. E., Atlanta, Ga., on 43200 kc., 100 watts power, unlimited time, special emission.
- W9XAZ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Modification of C. P. (B4-PHB-67) as modified requesting extension of completion date from 11-28-39 to 2-28-40.
- NEW—R. B. Eaton, Des Moines, Iowa.—C. P. for new television station in Des Moines, Iowa, 100 watts power, A-3 and A-5 emission, 44000-50000 kc. frequency. Amended re antenna, Section 29 and Costs.
- WEGS—Donald A. Burton, Portable-Mobile.—License to cover C. P. (B4-PRE-291) for equipment changes.
- WLWG—The Crosley Corporation, Portable.—C. P. to install new transmitter and increase power from 1 to 2 watts.
- NEW—WBNS, Inc., Columbus, Ohio.—C. P. for new high frequency broadcast station to be located at 50 W. Broad St., Columbus, Ohio, to be operated on 43000 kc., using 250 watts power, unlimited time, and special emission.

- NEW—Pennsylvania Broadcasting Co., Philadelphia, Pa.—C. P. for new high frequency broadcast station to be located at 35 S. Ninth St., Philadelphia, Pa., to be operated on 43400 kc., 1 KW power, unlimited time, special emission.
- W9XUI—University of Iowa, Iowa City, Iowa.—Modification of license to request change in frequencies to 50900-56000 kc., and increase power from 100 to 250 watts. Amended to omit request for increase in power.
- KBQA—Winona Radio Service (M. H. White and R. H. Wiecking, d/b as), area Winona, Minn.—License to cover C. P. (B4-PRY-183) for new relay broadcast station.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

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

Embalmers' Supply Company—A complaint has been issued charging the Embalmers' Supply Company, Westport, Conn., with misleading representations in the sale of embalming fluids and chemicals.

This company manufactures "San-Veino Spray." In connection with the sale of the preparation it allegedly advertised directly and by inference that the U. S. War Department or Army or their chemists originated, developed and perfected the formula used for exhumation purposes on the battlefields of France in 1917 and 1918; that the formula from which the respondent now produces its "San-Veino Spray" made possible the work of exhuming bodies of American soldiers buried in France without spread of infection and diseases, and that the Government gave the respondent the official and exclusive right to use that formula, when such are not the facts.

The true facts are, according to the complaint, that the War Department used the fluid made from the formula now held by the respondent only for experimental purposes in connection with the work of exhuming bodies of American soldiers buried in France and that the formula was neither originated nor developed by the War Department, the Army or their chemists. (3936)

Frontier Asthma Company, Inc.—A complaint has been issued alleging misleading advertisement of a medicinal preparation for treating asthma and hay fever sold by Frontier Asthma Company, Inc., 462 Niagara St., Buffalo, N. Y.

In addition to the Frontier Asthma Company, Inc., the complaint also names as respondents, G. E. Calkins and Guy White, officers, and George H. Calkins and his associates, Ernest N. Post, Harry I. Partridge, William Stanton, B. F. Van Duzee and C. P. Bonham.

Advertisements allegedly asserted that the respondents' product is a cure or remedy for asthma and hay fever and that its use will prevent attacks of those diseases, relieve the suffering incident thereto, build up the system and prevent recurrence of attacks. The complaint charges that these representations are untrue and that the respondents' preparation has no therapeutic value other than providing temporary relief from the paroxysms of asthma and bronchial irritations.

The respondents' advertisements allegedly were false in that they failed to reveal to purchasers that use of the preparations under prescribed or customary conditions may be injurious to health in some cases.

According to the complaint, the individual respondents and the Frontier Asthma Company, Inc., cooperatively advertised the respondents' preparations in various publications, offering free samples. The respondent company allegedly did not send free samples but forwarded the replies to the advertisements to George

H. Calkins and his associates, who then got in touch with the senders of the replies. It is alleged that after purported diagnoses had been made from answers submitted by such prospective customers to a questionnaire furnished by the respondents, Calkins and his associates forwarded the free samples to the customers and recommended use of the Frontier Asthma Company's preparation. (3955)

Michigan Bean Shippers Association—Restraint of trade in the purchase and sale of beans and other farm commodities by members of the Michigan Bean Shippers Association, Saginaw, Mich., is alleged in a complaint against that association, its officers, directors and members.

Through their association, the members are alleged to have combined and conspired to restrain competition through practices such as control of the prices at which they buy and sell, coercing Michigan buyers and sellers of farm commodities to adhere to their program, and preventing the growth of certain new methods of marketing.

Among their customers are large canners, processors, chain store systems and foreign importers. The members allegedly constitute a majority of the elevator men and jobbers buying and selling beans, barley, wheat and other farm commodities in Michigan, which produces 80 per cent of the national navy bean output.

The respondents are alleged to have fixed and maintained by agreement the differentials or "margins" to be received by elevator men for their function of buying farm commodities from producers and reselling them to jobbers and the differentials to be received by jobbers between the price paid by them to elevator men and the price at which the jobbers sold to the trade. This procedure, in connection with the maintenance of "association closes", allegedly foreclosed all opportunity for price competition by elevator men.

It is alleged that the respondents adopted a rule under which they agreed not to deal in "scoop-shoveled" products, that is, commodities handled by a dealer not equipped with the proper buildings and machinery for cleaning beans and grain as they come from farmers' vehicles prior to weighing. This rule allegedly was designed to discourage the use of a portable picker and grader introduced on the market in 1931, a consequence of which was a tendency to injure the elevator operators' business. Theretofore, it is alleged, farmers customarily had brought their commodities to the local elevators for sale, partly because the elevators maintained the only equipment available for the grading and picking process required for the sale of beans.

Among other alleged cooperative activities of the association and its members were the fixing and maintaining of schedules of charges for removing foreign and defective materials from farm commodities at the elevators; refusal to transport farm commodities free of charge from the producers to elevators or shipping points; fixing and maintaining uniform charges for elevator and warehouse storage; maintaining uniform schedules of charges for drying farm commodities in accordance with an established moisture and test weight table; establishing uniform contracts, terms and sale conditions and attempting to coerce others to use such, and maintenance of uniform price quotations for beans with Alma, Mich., as a basing point. (3937)

STIPULATIONS

The Commission has entered into the following stipulations:

Midland Chemical Laboratories, Inc., Dubuque, Iowa, stipulated that it would cease representing that its insecticide "Mill-O-Cide" is effective in destroying all insects, eggs and larvae of insects, or that it is of double strength, and will prevent or eliminate infestation in foodstuffs and keep bugs and insects away from foodstuffs and places where they are stored. (02455)

Quaker Oats Company, Chicago, Ill., in its stipulation, agreed to cease representing that its "Ful-O-Pep" feeding plan for poultry assures more and better chicks, and that the "Ful-O-Pep" mashes or chick starter constitutes the best way of combating and preventing gizzard lesions. The respondent company also stipulated that it would discontinue advertising that "Ful-O-Pep" feeds are the most profitable to use or to sell, or that they will enable prospective purchasers to obtain more eggs, more or better chicks, or more big, sound-shelled premium eggs, unless the comparatives are clearly and specifically stated in direct connection with such claims. (02454)

Wallerstein Company, Inc.—A stipulation approved in February, in which the Wallerstein Company, Inc., 180 Madison Ave., New York, agreed to discontinue certain misleading representations concerning its product "Bosco", a syrup for use as a milk supplement and as a flavor, has been vacated.

The original stipulation related that the Wallerstein company had agreed to discontinue, among others, the representation that its product "has been approved by the American Medical Association or that its use will make milk a perfect food," when, according to information later received by the Commission, such a representation was not published by the Wallerstein company at any time.

In place of the vacated stipulation the Commission has accepted and approved a substitute stipulation which does not contain the above quoted statement but which, in all other respects, is the same as the original stipulation. (02329)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Diesel Power-United Engineering Schools—Prohibiting misleading representations in the sale of correspondence courses in Diesel engines, air conditioning and refrigeration, an order has been issued to cease and desist against Roy Hemphill, trading as Diesel Power-United Engineering Schools, San Francisco, and two corporations of which he was president, namely, Diesel Power-United Engineering Schools, Inc., Minneapolis, and Diesel Power-United Engineering Schools, Kansas City, Mo.

The order forbids representations that the respondents' schools occupy a dominant position in their fields; that their courses qualify a student for any position requiring a degree of skill or technical knowledge greater than that required of a mechanic; that there is a great demand for graduates of the respondents' schools, and that the respondents procure employment for students and graduates, unless such is a fact.

Under the order, the respondents were also barred from representing, through use of the word "engineering" or words of similar meaning, that their courses qualified students as engineers. Findings of the Commission are that the respondents, subsequent to issuance of complaint against them, eliminated the word "engineering" from their trade and corporate names. (3318)

Arthur Longfield, 419 East 22nd St., New York, has been ordered to cease and desist from representing, through the use of containers, labels or wrappers, that a Worcestershire sauce manufactured and distributed by him, is the same as the century-old Lea & Perrins Worcestershire Sauce.

The Commission, in its findings, relates the history of the condiment originally prepared "From the recipe of a nobleman in the country", who was said to be Sir Marcus Sandys, who brought the recipe home from India to his native Worcestershire County. It was acquired by John Wheeley Lea and William Perrins, chemists, who began the manufacture of the sauce in 1835. Lea & Perrins, Ltd., an English corporation, now control its manufacture. It also is manufactured in the United States. (3823)

Petersime Incubator Company, Gettysburg, Ohio, has been ordered to discontinue misleading representations in the sale of "Petersime Electro-Thermo Bath", a device for applying dry heat to the body.

Under the order, the respondent is to cease disseminating advertisements which represent, directly or through implication, that use of its device provides a way to better health and a cure or remedy for rheumatism, arthritis, sciatica, gout, kidney trouble, nervousness, high blood pressure, colds and other ailments.

Other representations to be discontinued are that use of the respondent's cabinet will have any direct influence on basal metabolism or will dispose of poisons that cannot be eliminated by normal body processes, or will lessen or increase body weight, unless such representation is limited to a statement that its employment may effect a temporary loss of weight. (3883)

J. Rose & Company—Jack Rosenfeld, trading as J. Rose & Co., 2316 Locust St., St. Louis, was ordered to discontinue the use of lottery schemes in the sale and distribution of candy to ultimate consumers. Under the order, the respondent was prohibited from supplying others with lottery devices for use in the sale of candy or other merchandise, and from selling any merchandise by the use of such devices. (3212)

FCC Assignments For November

Duties of Commissioners, Secretary, and Chief Engineer of the FCC as allocated by Order No. 28, dated November 29, 1937, which provides "That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon:

**ASSIGNMENT FOR
MONTH OF
November**

"All applications for aeronautical, aircraft, geophysical, motion picture, airport, aeronautical point to point, municipal and state police, marine relay, marine fire, and emergency and special emergency radio facilities.

**Commissioner
George Henry Payne**

"All applications for licenses following construction which comply with the construction permit; applications for extensions of time within which to commence and complete construction; applications for construction permit and modification of construction permit involving only a change in equipment; applications to install frequency control; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for special temporary authorization; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter site; and applications for relay broadcast stations.

**Commissioner
Frederick I. Thompson**

"All radio matters of every character (except broadcast, operator licenses and amateur and ship stations) within the territory of Alaska.

**Commissioner
Thad H. Brown**

"All uncontested proceedings involved in the issuance of certificates of convenience and necessity; and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act.

**Commissioner
Paul A. Walker**

"All matters arising in connection with the administration of tariff circulars of the Commission adopted pursuant to Section 203 of the Act, including the waiver of notice for the filing of tariffs.

**Commissioner
Norman A. Case**

"All matters arising under the Rules of Practice and Procedure of the Commission relating to withdrawals, dismissals, or defaults of applications or other proceedings, subject to the statutory right of appeal to the Commission; and to hear and determine all interlocutory motions, pleadings and related matters of procedure before the Commission.

**Commissioner
T. A. M. Craven**

"That the Secretary of the Federal Communications Commission is hereby authorized to determine, order, certify, report or otherwise act, with the advice of the General Counsel and the Chief Engineer, upon:

- (a) all applications for operator licenses, and
- (b) all applications for amateur and ship stations.

**Secretary
T. J. Slowie**

"That the Chief Engineer of the Federal Communications Commission is hereby authorized to determine upon all applications and requests, and to make appropriate order in letter form for the signature of the Secretary in the following matters:

- (a) operation without an approved frequency monitor;
- (b) operation without an approved modulation monitor;
- (c) operation without thermometer in automatic temperature control chamber;
- (d) operation without antenna ammeter, plate voltmeter or plate ammeter;
- (e) operation with substitute ammeter, plate voltmeter or plate ammeter;
- (f) operation with temporary antenna system;
- (g) operation with auxiliary transmitter as main transmitter;
- (h) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application;
- (i) where formal application is not required, application for new or modified equipment or antenna system;
- (j) where formal application is not required, change of specifications for painting and lighting of antenna towers;
- (k) operation to determine power by direct method during program test periods;
- (l) relocation of transmitter in the same building;
- (m) operation with reduced power or time under Rules 142 and 151;
- (n) approval of types of equipment;
- (o) where it appears that terms of construction permit have been complied with, authorization for equipment and program tests or extensions thereof;
- (p) denial of requests for equipment and program tests where specifications of construction permit have not been met;
- (q) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorization it appears that the terms of the construction permit have not been met;
- (r) extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission;
- (s) changes in equipment necessary to comply with technical requirements specified in authorizations, orders, rules or releases (except formal applications);
- (t) representations of compliance with technical requirements specified in authorizations, orders, rules or releases (except formal applications);
- (u) operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location."

**Chief Engineer
Ewell K. Jett**



Code Developments

The NAB Board joined Neville Miller last week in expressing appreciation of John Shepard III's action with regard to Father Coughlin programs on The Colonial Network.

Making a considerable financial sacrifice, Mr. Shepard notified the Board in Chicago that stations owned by The Yankee Network would offer to carry the Coughlin programs on a sustaining basis and that other stations in the network could follow the same course.

In the event that Father Coughlin refused to accept free time, Mr. Shepard said, he would turn over to charity the difference between the payments to stations owned by The Yankee Network and necessary expenses.

"I want to express to you my appreciation for your kindness in coming to Chicago, and also my most sincere appreciation for the splendid way in which you cooperated with us in straightening out what I believe was a very serious problem in connection with the Code," Mr. Miller said to Mr. Shepard.

"I know what it meant to you, and all on the Board admire your action greatly, and we all owe you a real debt of gratitude."

Mr. Miller emphasized that both the Board and he were equally appreciative of the financial sacrifices other stations had made in complying with the Code.

Mr. Shepard issued the following statement:

"The Colonial Network agrees that based on the decision of the Board of Directors of the National Association of Broadcasters, on all programs carried by it for Social Justice Magazine or for The Reverend Charles E. Coughlin, it, as a network, will make no profit, unless such programs have to do with a political campaign, and are thus in full compliance with the NAB Code. The three stations of The Colonial Network, which are owned by The Yankee Network, namely: WAAB, WEAN and WICC will not make any charge to The Colonial Network for carrying these programs.

"The Colonial Network wants to make it clear, however, that they may either refuse to charge the client for these programs, or in case the client insists on making payment for them, The Colonial Network will carry out this obligation by giving to charity the difference between its actual expenses, as specified further on, and thus complies with the NAB Code.

"The expenses above referred to would be the wire line from New York City to Boston, any Government or State taxes, which had to be paid on the revenue, which The Colonial Network accepted, provided the amount paid to charity was not entirely

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

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

CODE DEVELOPMENTS

(Continued from page 3821)

deductible, also any payment which might be paid to affiliated stations, who did not agree to carry the programs free of charge.

"The affiliated stations of the network have the option since we have offered this program on a commercial basis, to refuse to carry it sustaining, in which case we would feel privileged to pay them on the regular network Commercial basis, which would be deducted from the amount which we would give to charity, or charge the client these amounts after he accepted our proposition to carry the program on a sustaining basis.

"It might also be necessary that we recognize the fifteen per cent payment to the agency. Or in other words, if the program is not carried on a strictly sustaining basis at the request of the client, everything, less the actual expenses outlined above will then be given to charity."

Catholic Praises Code

Monsignor John A. Ryan, director, department of social action, National Catholic Welfare Conference, Washington, D. C., has expressed unqualified approval of the code.

Support from this quarter will be registered in every section of the country, however remote, for the National Catholic Welfare Conference has a definite interest in such matters as the code. It is a common agency, acting under the bishops, to promote the welfare of the Catholics of the United States. Monsignor Ryan's department is specifically concerned with the field of industrial relations, international affairs, civic education, social welfare, family life and rural life. His statement of approval follows:

"In my opinion, the general objectives of the Code adopted by the National Association of Broadcasters are very useful and entirely fair. This is true even of the provisions which bar controversial addresses on commercial time. After all, radio facilities differ from newspaper facilities; the former are necessarily limited, while the latter are practically unlimited. Therefore, the amount of facilities accorded to those individuals or groups that

have the money to pay for them, raises the question of substantial monopoly. One man or one group might get control of so much radio time as to deprive many of their fellow citizens of opportunities for addresses that are not controversial. Hence the situation has to be regulated in some way. The regulations issued by the National Association of Broadcasters seem to be as beneficial and just to all groups as are practically obtainable."

Protestant Church Tribute

High praise for the Code was included in an address by Dr. Samuel M. Cavert, general secretary of the Federal Council of Churches of Christ in America, prepared for delivery on the NBC Blue Network on November 10.

Dr. Cavert referred in his opening remarks to the study of radio furnished by the Federal Council of Churches last year under the title "Broadcast and the Public." He said that this report especially stressed the need for standards of social responsibility on the part of radio and that the Code recently adopted by the National Association of Broadcasters "had gone a long way" in establishing for itself those standards.

"Freedom," said Dr. Cavert, "and its preservation is one of the greatest problems of our civilization. The first thing a dictator tries to do is to seize the control of radio for his own propaganda. If radio can be kept responsible to democratic processes we have a powerful bulwark against undemocratic tendencies."

Dr. Cavert said it was his conviction that the new broadcast code had found the right answer to the problem. Access to the air, Dr. Cavert went on to say, is one thing. In this Code it is assured to both sides of every important question regardless of their "relative monetary backing."

However, continued Dr. Cavert, the listeners have rights as well as the speakers.

"Indeed," he said, "the rights of the listener are paramount for without the goodwill of the listening public the radio industry cannot be successful."

Dr. Cavert explained that somebody must take the responsibility of securing a just and equitable distribution of the time as between the advocates of divergent positions.

"What the radio industry has done," said Dr. Cavert, "is to chart a wise course of self-regulation in the handling of not only controversial questions but also of news childrens' programs, educational broadcasts, and advertising."

In conclusion Dr. Cavert paid a high tribute to radio in its handling of religious broadcasts.

"It is a distinctive achievement of radio," said Dr. Cavert, "that it has been able to provide for a religious interpretation of life to a way that is spiritually unifying rather than divisive. The new Code effectively safeguards this achievement and therefore deserves the grati-

tude of all who are conceived for the highest welfare of America."

CIO Trouble in Akron

An inevitable clash between the industry and the CIO on the controversial issues section of the Code broke out in Akron, Ohio, when station WJW cancelled its contract with the United Rubber Workers of America, CIO, for a 15 minute weekly program called "The Voice of Labor."

S. H. Dalrymple, president of the Rubber Workers union, protested to the FCC, claiming the station was destroying freedom of speech.

With Joseph L. Miller, NAB Labor Relations Director, assisting, Mrs. Edythe Fern Melrose, WJW Manager, attempted to arrange a regular labor forum program as a substitute for "The Voice of Labor." One such program was put on the air, with the Code itself up for discussion. Both Mrs. Melrose and Mr. Miller, speaking for the industry, pointed out the merits of the forum type of program and how the Code would work for the benefit of such groups as labor unions in the long run. But the union officials maintained it was a "gigantic conspiracy" between "big business" and the broadcasting industry to throttle freedom of speech and insisted they had the right to buy time to sell unionism just as an automobile manufacturer bought time to sell cars.

Mrs. Melrose then decided to continue "The Voice of Labor" until the present contract expired.

On November 7, T. J. Slowie, Secretary of the FCC, sent the following highly significant letter to Mr. Dalrymple:

November 7, 1939.

UNITED RUBBER WORKERS OF AMERICA
503 United Building
Akron, Ohio

Attention: S. H. Dalrymple, President

GENTLEMEN:

This will reply to your letter dated October 28, 1939, in which you protest against the action of Station WJW in cancelling a contract for broadcast time with your Council and stating that it would not permit further broadcasts of the "Voice of Labor."

The adoption of the Code of Ethics by the National Association of Broadcasters does not in any way alter the duties and responsibilities of licensees of radio broadcast stations under existing law and rules and regulations of the Commission. However, Section 3(h) of the Communications Act of 1934 as amended, provides that persons engaged in radio broadcasting shall not be deemed common carriers, and licensees of broadcast stations may, therefore, legally refuse to sell time to any particular individual or organization. In view of this fact, the Commission is without power under existing legislation to take any action against Station WJW on the basis of the facts alleged in your letter.

Very truly yours,

(S) T. J. SLOWIE,
Secretary.

Edgar Bill Broadcast

As Edgar Bill, chairman of the NAB audience relations committee, and President of WMBD, sees it, every listener has the right to hear both sides of any controversial question raised in a broadcast.

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And the only way a broadcaster can make sure his listeners get this right is to assume such responsibility by giving time and inviting speakers to his studio who will present opposing points of view.

These were among the ideas contained in Mr. Bill's talk before a nation-wide audience over CBS, Sunday afternoon, November 5, from Peoria.

He explained that he did not come to the microphone to defend the code, only to discuss it, for once its provisions are fully understood, opposition vanishes.

An exception, he noted, was among individuals and groups that, unlike ordinary listeners, are motivated by their understanding of "how tremendously the power of radio to influence public opinion has grown."

For the most part these people have ideas to sell, many of which he suggested have selfish motives behind them.

"We must remember," he said, "that radio is just as powerful in selling hatred as it is in selling good-will. With this in mind, think how important it is that both sides of a controversy, not just the side with money, but both sides, be given equal time to present their ideas to you listeners.

"Radio is the forum platform of America. It is far ahead of any other medium in providing a great audience to hear discussions of important questions. This is a fine thing when both sides are equally represented. It is a mighty dangerous thing when the radio audience gets the chance to hear only one side."

After quoting the exact wording of the controversial public issues section, he restated it for the benefit of his listeners as follows: "The sentences of the code mean that every broadcaster who belongs to the National Association of Broadcasters is to give time free for the discussion of important public questions. He is pledged to allot time fairly to both sides, or possibly to all sides, of a controversy. And he is pledged not to sell time for such discussions, because the minute he does, he can no longer allot time fairly to all."

That the code method of allotting time for the discussion of controversial issues had already proven itself, is in accord with the record, Mr. Bill said.

When the Supreme Court battle was rocking the country, his count showed that 42 speakers received free time

over CBS to present opinions, pro and con. The division was 21 and 21.

More recently, when the question of embargo repeal dominated the news and private conversations, CBS, alone, provided free time for eighteen talks for repeal and twenty against repeal. Three were non-partisan.

At his own station, Mr. Bill has pursued the policy of giving free time for controversial discussions for the past two years. In actual practice he said:

"Far from curbing freedom of speech, we have learned that this policy promotes freedom of speech. It also brings more persons to the microphone, whatever their views may be. It gives the listener a chance to hear both sides of every question and then puts upon him the responsibility of making up his own mind."

At this point he effectively disposed of the allegation that stations cannot afford to give away time for controversial discussion, and that, as a consequence, freedom of speech would be curbed.

"Of course, that is not true," he stated. "For years radio stations have been giving free time for public service. During the European crisis of last September, stations all over the country cleared their commercial programs schedules day after day to broadcast special European news.

"Does the American public need to be reminded of the service performed by radio stations during disasters such as the Ohio Valley and New England floods? Networks and stations have given time freely for the discussions of such questions as the arms embargo repeal. This network alone as I told you, gave almost ten hours on that subject. I have mentioned only a few instances in which broadcasters found public service more important than making money. There are many more, certainly enough to prove that the radio industry can, as a public service, afford to give rather than sell time for the discussion of public controversial issues."

Board Action

The NAB Board of Directors meeting in Chicago last week, sustained the interpretations of its Code Compliance Committee in a resolution which expressed "its gratitude and its full approval of the findings of the Committee, which the Board believes will be of lasting benefit to the industry and to the American listening public."

The Code Compliance Committee is responsible for the administration of the new NAB Code which became effective October 1, last.

At the same time, the Board stated that contracts for the sale of time for the discussion of public controversial issues executed prior to October 1, 1939, although in temporary conflict with the code, may be continued to expiration date, or at the discretion of the station manager, may be terminated at an earlier date in conformity with the terms of the contract.

WEST, NEW DIRECTOR

The resignation of Gene Dyer as Director from the Ninth District was presented to the Board of Directors at the meeting held in Chicago last week. Mr. Dyer resigned on account of ill health.

The Board elected William H. West, WTMV, East St. Louis, Illinois, to fill the unexpired term of Mr. Dyer. Mr. West is a veteran in radio activities. He is an engineer and has had considerable experience in station management. At one time he was manager of KMOX, St. Louis, and is now the owner and station manager of WTMV, which is an independent station having no network affiliation.

FREE OFFERS

Member stations last week reported the following free offers received:

Carl Byoir & Associates, Inc.

Child Play Association

Byoir is offering a series of scripts entitled "Keeping Ahead Of The Joneses" which promotes American industry, the American way, etc. The Child Play Association offers a series of scripts describing new toys for Christmas.

Following its usual procedure, the NAB Bureau of Radio Advertising has advised the Child Play Association that station acceptance of its free offer constitutes violation of the NAB Code of Ethics. Acceptance of the Carl Byoir programs merely means that stations leave themselves open to a barrage of requests from opposing philosophies for an equal amount of time in which to answer the views of business.

COST-PER-INQUIRY

The Bureau of Radio Advertising has investigated the recent request of the Sterling Insurance Company, Chicago, for radio advertising on an apparent cost-per-inquiry basis. In replying, this company disclaims any such purpose or intention. The Bureau in its reply has suggested to the Sterling Insurance Company that they revise their form letter to stations to avoid the current widespread misunderstanding resulting from their original request, making it clear that they do not seek to place business on a percentage basis.

R. J. WASMUND

E. C. Reineke, WDAY, Fargo, N. D., joins Don Searle, KOIL, Omaha, in wanting to know the whereabouts of one R. J. Wasmund.

MILLER AT CONFERENCE

Neville Miller represented the broadcasting industry at the Conference on Inter-American Relations in the Field of Education, held here November 9-10 under the direction of the State Department.

WLW APPEAL DENIED

United States Supreme Court this week refused to review the "super-power" case of Station WLW, Cincinnati.

The Federal Communications Commission rendered an opinion on February 6 of this year denying the station's application for an extension of a special temporary experimental authorization to operate on 700 kilocycles with 500,000 watts, unlimited hours.

The station filed a petition for rehearing by the Commission. The Commission denied the rehearing and the station filed an appeal in the Court of Appeals of the District of Columbia. That court upheld the Commission's decision in returning the station to its regular power of 50,000 watts. An appeal was then filed in the United States Supreme Court.

FCC WORLD SERIES INQUIRY

T. J. Slowie, secretary of the FCC has sent questionnaires to all broadcasters on behalf of the Monopoly Committee of the Commission requesting information to be answered by November 15 regarding World Series baseball broadcasts. The information requested included:

(1) Were the World Series baseball games of October, 1939, broadcast over your station?

(2) If such broadcasts were presented over your station, state (a) the substance of any arrangement or agreement by which such programs were made available to you, and (b) whether any attempt was made by any person or organization to influence or persuade you against broadcasting the programs.

(3) If broadcasts of the World Series were not presented over your station, state (a) whether the programs were offered to you but refused by you because of an agreement with a network or other organization; (b) whether you were influenced by other persons or organizations to refuse the programs, or were prevented from accepting them; and (c) whether an attempt was made by you to obtain the programs, and if so, why you were unable to make arrangements to obtain the same.

This information should be reported briefly but in sufficient detail to present the actual facts in the matter to the Committee.

It is requested that replies be made in time for receipt in the Commission not later than November 15, 1939.

MORE POWER FOR RELAYS

The FCC this week issued the following statement regarding the revision of Section 4.25(b) of rules other than broadcast dealing with increased power for relay broadcast stations so that the section will read as follows:

"A relay broadcast station assigned frequencies in Groups D, E, F and G will not be authorized to install equipment or licensed for an output power in excess of

100 watts; provided that before using any frequency in these groups with a power in excess of 25 watts, tests shall be made by the licensee to insure that no objectionable interference will result to the service of any government station, and provided, further, that if the use of any frequency may cause interference then the power shall be reduced to 25 watts or another frequency in the licensed group selected which will not cause objectionable interference."

This increase in allowable power is desirable in order that a more dependable service may be obtained from relay broadcast stations operating on these frequencies.

FCC ALTERS ADMINISTRATION

The Federal Communications Commission has just issued its Administrative Order No. 2 effective December 1, changing the routine duties of members of the Commission.

The Order creates a Board to be known as "The Administrative Board" to handle the routine functions formerly in the hands of individual commissioners. The Board is composed of the General Counsel of the Commission, Chief Engineer, Chief Accountant and the Secretary.

The new Order is as follows:

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

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

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

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

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

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

- (a) temporary operation without specified items of equipment, or with temporary, substitute or auxiliary equipment;
 - (1) operation without an approved frequency monitor;
 - (2) operation without an approved modulation monitor;
 - (3) operation without thermometer in automatic temperature control chamber;
 - (4) operation without antenna ammeter, plate voltmeter or plate ammeter;
 - (5) operation with substitute ammeter, plate voltmeter or plate ammeter;
 - (6) operation with temporary antenna system;

- (7) operation with auxiliary transmitter as main transmitter;
- (b) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application;
 - (c) where formal application is not required, application for new or modified equipment or antenna system;
 - (d) change of specifications for painting and lighting antenna towers where formal application is not required;
 - (e) operation to determine power by direct method during program test period;
 - (f) relocation of transmitter in same building;
 - (g) operation with reduced power or time under Sections 3.57 and 3.71;
 - (h) approval of types of equipment as to compliance with outstanding rules and standards;
 - (i) all authorizations for equipment and program tests, or extensions thereof, where it appears that compliance has been had with the terms of the construction permit;
 - (j) denial of requests for equipment and program tests where specifications of construction permit have not been met;
 - (k) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorizations it appears that the terms of the construction permit have not been met;
 - (l) extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission;
 - (m) representations of compliance with technical requirements specified in authorizations, orders, rules or releases (except formal applications);
 - (n) operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location;
- (3) The Chief Accountant of the Commission is hereby designated to determine, order, certify, report or otherwise act upon:
- (a) administration, interpretation and application of regulations promulgated by the Commission pursuant to Section 220 of the Act, relating to accounts, records, and memoranda to be kept by carriers subject to the jurisdiction of the Commission;
 - (b) application for extensions of time in which to file annual, monthly, and special reports required by the Commission pursuant to Section 219 of the Act;
 - (c) administration, interpretation and application of orders or rules of practice and procedure promulgated by the Commission relating to financial and statistical data of standard broadcast stations and broadcast networks or chains, including applications for extensions of time in which to file financial and statistical statements and reports.
 - (d) all matters arising in connection with the administration of tariff regulations promulgated by the Commission pursuant to Section 203 of the Act, and in connection with the administration of this section in so far as it relates to the modification of requirements thereof or made pursuant thereto, as authorized in particular instances by subsection (b) thereof, and to the rejection of tariffs as authorized by subsection (d) thereof;
- and, where appropriate in carrying out the foregoing, to make orders in letter form for the signature of the Secretary of the Commission.
- (4) A Board, to be called "The Administrative Board," consisting of the General Counsel, Chief Engineer, Chief Accountant, and Secretary of the Commission is hereby designated to determine, order, certify, report or otherwise act upon the following matters; *provided*, however, that said Board may act in such matters only in accordance with established policies of the Commission; *provided further* that three members of said Board shall constitute a quorum:
- (a) all applications for the Coastal, Coastal Harbor, Coastal Telephone, Marine Relay, Aviation, Emergency, and Miscellaneous services, except those falling under paragraphs (1), (2), and (3) of this Order;
 - (b) upon all radio matters of every character (except broadcast, and cases falling under paragraphs (1), (2) and (3) of this Order) within the Territory of Alaska;
 - (c) upon all applications for experimental authorizations except: Class II experimental stations to authorize experimentation directed toward the establishment of new services;
 - (d) upon all broadcast service applications as follows: for licenses following construction which comply with the construction permit; applications for construction permit and modification of construction permit involving only a change in equipment; applications for extensions of time within which to commence and complete construction; applications to install frequency control equipment; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter site not involving any substantial change in service area; and applications for relay broadcast stations;
 - (e) upon all applications or requests for special temporary authorization other than those falling under paragraphs (1), (2), (3) or (5) of this Order;
 - (f) all applications or requests for emergency and renewal exemptions from the provisions of Section 352(b) of the Act;
 - (g) upon all uncontested proceedings involved in:
 - (1) the issuance of certificates of convenience and necessity and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act;
 - (2) applications from existing licensees for instruments of authorization for the Fixed Public or Fixed Public Press radio services, except applications involving (1) new points of communication, (2) changes in transmitter location other than local in character, (3) assignment of additional frequencies, or (4) involving change of policy by the Commission, or the establishment of a new type of service;
 - (h) upon requests for inspection of records under the provisions of Section 1.5(c) of the Commission's Rules of Practice and Procedure;
- Actions taken by the Board shall be reported in writing each week to the Commission at its regular meeting.
- (5) All applications or requests for special temporary standard broadcast authorizations shall be referred to the Administrative Board which shall make appropriate recommendation thereon and refer the same to a Commissioner to be named by subsequent supplements to this Order, who is hereby designated to determine, order, report or otherwise act upon all such applications or requests in accordance with established policies of the Commission.
- (6) A Commissioner, to be named by subsequent supplements to this Order, is hereby designated to hear and determine, order, certify, report or otherwise act upon:
- (a) except as otherwise ordered by the Commission, all motions, petitions or matters in cases designated for formal hearing, including motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; *provided*, however, that such matters shall be handled in accordance with the provisions of Sections 1.251 to 1.256, inclusive, of the Commission's Rules of Practice and Procedure;
 - (b) the designation pursuant to the provisions of Sections 1.231 to 1.232 of the Commission's Rules of Practice and Procedure of officers, other than Commissioners, to preside at hearings.
- (7) Any party affected by any order, decision, or report of any individual, board, or individual Commissioner, to whom authority is delegated under the provisions hereof, may file a petition for rehearing, as provided by Section 1.271 of the Commission's Rules of Practice and Procedure, before the Commission, and every such petition shall be passed upon by the Commission.

FEDERAL COMMUNICATIONS COMMISSION

FINAL ORDERS

The Federal Communications Commission has granted in a final order the application of the Nebraska Broadcasting Corporation for the construction of a new station at **Fremont, Nebraska**, to operate on **1370 kilocycles**, 250 watts day, 100 watts night, unlimited hours of operation. The final order follows a proposed finding of fact issued by the Commission on October 3.

The Commission has adopted its finding of fact and issued an order granting the application of KRRV, **Sherman, Texas**, authorizing it to move its transmitter site, install new equipment, including a directional antenna for operation of the station on **880 kilocycles**, unlimited time, 1000 watts. The station now operates on **1310 kilocycles**, 250 watts, daytime only.

A final order has been issued by the Commission granting the application of Orville W. Lyerla for a new broadcast station to be erected at **Herrin, Illinois**, to operate on **1310 kilocycles**, 100 watts night, 250 watts LS, unlimited time. In this same case also the Commission "denied without prejudice to their right to make further application to use frequency **1370 kilocycles**, or other appropriate wavelength, the applications of the Harrisburg Broadcasting Company (WEBQ), **Harrisburg, Illinois**, and of Oscar C. Hirsch, tr/as Hirsch Battery and Radio Company (KFVS), **Cape Girardeau, Missouri**, for modification of licenses. (WEBQ requested change in frequency from **1210** to **1310 kilocycles**, and KFVS requested authority to operate unlimited time on **1210 kilocycles** instead of sharing with Station WEBQ.)"

The Commission has adopted a final order denying the application of WMFF, **Plattsburg, New York**, to install new transmitter, make changes in its antenna system, change its transmitter site, and operate on **1240 kilocycles**, 1000 watts, employing a directional antenna at night. The station now operates on **1310 kilocycles**, 100 watts night, 250 watts day, unlimited time.

The Commission also has issued a final order granting the application of WSUI, **Iowa City, Iowa**, to increase its power to 1000 watts night, 5000 watts day, unlimited time, to install new equipment and to move the transmitter to a new site locally, employing a directional antenna both day and night.

A final order has been adopted by the Commission denying the application of the Thumb Broadcasting Company for permission to construct a new station at **Brown City, Michigan**, to use **880 kilocycles**, with 1000 watts power, daytime only.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

No hearings or oral arguments are scheduled before the Commission in broadcast cases for the week beginning Monday, November 13.

FUTURE HEARINGS

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

December 1

Hearing Before Paul A. Walker, Commissioner,
To Be Held in Grand Jury Room No. 212, U. S. Court House,
Phoenix, Arizona

KUMA—Albert H. Schermann, Yuma, Ariz.—Hearing upon Order of Revocation of License of Station KUMA.
NEW—E. B. Sturdivant, d/b as Silver Crest Theatres, Yuma, Ariz.—C. P., **1420 kc.**, 100 watts, specified hours.

December 4

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—C. P., **620 kc.**, 500 watts, 1 KW LS, unlimited time (DA night). Present assignment: **1310 kc.**, 100 watts, 250 watts LS, unlimited time.

January 8

Further Hearing

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—C. P., **950 kc.**, 1 KW, unlimited time. Present assignment: **1120 kc.**, 100 watts, daytime.
NEW—Lakeland Broadcasting Co., Willmar, Minn.—C. P., **680 kc.**, 250 watts, daytime.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WNBH—E. Anthony & Sons, Inc., New Bedford, Mass.—Granted C. P. to move transmitter site locally, install new equipment and vertical radiator, increase night power from 100 to 250 watts. Exact transmitter site and type of antenna to be determined subject to Commission's approval.
WGBR—Eastern Carolina Broadcasting Co., Goldsboro, N. C.—Granted C. P. to make changes in equipment and increase power from 100 to 250 watts.
WGTM—WGTM, Inc., Wilson, N. C.—Granted C. P. to make changes in equipment and increase power from 100 to 250 watts.
KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Granted C. P. to install new equipment and increase day power from 1 KW to 5 KW.

WCNC—Albemarle Broadcasting Co., Hickory, N. C.—Granted license to cover C. P. authorizing new station to operate on **1370 kc.**, 100 watts night, 250 watts day, unlimited time. Also granted authority to determine operating power by direct measurement of antenna input.

WCNC—Albemarle Broadcasting Co., Hickory, N. C.—Granted modification of license to increase night power from 100 to 250 watts.

WFLA—Florida West Coast Broadcasting Company, Inc., Tampa, Fla.—Granted authority to transfer control of corporation from the Florida West Coast Broadcasting Company, Inc., to The Tribune Company. (This involves the transfer from Fred J. Lee to the Tribune Company of 10 shares, or 10 per cent, of the 100 shares of outstanding no-par value common stock of the Florida West Coast Broadcasting Co., Inc., for the consideration of \$6800.00.)

WHBU—Leo M. Kennett, Anderson, Ind.—Granted transfer of control of Anderson Broadcasting Corp., licensee of WHBU, to Roy E. Blossom and Leo M. Kennett.

KTBC—State Capitol Broadcasting Assn., Austin, Tex.—Granted voluntary assignment of license from State Capitol Broadcasting Association (R. B. Anderson, President), to State Capitol Broadcasting Association, Inc.

WIS—Station WIS, Inc. (Assignor), Columbia, S. C.—Granted voluntary assignment of license from Station WIS, Inc., to The Liberty Life Insurance Company.

WCOU—Twin City Broadcasting Co., Inc., Lewiston, Maine.—Granted modification of license to increase night power from 100 to 250 watts.

WMGA—Frank R. Pidcock, Sr., Moultrie, Ga.—Granted modification of license to increase night power from 100 to 250 watts.

KGLU—Gila Broadcasting Co., Safford, Ariz.—Granted modification of license to increase night power from 100 to 250 watts.

KHUB—John P. Scripps, Watsonville, Calif.—Granted modification of license to increase night power from 100 to 250 watts.

WPID—Petersburg Newspaper Corp., Petersburg, Va.—Granted modification of C. P. to increase night power from 100 to 250 watts, and extend commencement date to 60 days after grant, completion date to 180 days thereafter.

RENEWAL OF LICENSES

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

KBND, Bend, Ore.; KELO, Sioux Falls, S. Dak.; KFVS, Cape Girardeau, Mo.; KPPC, Pasadena, Calif.; KRMD, Shreveport, La.; KROY, Sacramento, Calif.; KSRO, Santa Rosa, Calif.; KVEC, San Luis Obispo, Calif.; KXRO, Aberdeen, Wash.; WALR, Zanesville, Ohio; WBOW, Terre Haute, Ind.; WCOL, Columbus, Ohio; WCPO, Cincinnati, Ohio; WEBQ, Harrisburg, Ill.; WFAM, South Bend, Ind.; WGH, Newport News, Va.; WIBX, Utica, N. Y.; WJBC, Bloomington, Ill.; WKOK, Sunbury, Pa.; WLAK, Lakeland, Fla.; WLVA, Lynchburg, Va.; WMFG, Hibbing, Minn.; WPAX, Thomasville, Ga.; WTEL, Philadelphia, Pa.

KRIS—Gulf Coast Broadcasting Co., Corpus Christi, Tex.—Granted renewal of license for the period ending August 1, 1940.

The following relay stations were granted renewal of licenses for the regular period: WEGA, WEGB, WEGC, area of Chicago; WEGE, area of Lexington, Ky.; WEGK, area of Newark; KEGG, area of Portland, Ore.; WEGP, area of Reading, Pa.; WEGR, WEGS, area of Muncie, Ind.; KEGH, KEGI, area of Fort Worth, Texas; WEGT, area of Syracuse, N. Y.; WEGU, WEGV, area of Champaign, Ill.; KEGJ, KEGK, area of Los Angeles; WEHH, area of New York City; WEHI, area of Charlotte, N. C.; WEHJ, area of Chicago; WEHO, WEHN, area of Detroit; WEHQ, area of Toledo; WEID, area of Harrisburg, Ill.; WEIE, area of Richmond, Va.; WFIF, area of Lawrence, Mass.; WEIH, WEII, area of Indianapolis, Ind.; KEIE, area of Kansas City, Mo.; KEIG, area of Fort Worth, Tex.; KEII, area of Denver, Colo.; WEIR, area of Pittsburgh; KEIN, area of Walla Walla, Wash.; WEIV, area of Lynchburg, Va.; WEIY, area of Miami, Fla.; WEKB, area of East St. Louis, Ill.; KEJA, KEJB, KEJK, area of San Francisco; WEJF, WEJG, area of Cleveland, Ohio; WEJM, area of Chicago; WEOM, area of Aurora, Ill.; WEKD, area of Syracuse, N. Y.; WEKE, area of Syracuse; KEIY, area of Portland, Ore.; WEKH, WEKI, area of Peoria, Ill.; KEJN, area of Tacoma, Wash.; KEGV, area of Wichita, Kans.; WEHZ, WEKL, WEKM, area of Reading, Pa.; WEKN, area of Rockford, Ill.; KEHF, area of El Paso, Texas; WELB, WELC, area of Louisville, Ky.; WELF, WELG, area of Philadelphia; KEHJ, KEHK, area of Fargo, N. Dak.; WELQ, WELU, area of Tuscola, Ill.; WELV, area

of Wheeling, W. Va.; WEMA, WEMB, area of Boston; WEMN, area of Philadelphia; WEMO, area of Pittsburgh; WEMQ, area of Boston; WEMS, area of Pittsburgh, Pa.; WEMT, area of Fort Wayne; WEIJ, area of Indianapolis; WEMU, WEMV, WEMW, area of Cleveland, Ohio; WENL, area of Columbia, S. C.; WENE, area of Lansing, Mich.; WENI, WENJ, area of Akron, WENN, WENO, area of Raleigh, N. C.; WENP, WENQ, WENS, area of Charlotte, N. C.

MISCELLANEOUS

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate from 9 a. m. to 11 a. m. and from 1 p. m. to 3 p. m., EST, on November 23, 1939, in order to broadcast a football game and also other programs of appropriate holiday character (provided WOSU remains silent).

KYOS—Merced Broadcasting Co., Merced, Calif.—Granted special temporary authority to operate from 5 p. m., November 7, to 3 a. m., PST, November 8, 1939, in order to broadcast election returns to the Merced area.

WAHA—Westinghouse Electric & Mfg. Co., Pittsburgh, Pa.—Granted special temporary authority to operate a relay broadcast station in connection with station KDKA, consisting of an R.C.A. Model RB-2 2-watt pack transmitter on relay frequencies in Group E, on November 25, 1939, in connection with the Carnegie Tech football game; program to be carried over network of NBC.

WJBY—Gadsden Broadcasting Co., Inc., Gadsden, Ala.—Granted extension of special temporary authority to rebroadcast Naval Observatory time signals from NAA at Washington, D. C., over station WJBY, for the period beginning 3 a. m., EST, December 1, 1939, and ending not later than 3 a. m., EST, on October 1, 1940.

KEX—Oregonian Publishing Co., Portland, Ore.—Granted extension of special temporary authority to operate a portable MOPA 100-watt transmitter from one hour after local sunrise to one hour prior to local sunset, provided no interference is caused to any other station, on the frequency **1140 kc.**, in the vicinity of Portland, Oregon, for the making of transmitter site tests, during daytime, for the period October 31, 1939, to November 9, 1939.

Robert L. Cotton, representing 40 employees of WINS.—Denied petition for leave to intervene and of intervention in the hearing scheduled for November 27, in re application of Hearst Radio, Inc., to assign license of WINS to Metropolitan Broadcasting Corp.

Broadcast Technicians and Engineers Local No. 913 of the International Brotherhood of Electrical Workers.—Denied petition for leave to intervene and of intervention in the hearing scheduled for November 27, in re application of Hearst Radio, Inc., to assign license of WINS to Metropolitan Broadcasting Corp.

Richard T. Sampson, Riverside, Calif.—Denied petition and request to amend application for new station to change frequency from **1390 kc.** to **1420 kc.**, 250 watts, daytime only, to 250 watts, unlimited, with leave to withdraw application without prejudice.

Roy James Murray, La Crosse, Wis.—Granted motion to accept appearance filed late in re application for new station.

Colonial Broadcasters, Inc., Savannah, Ga.—Granted petition to dismiss application. *with* prejudice. Exceptions noted by counsel for petitioner.

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted petition for postponement of further hearing approximately thirty days from November 7, new date to be fixed by office of the Secretary. KFIO requests C. P. to change frequency from **1120 kc.** to **950 kc.**, power from 100 watts to 1 KW, and time of operation from daytime to unlimited.

Lakeland Broadcasting Co., Willmar, Minn.—Granted motion for continuance of hearing on application for new station to operate on **680 kc.**, 250 watts, daytime, from November 7, for approximately 60 days, new date to be fixed by office of Secretary.

KMAC—W. W. McAllister and Howard W. Davis, d/b as Walmac Company, San Antonio, Tex.—Granted motion for indefinite continuance of hearing on application for C. P. to change frequency, power, and time of operation from November 14, new date to be fixed by the office of the Secretary.

KYOS—Merced Broadcasting Co., Merced, Calif.—Granted petition to intervene in the application of the Broadcasting Corp. of America, for a new station in Riverside, Calif.

- KPRC—Houston Printing Co., Houston, Tex.—Granted petition to intervene in the hearing on the application of KMAC, referred to above.
- KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate additional time on November 11 and 17, 1939, in order to broadcast football games only.
- KFGQ—Boone Biblical College, Boone, Iowa.—Granted special temporary authority to operate from 4 p. m. to 5 p. m., CST, on December 6, 13, 20, 27, 1939, in order to broadcast children's services; to operate from 7:30 p. m. to 8:30 p. m. and from 11 p. m. to 12 midnight on December 3, 10, 17, 24 and 31, 1939, in order to broadcast gospel services.
- WRNL—Richmond Radio Corp., Richmond, Va.—Granted special temporary authority to operate additional time on November 3, 1939, in order to broadcast football game only.
- KUMA—Albert H. Schermann, Yuma, Ariz.—Denied special temporary authority to operate from 10:25 a. m. to 11 a. m., MST, on Tuesdays and Thursdays for a period not to exceed 30 days, in order to broadcast public school programs of an educational, musical, and dramatic class.
- WAHA—Westinghouse Electric & Mfg. Co., Pittsburgh, Pa.—Granted special temporary authority to operate a relay broadcast station in connection with Station KDKA, consisting of an R.C.A. Model RB-2 2-watt pack transmitter on relay frequencies in Group E on November 3, 1939, in connection with a historical celebration known as "Allegheny Up-Rising"; program to be carried over network of NBC. Equipment to be tested on November 2, in order to line up necessary circuits for proposed broadcast.
- WAHA—Westinghouse Electric & Mfg. Co., Pittsburgh, Pa.—Granted special temporary authority to operate a relay broadcast station in connection with Station KDKA, consisting of an R.C.A. Model RB-2 2-watt pack transmitter on relay frequencies in Group E on November 4 and 5, 1939, in connection with the dedication of the new KDKA transmitter site at Allison Park in Pittsburgh; program to be carried over network of NBC.
- KDNT—Harwell V. Shepart, Denton, Texas.—Granted special temporary authority to operate additional time on November 3, 10, 17, 18, 24, and 30, 1939, in order to broadcast football games only.
- WSAL—Frank M. Stearns, Salisbury, Md.—Denied special temporary authority to operate from local sunset (November 4:45 p. m., EST) to 6:30 p. m. on November 23, 1939, instead of November 30, 1939, as authorized by grant on October 21, 1939, in order to broadcast a football game only.
- WKST—Keystone Broadcasting Co., New Castle, Pa.—Granted special temporary authority to operate unlimited time on November 13, 1939, in order to broadcast Red Cross Program as described in letter dated October 24, 1939.
- Samuel M. Emison, Vincennes, Ind.—Granted motion for continuance of hearing scheduled for November 2, to a date after February 1, 1940, on application for a new station to operate on **1420 kc.**, 100 watts, unlimited time.
- W1XOY—The Yankee Network, Inc., Sargents Purchase, N. H.—Granted extension of special temporary authority to continue the operation of experimental radio station W1XOY on the frequency **41000 kc.**, with 500 watts power, pending frequency shift to **39460 kc.** as authorized by renewal of license issued September 29, 1939, this authority to continue from November 6, 1939, until further order of the Commission but not beyond December 6, 1939, and is subject to the condition that no interference is caused to Government radio stations.
- WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Granted special temporary authority to operate from local sunset (November, 4:30 p. m., CST) to the conclusion of Purdue University football games on November 4 and 25, 1939, in order to broadcast football games only.
- WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts only from local sunset (November, 4:30 p. m., CST) to 10 p. m., CST, on November 3 and 10, 1939, in order to broadcast football games; to operate from 7 p. m. to 9 p. m., CST, on November 6, 1939, in order to broadcast Community Chest program.
- KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted special temporary authority to operate from local sunset (November, 4:15 p. m., PST) to the conclusion of the Gonzaga University v. Portland University football game on November 26, 1939, in order to broadcast football game only and to operate an additional ten minutes after the close of the game in order to broadcast United Press Service News.
- KFUO—Evangelical Lutheran Synod of Missouri, Ohio and other States, Clayton, Mo.—Granted special temporary authority to operate from 1 a. m. to 3 a. m., CST, with power of 1000 watts on December 9, 1939, in connection with a DX program.
- WRNL—Richmond Radio Corp., Richmond, Va.—Granted special temporary authority to operate additional time on November 11, 18, and 23, 1939, in order to broadcast football games only.
- KVAK—Carl Latenser, Atchison, Kans.—Granted special temporary authority to operate additional time on November 10, 1939, in order to broadcast football game only; to operate from 5 p. m. to 12 midnight CST, on November 11, 1939, in order to broadcast dedication ceremonies of the new Atchison City Hall.
- W1XOV—The Yankee Network, Inc., Quincy, Mass.—Granted extension of special temporary authority to continue operation of experimental station W1XOV on frequency **27100 kc.**, with 200 watts power, pending frequency shift to **30660 kc.** as authorized by renewal of license issued September 29, 1939; authority to continue from November 6, 1939, until further order of the Commission, but not beyond December 6, 1939, and is subject to condition that no interference is caused to Government radio stations.
- KUMA—Albert H. Schermann, Yuma, Ariz.—Denied special temporary authority to operate from 10 p. m., MST, to the conclusion of football games on November 4 and 18, 1939, in order to broadcast football games only.
- WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Granted license to cover C. P. authorizing changes in equipment.
- WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Granted license to cover C. P. authorizing changes in equipment and increase in day power from 1 KW to 5 KW.
- KVFD—Northwest Broadcasting Co., Fort Dodge, Ia.—Granted modification of C. P. approving studio and transmitter sites, installation of vertical radiator and new equipment.
- Columbia Broadcasting System, Inc., Portable-Mobile (area of New York City).—Granted C. P. for new high frequency relay broadcast station: frequencies **33380, 35020, 37620 and 39820 kc.**, 2 watts. To be used with applicant's broadcast station WABC-WBOQ.
- Columbia Broadcasting System, Inc., Portable-Mobile (area of New York City).—Granted C. P. for new high frequency relay broadcast station; frequencies **33380, 35020, 37620 and 39820 kc.**, 2 watts. To be used with applicant's broadcast station WABC-WBOQ.
- WSAV—WSAV, Inc., Savannah, Ga.—Granted modification of C. P. approving studio and transmitter site, installation of new equipment and vertical radiator.
- WDEL—WDEL, Inc., Wilmington, Del.—Granted license to cover C. P. authorizing new equipment and increase in daytime power from 500 watts to 1 KW.
- WWSW—Walker & Downing Radio, Corp., Pittsburgh, Pa.—Granted license to cover C. P. authorizing move of transmitter site, installation of new equipment and vertical radiator.
- WKST—Keystone Broadcasting Co., New Castle, Pa.—Granted license to cover C. P. authorizing installation of new equipment and increase in day power from 250 watts to 1 KW.
- KAAD—Tarrant Broadcasting Co., Portable-Mobile, Fort Worth, Texas.—Granted license to operate equipment of low frequency relay broadcast station KAAD, formerly licensed to Fort Worth Broadcasters, Inc., which corporation's standard broadcast station has been deleted; frequencies **1622, 2058, 2150 and 2790 kc.**, 40 watts.
- WGNV—Courier Publishing Corp., Newburg, N. Y.—Granted special temporary authority to broadcast electrical transcriptions and live talent to fill intermissions on sustaining basis only, between election return broadcasts on November 7 as authorized by grant of October 21.
- WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Denied special temporary authority to operate from local sunset (November, 4:30 p. m. and December, 4:15 p. m., EST) to 5:30 p. m., EST, with power of 250 watts, for the period November 7 to December 6, in order to broadcast outstanding local, civic, educational, etc., programs.
- Richard T. Sampson, Riverside, Cal.—Continued without date, the hearing on application for new station scheduled for November 13.

- KEGT—Tarrant Broadcasting Co., Portable-Mobile (area of Fort Worth, Texas).—Granted license to operate equipment of high frequency relay broadcast station KEGT, formerly licensed to Forth Worth Broadcasters, Inc., which corporation's standard broadcast station has been deleted. Frequencies 30820, 33740, 35820 and 37980 kc., 2 watts.
- WBIG—North Carolina Broadcasting Co. Inc., Greensboro, N. C.—Granted authority to determine operating power by direct measurement of antenna input.
- KTSW—Emporia Broadcasting Co. Inc., Emporia, Kans.—Granted license to cover C. P. authorizing changes in equipment and increase in power from 100 watts to 250 watts.
- KQW—Pacific Agricultural Foundation, Ltd., San Jose, Cal.—Granted license to cover C. P. authorizing change in transmitter site, installation of new equipment and vertical radiator, and increase in day power from 1 KW to 5 KW, employing directional antenna system for day and nighttime operation.
- Edwin A. Kraft, Portable-Mobile, Juneau, Alaska.—Granted C. P. for new low frequency relay broadcast station, to be used to relay programs where wire facilities are not available to be broadcast over applicant's standard broadcast station KINY. Frequencies 1622, 2058, 2150 and 2790 kc., 50 watts.
- WSMB—WSMB, Inc., New Orleans, La.—Granted special authority to operate during daytime hours with directive array to facilitate and expedite final adjustment and securing measured radials for proof of performance report, for a period not to exceed 30 days, in accordance with C. P. granted June 20.
- L. & M. Broadcasting Co., Ottumwa, Ia.—Denied petition for rehearing and intervention in the matter of the application of KGLO, Mason City Globe Gazette Co., Mason City, Iowa, for C. P. to increase night power from 100 to 250 watts, which was granted by the Commission without a hearing on September 26, 1939.
- KGB—Don Lee Broadcasting System, Los Angeles, Cal.; KDB—Santa Barbara Broadcasters, Ltd., Santa Barbara, Cal.; KFSD—Airfan Radio Corp., Ltd., San Diego, Cal.—Dismissed petitions of KGB and KDB to reconsider Commission action of July 20, 1939, wherein it granted Worcester Broadcasting Corporation permission to file its application for C. P. and incorporate the record in Dockets 5381 and 5378, and to strike said application; or in the alternative that incorporated record in said dockets be stricken; and two petitions of KFSD requesting Commission to reconsider said action, and to designate the material, pertinent and relevant portions of said record which should be considered in connection with said application and include in such designation certain specified portions of said record.
- E. B. Sturdivant, d/b as Silver Crest Theatres, Yuma, Ariz.; KUMA—Albert H. Schermann, Yuma, Arizona.—The Commission postponed the hearing now scheduled for November 15, until December 1, said hearing to be held before Commissioner Walker in the city of Phoenix, Arizona. This matter involves the revocation of license of KUMA, and an application for C. P. by the Silver Crest Theatres applying for the facilities of KUMA.
- WOL—American Broadcasting Co., Washington, D. C.—Denied petition of WOL to modify final order and amend findings and conclusions in re application of Lawrence Heller for a new station in Washington, so as to delete the words "without prejudice", appearing in paragraph 5 of said proposed findings, and at the end of paragraph 4 of the Commission's order of October 18, 1939.
- WJBW—Charles C. Carlson, New Orleans, La.—Granted petition requesting reconsideration of action of October 25, 1939, in designating for hearing the application of WJBW for modification of license to change operating time from specified hours to unlimited on frequency 1200 kc., and granted application without a hearing.
- KFDY—South Dakota State College, Brookings, S. Dak.—Granted special temporary authority to operate from 3:45 to 5 p. m., CST, on November 8, in order to broadcast an address by R. C. Pollock, National Livestock and Meat Board; from 2 to 3:15 p. m., CST, on Nov. 9, in order to broadcast talk by Dr. E. C. Stakman, Plant Pathologist, and from 7:30 to 9:30 p. m., CST; November 9, in order to broadcast program in connection with banquet honoring Eminent Farmers and Homemakers; from 2 to 4:45 p. m., CST, on November 11, in order to broadcast S. D. S. C. v. Morningside football game.
- WMAN—M & M Broadcasting Co., Marinette, Wis.—Granted special temporary authority to operate additional time on November 11, in order to broadcast football games only.
- W1XOJ—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to test the high frequency broadcast equipment of station W1XOJ authorized by modification of construction permit, on the frequency 43000 kc., with power not to exceed 2 KW, for the period November 16 to December 15, in order to make adjustments on equipment installed and for tuning and adjustments of the antenna elements which are now assembled for erection atop 400 foot mast.
- Canadian Broadcasting Corp., Ottawa, Canada.—Granted special temporary authority to operate microphones and pick-up equipment at Blaine, Washington, for picking up programs concerning American-Canadian ceremonies at International Peace Arch for transmission by Pacific Tel. and Telg. Co. lines from Blaine, Wash., to Bellingham, Wash., and to Vancouver, B. C. on November 11, 1939.
- WNYC—City of New York Municipal Broadcasting System, New York City.—Granted special temporary authority to broadcast comments on election returns, live or recorded fill-in music, and other sustaining programs during the time authorized for election returns broadcasts on November 7.
- National Broadcasting Co., Inc., New York City.—Granted special temporary authority to rebroadcast program material to be received from U. S. Army radio station, operating on Army frequencies aboard a bomber while on a Good-Will Flight to South America and return for the period November 9 to November 26; program material to be fed to the National Broadcasting Company network via affiliated station WIOD.
- WSUI—The State University of Iowa, Iowa City, Iowa.—Entered final order (No. B-79) effective November 9, 1939, granting application for construction permit to increase power from 500 watts night, 1 KW, local sunset, to 1 KW night, 5 KW day, unlimited time; to install new equipment and move transmitter to a new site locally, employing a directional antenna both day and night, subject to proof of performance in accordance with Sec. 3.33(b) of the rules governing standard broadcast stations.
- WPTF—WPTF Radio Co., Raleigh, N. C.—Granted special temporary authority to operate with directional antenna during daylight hours for the period beginning November 8, 1939, and ending in no event later than November 14, 1939, in order to facilitate establishing proof of performance.

APPLICATIONS FILED AT FCC

560 Kilocycles

- WQAM—Miami Broadcasting Co., Miami, Fla.—Construction permit to install new transmitter and increase power from 1 to 5 KW.

710 Kilocycles

- WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Construction permit to make changes in directional antenna. Amended re antenna.

770 Kilocycles

- WJAG—Norfolk Daily News, Norfolk, Nebr.—Modification of license to change frequency from 1060 kc. to 770 kc., change hours of operation from limited to WBAL and WTIC to limited to WBBM.

880 Kilocycles

- KVAN—Vancouver Radio Corp., Vancouver, Wash.—License to cover construction permit B5-P-1536 as modified for a new station.
- KVAN—Vancouver Radio Corp., Vancouver, Wash.—Authority to determine operating power by direct method.

940 Kilocycles

- WICA—WICA, Inc., Ashtabula, Ohio.—License to cover C. P. (B2-P-2316) as modified for new equipment and increase in power.

1060 Kilocycles

- WJAG—The Norfolk Daily News, Norfolk, Nebr.—Construction permit to change frequency from 1060 kc. to 770 kc., time from limited to WBAL and WTIC to limited to WBBM, and make changes in antenna system, requesting facilities of KFAB.

1120 Kilocycles

- KTBC—State Capitol Broadcasting Association, R. B. Anderson, President, Austin, Tex.—Modification of license to change specified hours of operation on Sundays only from 6 a. m. to 8:30 a. m. and 9:30 a. m. to local sunset, to 6 a. m. to 9 a. m. and 10 a. m. to local sunset (facilities of WTAW).
- WCOP—Massachusetts Broadcasting Corporation, Boston, Mass.—Authority to determine operating power by direct measurement of antenna power.

1200 Kilocycles

- NEW—West Virginia Newspaper Publishing Co., Morgantown, W. Va.—Construction permit for a new broadcast station to be operated on 1200 kc., 250 watts power, unlimited time.
- WOLS—O. Lee Stone, Florence, S. C.—License to cover C. P. (B3-P-2474) for equipment changes and increase in power.
- WTOL—The Community Broadcasting Co., Toledo, Ohio.—Construction permit for equipment changes and increase in power from 100 to 250 watts.
- WJBL—Commodore Broadcasting, Inc., Decatur, Ill.—Authority to install automatic frequency control apparatus.

1230 Kilocycles

- WFBM—WFBM, Inc., Indianapolis, Ind.—Authority to determine operating power by direct method.

1280 Kilocycles

- WTNJ—WOAX, Inc., Trenton, N. J.—Modification of license to increase day power from 500 watts to 1 KW. Amended by B1-ML-656 to request 500 watts, 1 KW LS power, unlimited time. Request facilities of WCAM and WCAP.

1310 Kilocycles

- WDAH—Tri-State Broadcasting Company, Inc., El Paso, Tex.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.
- KPDN—R. C. Hoiles, Pampa, Tex.—Modification of license to change hours of operation from daytime to unlimited, using 100 watts power.
- KTSM—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.
- NEW—Community Broadcasting Corporation, Middletown, N. Y.—Construction permit for a new broadcast station to be operated on 1310 kc., 250 watts power, unlimited hours of operation.
- KCRJ—Central Arizona Broadcasting Co., Jerome, Ariz.—License to cover C. P. (B5-P-2430) for antenna changes and move.
- KWOC—A. L. McCarthy, O. A. Tedrick and J. H. Wolpers, d/b as Radio Station KWOC, Poplar Bluff, Mo.—Construction permit for equipment changes; increase power from 100 to 250 watts; move studio from 214 Poplar St. to N. Main at city limits, Poplar Bluff, Mo.; change hours of operation from daytime to unlimited.

1370 Kilocycles

- WRAK—WRAK, Inc., Williamsport, Pa.—Authority to determine operating power by direct measurement of antenna power.
- WBTH—Williamson Broadcasting Corporation, Williamson, W. Va.—License to cover construction permit (B2-P-2494) for changes in equipment, increase in power, and changes in hours of operation.
- WPAY—Vee Bee Corporation, Portsmouth, Ohio.—Authority to transfer control of corporation from Chester A. Thompson to the Brush-Moore Newspapers, Inc., 125 shares common stock.

1400 Kilocycles

- WARD—United States Broadcasting Corp., Brooklyn, N. Y.—License to cover C. P. (B1-P-2254) as modified for equipment and antenna changes and move of transmitter.

1420 Kilocycles

- WSLI—Standard Life Insurance Co. of the South, Jackson, Miss.—Voluntary assignment of license from Standard Life Insurance Co. of the South to Standard Life Broadcasting Co.

WMFJ—W. Wright Esch, Daytona Beach, Fla.—Construction permit to install new transmitter and increase power from 100 to 250 watts.

KTRI—Sioux City Broadcasting Company, Sioux City, Iowa.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

KORE—Frank L. Hill and C. G. Phillips, d/b as Eugene Broadcast Station, Eugene, Ore.—License to cover C. P. (B5-P-2518) for equipment changes and increase in power.

1430 Kilocycles

WBNS—WBNS, Inc., Columbus, Ohio.—Authority to determine operating power by direct method.

1450 Kilocycles

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Authority to determine operating power by direct measurement.

1500 Kilocycles

KTOH—Garden Island Publishing Co., Ltd., Lihue, Hawaii.—Modification of construction permit (B-P-1970) as modified for a new station, requesting authority to move transmitter 1 mile (same address) and extend commencement date 60 days after grant and completion date 180 days thereafter.

WNLC—Thames Broadcasting Corp., New London, Conn.—Construction permit to make changes in equipment and increase power from 100 to 250 watts.

NEW—A. Harry Zoog, Vineland, N. J.—Construction permit for a new broadcast station on 1500 kc., 250 watts power, unlimited time. (Sections 21, 22, 23 and 24 not answered.)

MISCELLANEOUS

NEW—Brown Radio Service & Laboratory (Gordon P. Brown, Owner), area of WSAY, Rochester, N. Y.—Construction permit for new relay broadcast station, area of WSAY, Rochester, N. Y., on 1646, 2090, 2190, 2830 kc., 50 watts, A-3.

WLWA—The Crosley Corporation, Cincinnati, Ohio.—Modification of license to change frequency band from 1606, 2022, 2102, 2758 kc. to 1622, 2058, 2150, 2790 kc.

WLWB—The Crosley Corporation, Cincinnati, Ohio.—Modification of license to change frequency band from 1622, 2058, 2150 and 2790 kc. to 1606, 2022, 2102, 2758 kc.

NEW—The WGAR Broadcasting Co., area of WGAR, Cleveland, Ohio.—Construction permit for new relay broadcast station to be operated on 132260, 134080, 135480 and 135760 kc., 100 watts, A-3.

WLWC—The Crosley Corporation, Portable-Mobile.—Modification of license for order relay station using 25 watts for relaying programs and orders concerning such programs, and on 33740 kc., 50 watts, for transmission orders only.

KEIA—Honolulu Broadcasting Company, Ltd., Honolulu, T. H.—Modification of license to change corporate name to Hawaiian Broadcasting System, Ltd.

NEW—WJHL, Inc., Johnson City, Tenn.—Construction permit for new relay broadcast station located in area of WJHL, Johnson City, Tenn., on 1622, 2058, 2150 and 2790 kc., 40 watts, A-3.

WEIK—WFBM, Inc., area of Marion County, Ind.—Modification of license for order relay station using 25 watts for relaying programs and orders concerning such programs and on 31220 kc., 40 watts, for transmission orders only.

NEW—The May Department Stores Co., Los Angeles, Calif.—Construction permit for new high frequency broadcast station at Wilshire Blvd., at Fairfax Ave., Los Angeles, Calif., on 43000 kc., 1 KW power, unlimited time, and special emission for frequency modulation.

WBAN—Bamberger Broadcasting Service, Inc., Newark, N. J.—Modification of license to correct description of transmitting equipment and add A-1 emission.

WBAM—Bamberger Broadcasting Service, Inc., Newark, N. J.—Modification of license to correct description of transmitting equipment and add A-1.

WBAQ—Bamberger Broadcasting Service, Inc., Newark, N. J.—Modification of license to correct description of transmitting equipment.

WBAO—Bamberger Broadcasting Service, Inc., area of New Jersey.—Modification of license to correct description of transmitting equipment.

WEGN—Bamberger Broadcasting Service, Inc., Portable-Mobile.—Modification of license to correct description of transmitting equipment.

WEGK—Bamberger Broadcasting Service, Inc., Portable-Mobile.—Modification of license to correct description of transmitting equipment.

WJHL—WJHL, Inc., Johnson City, Tenn.—C. P. for new relay broadcast station on 1622, 2058, 2150, 2790 kc., located in area of WJHL, Johnson City, Tenn., 40 watts, A-3. (Sections 4, 5, 6, 12c, 16, 25 and Jurat.)

WNAX—WNAX Broadcasting Co., Yankton, S. Dak.—Modification of license to increase power from 1 KW, 5 KW LS, to 5 KW day and night. (Request of attorney, superseded by C. P. application.)

WEJC—National Broadcasting Co., Inc., Washington, D. C.—Modification of license to increase power to 100 watts.

WEJA—National Broadcasting Co., Inc., New York, N. Y.—Modification of license to increase power to 100 watts.

WMVB—Miami Valley Broadcasting Corp., area Dayton, Ohio.—License to cover construction permit (B2-PRY-173) for new relay broadcast station on 1622, 2058, 2150 and 2790 kc., 18 watts, A-3 emission.

NEW—University of Kentucky, Beattyville, Ky.—Construction permit for new non-commercial educational broadcast station to be located in high school building, Beattyville, Ky., on 41900 kc., 100 watts, A-3 emission.

W2XR—Radio Pictures, Inc., Long Island City, N. Y.—Modification of license to utilize equipment of W2XDR (licensed to Radio Pictures, Inc.). Amended: To request reduction in power from 1 KW to 500 watts.

W2XBT—National Broadcasting Co., Inc., area of New York City.—Modification of license to change frequency from 92000 and 175000-180000 kc. to 156000-162000 kc.

WEJC—National Broadcasting Co., Inc., Washington, D. C.—Modification of license to increase power to 100 watts.

NEW—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Construction permit for a new high frequency broadcast station to be operated on 43,000 kc., 1 KW power, unlimited time, special emission. Amended: To give transmitter site as site to be determined, Syracuse, New York.

WENK—WLEU Broadcasting Corp., vicinity of Erie City, Pa.—Construction permit to install new transmitter.

WENK—WLEU Broadcasting Corp., vicinity of Erie City, Pa.—License to cover above.

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—License to cover C. P. (B1-P-2481) for move of transmitter. (Wrong form.)

WAXD—The Birmingham News Co., Birmingham, Ala.—License to reinstate station.

KEIT—Midland Broadcasting Co., Portable-Mobile.—Construction permit to make changes in transmitting equipment.

W2XR—Radio Pictures, Inc., Long Island City, N. Y.—Modification of license to utilize equipment of W2XDR (licensed to Radio Pictures, Inc.). (Section 5.)

W9XAP—National Broadcasting Co., Inc., Chicago, Ill.—Modification of license to increase power to 100 watts.

KIIQ—KMTR Radio Corp., area Los Angeles, Calif.—Construction permit for reinstatement of station.

Adwell Sales Company—See Lee-Moore & Company.

Ajax Tire & Rubber Corporation, 601 West 26th St., New York, engaged in the sale and distribution of automobile tires and tubes, is charged in a complaint with misrepresentation of the number of plies in automobile tires distributed by it, and also, by means of fictitious price lists and other advertising material of the values and retail prices of its tires and tubes.

It is an established custom of automobile tire manufacturers, the complaint points out, to place on the side walls of tires and on the tire wrappings, marks indicating the number of plies contained in the tires. The purchasing public is familiar with this practice, the complaint continues, and relies upon the figures and marks in purchasing tires, having no other way of knowing the actual number of plies.

In the course and conduct of its business the respondent corporation is charged with making false and misleading representations such as "Ajax—The World's Premier Tire—Since 1904," and "Cleated 6 Six—Cleated 8 Eight." The respondent allegedly has also caused to be placed on the wrappings enclosing its tires and on the side walls of the tires certain marks, brands, numbers and insignia which purport to represent and indicate that six and eight plies respectively are used in the construction of such tires.

The complaint alleges that these representations are untrue, that the tires do not contain 6 and 8 plies respectively, but contain a substantially smaller number of plies, and that the respondent's tires and tubes have been on the market only since 1934. It is also alleged that fictitious price lists and other advertising material representing that the values and retail prices of tires and tubes are much greater than actually is the fact, are distributed to retail dealers, placing in the hands of unscrupulous dealers a means to mislead the purchasing public as to the regular values and retail prices of the tires and tubes. (3942)

Eastern Herb Company—"Chinese Herbs" will not purify the blood and rid the system of impurities is charged in a complaint issued against T. F. Hee, trading as The Eastern Herb Company, 1156 Seventh St., San Diego, Calif.

In advertisements in newspapers and periodicals, the complaint charges, the respondent claimed that "Chinese herbs—tested by centuries of actual use in China" were a competent and effective treatment for rheumatism, stomach and heart trouble, high blood pressure, weak lungs, kidney trouble, constipation, and blood disorders.

The complaint avers that the herbs are not a cure or remedy for, or a competent or effective treatment for, the ailments mentioned, and that they do not possess any substantial therapeutic properties of any nature. (3942)

Empire Monument Company—Misleading representation in the sale of imitation marble and granite tombstones and monuments is alleged in a complaint against Charles J. McClennon and Lillie M. McClennon, trading as Empire Monument Company, 108 East Rock Springs Road, N. E., Atlanta.

Advertising their products as "Marble Durastone" and "Granite Durastone," the respondents are alleged to have misleadingly represented them as being genuine natural marble or granite, when, according to the complaint, they are made from cement and other ingredients and are known as cast stone or artificial stone.

The respondents allegedly advertised that their monuments and tombstones would not fade, crumble or deteriorate, and are impervious to extreme heat or cold and to dampness or dryness, and have withstood engineering tests; that the prices at which their stones are advertised are much less than the usual prices, and that a footstone is given free with each order for a tombstone or monument, when such are not the facts. (3939)

Indian River Medicine Company, La Follette, Tenn., is charged in a complaint with making grossly exaggerated, misleading and untrue representations of the efficacy of "Scalf's Indian River Tonic," which it manufactures and distributes as a "natural vegetable compound" and "Nature's Own Health Builder."

By means of radio broadcasts and through advertisements in newspapers and periodicals, the complaint charges, the respondent has represented that its product will prevent and cure colds, build

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

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

up resistance to other minor ailments, is a cure for rheumatism, a competent and effective treatment for removing the causes of sleeplessness, nervousness, indigestion, gas pressure, and aches and pains in the head and joints, is a cure for ailments of the liver, kidneys and stomach, will improve the appetite, increase weight, restore strength and build up the general health of users, has a substantial value in the treatment of asthma, affords a positive relief from chronic ailments, and is composed of natural vegetable ingredients. (3940)

Lee-Moore & Company—Alleging the sale of push cards and punch board lottery devices to dealers for their use in selling their merchandise to ultimate consumers, a complaint has been issued against Morton Cohen, trading as Lee-Moore & Co., and Adwell Sales Co., 180 West Adams St., Chicago. The complaint also charges the respondent with selling novelty articles by means of lottery devices. Among such articles are radios, knives, cigar lighters, fountain pens, cameras, rings and fishing tackle. (3938)

Maple Lawn Hatchery—See Maple Lawn Poultry Farm.

Maple Lawn Poultry Farm—Roy T. Ehrenzeller, trading as Maple Lawn Poultry Farm and as Maple Lawn Hatchery, Mc-Alisterville, Pa., is charged in a complaint issued by the Federal Trade Commission with misrepresentations in the sale of baby chicks.

Among representations which the complaint charges were disseminated in advertisements in newspapers, trade magazines and other publications, the respondent alleged "Bloodtesting means the testing of a sample of blood from an individual bird to find out whether or not the bird is a carrier of pullorum disease (B.W.D.). This is one of the most dreaded and destructive of baby chick diseases. It is transmitted to the chick through the egg. The only sure way to prevent it is to eliminate from the flock every breeder which shows through bloodtesting that it is a reactor to pullorum disease" . . . "Every breeder, male and female, used for Maple Lawn Hatchery, is bloodtested annually and any reactors are immediately removed." (3941)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Brunswick Worsted Mills, Inc.—A Connecticut manufacturer of worsteds and other woolen fabrics and its sales agent, a New York firm, have been served with an order requiring them to cease and desist from misleading representations in the sale of their products to manufacturers of men's suits and other merchandise.

Respondents are Brunswick Worsted Mills, Inc., of Moosup, Conn., and George O. Leckie and Henry C. Haskell, trading as Leckie & Haskell, 257 Fourth Ave., New York. The Commission found that prior to June, 1938, they sold certain worsted and other products or fabrics manufactured by Brunswick from a mixture of fibers consisting of 80 per cent wool and 20 per cent rayon, without disclosing by tags, labels, advertising, or in sales promotional descriptions, that those products contained rayon in substantial amount.

The findings point out that rayon, when so mixed with wool, is indistinguishable by manufacturers and the public for a wholly wool product or fabric.

Sale of fabrics composed partly of wool and rayon without full and non-deceptive disclosure of the fiber content, is prohibited, under the order, which requires that there be stated the true names of the fibers in the order of predominance by weight and the percentages of the fibers present. The order provides, however, that it shall not be necessary to state the percentage of rayon or fiber other than wool, if such other fiber is used exclusively for decorative purposes and is plainly visible as a decoration, and is not more than 5 per cent of the whole fabric or product by weight. (3880)

Kirk Medicine Company—Prohibiting misleading representations in the sale of medicinal products, a cease and desist order

has been issued against Lou Sterling and Walter Fehr Gardner, trading as Kirk Medicine Company, Hollywood, Calif., distributors of a preparation designated as "Kirk's Tablets," "Kirk's Pancreatin Compound Tablets" and "Kirk's Tablets Pancreatin Compound." (3770)

Laing, Harrar & Chamberlin, Inc.—A cease and desist order has been issued requiring Laing, Harrar & Chamberlin, Inc., Philadelphia, and A. J. Sanborn Sons, Inc., and Harry Fain and Alfred Picerno, all of Providence, R. I., to discontinue restraint of trade practices in the purchase and sale of shoe findings and leather and supplies for shoe manufacturers, shoe stores, and shoe repair shops.

Laing, Harrar & Chamberlin, Inc., according to findings of the Commission, during 1937, entered into an agreement with its customers, A. J. Sanborn Sons, Inc., Harry Fain, trading as Fain Leather Company, and Alfred Picerno, trading as Cipolla and Picerno, whereby it would not sell its products to Irving Schretter, trading as Sadler Leather Company, Providence, a wholesale dealer and competitor of the 3 Providence customers, unless those customers consented that such sales could be made.

The respondents also were found to have entered into an agreement during 1937 that the 3 Providence customers would not purchase any articles sold by Laing, Harrar & Chamberlin if that corporation violated its agreement and sold to Schretter contrary to the 3 customers' desires.

As a result of the understanding, it was found, Laing, Harrar & Chamberlin, between December, 1937, and May, 1938, discontinued selling its articles to Schretter, who had been a substantial customer of the Philadelphia house.

The Commission's order prohibits the 3 respondent Providence dealers from carrying out agreements for boycotting or threatening boycott or other coercive methods to induce manufacturers or distributors to refrain from selling to any wholesale dealer, and from interfering, in any manner, with a competitive wholesale dealer's source of supply.

Under the order, Laing, Harrar & Chamberlin, Inc., is directed to cease entering into any agreement or conspiracy for the purpose or with the effect of restraining or monopolizing competition, and to discontinue aiding or abetting the execution of such agreement or combination by refusing to sell its products to wholesale dealers because of inducements offered, or coercive methods used, by competitors of such wholesalers. (3725)

Leckie & Haskell—See Brunswick Worsted Mills, Inc.

E. A. Morgan and Company, and E. A. Morgan, president and owner of that corporation, 412 Building Industries Building, Cincinnati, packagers and distributors of a powdered preparation designated as "Run-Safe," "Run-Free" and "Runless," have been ordered to cease and desist from representing that the product, when applied to silk hosiery or lingerie, will insure it against runs, snags or breaks.

The Commission finds that by statements on labels affixed to its containers and by other means, the respondents have represented to prospective purchasers: "Run-Safe: Cuts Hosiery Expense in Half. Insures your hosiery and lingerie against runs, snags and breaks" . . . "Sets the color, no more rotting or fading." . . . "Rain-Spot Proof."

The Commission finds that the product will not stop or prevent runs, snags and breaks in silk hosiery or lingerie; will not prevent rotting or fading; will not set or hold the color of silk hosiery or lingerie; will not render it rain-spot proof or save for its users approximately 50 per cent of hosiery or lingerie costs, but may increase the resistance to runs in certain types of hosiery.

The respondents are ordered to cease and desist from representing, through use of the terms "Run-Safe," "Run-Free" and "Runless" or other similar terms, or in any other manner, that the product will stop or prevent or insure against runs, snags or breaks, will set or hold the color of hosiery or lingerie, will save approximately 50 per cent of costs or render the hosiery or lingerie rain-spot proof. (3771)

Wahl Company, 1800 Roscoe St., Chicago, manufacturer and distributor of "Eversharp" fountain pens, has been ordered to cease and desist from representing, through use of the term "Leak-Proof," that its pens will not leak, and from misrepresenting the ink capacity of its fountain pens.

Findings of the Commission are that in advertisements in magazines, periodicals and other publications, the respondent, in depictions and statements, has represented that ink cannot leak from its Eversharp fountain pens equipped with the so-called "Safety Ink Shut-Off" device, when the pen is uncapped and the pen point exposed; that ink cannot leak from the pen into the cap when the cap is screwed tightly over the pen point, and that Eversharp pens possess more than twice as much ink capacity as the fountain pens offered for sale and sold by competitors of the respondent.

The Commission finds that under certain conditions ink can and does leak from pens equipped with the shut-off device, but in no greater amount than it does in the case of other high quality fountain pens not equipped with the device, and only under substantially the same conditions. It also finds that Eversharp fountain pens do not hold more than twice as much ink as fountain pens sold by competitors, and in fact such pens have an ink capacity of substantially less than the amount claimed.

The respondent company is ordered to cease and desist from representing through use of the term "Leak-Proof," or any similar terms, that its fountain pens will not leak, until they are so designed and constructed that they will not leak. The respondent is also ordered to cease representing that its fountain pens are equipped with any special device which will prevent leaking, until they are so equipped, and from misrepresenting the ink capacity of its fountain pens. (3836)

STIPULATIONS

The Commission entered into the following stipulations during the week:

American Inventions Company—Joseph Zweigenthal and William A. Safrin, trading as American Inventions Company, 130 West 17th St., New York, sold a type of lantern advertised as being capable of electrocuting mosquitoes and other insects, under the names "Elec-Ray Insect Killer," "Elec-Ray Insect Destroyer" and "Mosquito Elec-Ray Lantern." The respondents stipulated that they would desist from using in their advertisements or their trade names representations tending to convey the impression that insects coming in contact with the device would be instantly killed or destroyed, or that light furnished by the device would attract flying insects in sufficient numbers to make the lantern of distinct value in the control of such insects. The respondents also agreed to cease making representations which directly assert or imply that their apparatus has been patented or has been certified by the National Board of Fire Underwriters or Underwriters Laboratories; that sellers would have no competition, or that salesmen would earn \$1,000 during a summer, when such are not the facts. (2560)

AP Parts Corporation, 1801 Spielbusch Ave., Toledo, distributor of automotive mufflers and exhaust and tail pipes, will discontinue printing the word "Manufacturers" on its stationery or in advertising matter as descriptive of its business, and will cease using that word or other words of similar import or pictorial or other representations the effect of which is a tendency to convey the impression that the corporation makes the products it sells or owns or controls the factory in which they are manufactured, when these are not the facts. (2559)

Claremont Cravat Company, Inc.—See Haband Company.

Gropper Manufacturing Company, Inc., 95 Lorimer St., Brooklyn, manufacturer and assembler of toys, agreed to cease employing the slogan "Made in U. S. A." on the containers of toy assortments or in any other way so as to imply that they are composed of American-made products each item of which has been made in this country, when such are not the facts. The stipulation provides that if an assortment consists in part of both American-made and foreign-made items, and the slogan is used to designate those made in the United States, it shall be accompanied by suitable phraseology to indicate clearly that some parts

of the assortment are made elsewhere than in the United States. (2558)

Haband Company—A seller and a manufacturer of men's neckties have entered into stipulations to discontinue misleading representations in the sale of their products. The respondents are Max Habernickel, Jr., and John A. Anderson, trading as Haband Company, 680 Madison Ave., Paterson, N. J., and Clermont Cravat Company, Inc., 39 West 29th St., New York.

Both respondents agreed to cease employing on labels or in any other manner statements directly asserting or implying that the interlinings of neckties they sell are composed of 100 per cent wool, and to discontinue using the term "100 per cent wool" or the word "wool," alone or with other words, the implication being that such interlinings are wholly wool, when such is not a fact.

The stipulations provide that if the interlining is composed substantially of wool and partly of other materials, the word "wool," if employed to refer to the wool content, shall be clearly accompanied by other words to show that material other than wool is present.

Each respondent agreed to cease making representations to the effect that its necktie underlinings are composed of wool in such substantial quantity as to insure longer wear and better tying qualities, when such are not the facts.

Both respondents also agreed to desist from use of the words "All Silk" as descriptive of neckties not made wholly of silk. The stipulations provide for certain qualifying language to be printed if the ties are composed in substantial part of silk and the word "silk" is used to describe the silk content.

If the products are composed wholly or partly of rayon, such fact is to be made clear in the labeling, invoicing, advertising matter and sales promotional literature, according to both stipulations. (2556-2557)

Leacock & Co., Inc., 230 Fifth Ave., New York, engaged in manufacturing and importing quality and decorative linens, agreed to cease using the word "Linex," independently or in connection with other words, in advertising matter or otherwise, to designate products not made of the fiber of flax, but of a mixture of a natural fiber called ramie, and viscose rayon. The respondent also stipulated that it would discontinue misleading advertising, branding or labeling of any article composed wholly or partly of rayon, agreeing to make full and non-deceptive disclosure of the fiber and other content by clearly designating each constituent fiber in the order of its predominance by weight, beginning with the largest single constituent. In this connection the respondent also agreed to state the percentage of any fiber present in less than a substantial amount, or in any case less than 5 per cent; as, for example, "Ramie and Rayon," when the article is composed of ramie and rayon throughout, with the amount of ramie at least equal to or greater than the rayon proportion. (2562)

Renu-Ink Manufacturing Company—Roger Williams, trading as Renu-Ink Manufacturing Company, 140 West 42nd St., New York, in the sale of "Renu-Ink," a treatment for typewriter ribbons, stipulated that he would cease representing that the product makes typewriter ribbons like new or practically as good as new, instantly or in less than one minute, or at all, or that renewed typewriter ribbons will last as long as new ones. Williams also stipulated that he will discontinue advertising that "Renu-Ink" is "unconditionally guaranteed," when such is not a fact. The stipulation provides that if the respondent uses the words "guarantee" or "guaranteed" or language of similar meaning in advertising, he will make clear disclosure in direct connection therewith of exactly what is offered by way of security, as, for example, refund of purchase price. (2563)

Sierra Press—William Lerner, trading as Sierra Press, 629 Gough St., San Francisco, a printer specializing in wedding invitations and similar material, agreed to cease employing the words "Process Engraved" or "Engraved" or words of similar meaning in his advertising matter, alone or in connection with other words, the effect of which may tend to create the impression that the products so designated are made from inked engraved plates by the engraving process, when such is not a fact. The stipulation points out that the respondent's process consists of the use of a powdered chemical, applied to typewriting while the ink is wet

and subjected to a baking process to present a raised letter effect. (2561)

Thomson-Heywood Company—Engaged in the interstate sale of literature dealing with character analyses, personal readings and personal development, Mrs. L. Thomson, trading as Thomson-Heywood Company, 821 Market St., San Francisco, has entered into a stipulation to discontinue misleading sales representations.

In the sale of her "Strictly Personal and Confidential Astro-Psychological Reading" and other pamphlets, the respondent agreed to cease representing, among other things, that the reading of one's "earth sign" is the only way to obtain authentic or convincing information regarding one's future outlook, and that any person, regardless of environment, age or circumstance, can, by following the respondent's instructions, rapidly develop executive capacity and inventiveness, bring business right out of the air, command all the talent in the world necessary to achieve his

purpose, acquire omniscience, cure physical disorders by merely refusing to think of them and by imagining a healthy condition, and attain success with as absolute certainty as the laws of electricity and mechanics. (2555)

Tylac Company, Monticello, Ill., manufacturer of a composition material known as "Tylac," intended for use as a wall covering, agreed to cease employing in its advertising matter or on stationery, the term "tile," alone or in connection with the trade name "Tylac" or with other words, so as to imply that the products it sells are tile, unless in immediate connection with the word "tile" there appear other words designating the material of which the products are made or which indicate clearly that they are other than ceramics. The stipulation points out that the respondent's products are not ceramics or hard clay products baked in kilns, such as the term "tile", unqualified, is generally understood to mean in the building trade and by the public. (2564)

Pope Pius XII Discusses Radio

Pope Pius XII's remarks about the use of radio by the Catholic Church topped this week's Code developments.

In an encyclical addressed to all Catholics in America, Pope Pius said:

"We have learned with no little joy that the Marconi radio—marvelous invention and excellent image of the apostolic faith that embraces all mankind—is frequently and advantageously put to use in order to insure the widest possible promulgation of all that concerns the church. We commend the good accomplished. But let those who fulfill this ministry be careful to adhere to the directives of the teaching church, even when they explain and promote what pertains to the social problem; forgetful of personal gain, despising personal popularity, impartial, let them speak 'as from God, before God, in Christ.'"

Joseph Alsop and Robert Kintner, outstanding Washington columnists, interpreted the paragraph as "a direct rebuke to Father Charles E. Coughlin."

The NAB Code committee, headed by Edgar L. Bill, WMBD, will meet in Washington on November 28 for consideration of current problems. The following day the committee will have lunch with representatives of some of the leading women's groups in the country.

The Code will be the topic of discussion for Mutual's "American Forum of the Air" on Sunday, November 19, at 8 p. m., eastern standard time. The speakers: Gen. Hugh S. Johnson, Ed Kirby, Morris Ernst, general counsel of the American Civil Liberties Union, and Martin Codel, publisher of *Broadcasting* magazine.

That afternoon, from 1.45 to 2 o'clock, the Rev. Edward Lodge Curran, president of

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NAB STUDIES UTILITIES

The NAB is engaged in a study of the radio-utility situation throughout the United States.

Replies to the first letter seeking information indicate that there are scores of stations which have yet to receive their first dollar of utility revenue. On the other hand, some stations number utilities among their best customers.

A letter asking stations reporting utility business for additional information is soon to be mailed. On receipt of the data, the first part of the utility study will be distributed to members.

CHRISTMAS PROMOTION

The conviction that the closer 100 per cent availability of radio receivers is approached, the more secure will be the industry's position is the basis of the NAB-RMA December promotion.

Details of "Radio Christmas" reached all NAB members this week and a large number of stations have already reported that the plan will get under way within the next two weeks.

A number of utilities are also cooperating with the broadcasters in circulation promotion by inserting stuffers

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Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

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

POPE PIUS XII DISCUSSES RADIO

(Continued from page 3837)

the International Catholic Truth Society, will make a speech on the CBS network about the Code.

This week, Paul W. Morency, WTIC, District 1 director, and Mr. Kirby discussed the Code at a meeting of the Radio Council of Western Massachusetts in Springfield. Mr. Kirby also addressed the Indianapolis Advertising Club.

On the CBS network last Sunday, Samuel B. Pettengill, former congressman from Indiana, assailed the Code as "a threat against the free speech of a free people." His speech was distributed in printed form by the National Committee to Uphold Constitutional Government (New York) which recently asked broadcasters to contribute to a fund to fight for "the freedom and security of radio."

CHRISTMAS PROMOTION

(Continued from page 3837)

in their December bills. These direct their customers' attention to specific programs and suggest the purchase of new and additional radios for Christmas.

Utilities, more than any other group, share the broadcasters' desire for increased listening and increased listeners. The response is reflected on the listener' monthly bill for electricity.

FREE OFFERS

The Bureau of Radio Advertising received notice from member stations of the following free offers during the past week:

- Look Magazine
- Dodd, Mead & Company (Book Publisher)
- Aetna Casualty & Surety Co. (Safety Campaign).

These companies have been advised that acceptance of their requests for free time would constitute violation of the NAB Code. They have been invited to pay for time.

Cost-Per-Inquiry

The Best Company, Anderson, Indiana, has withdrawn its request for radio advertising on a percentage basis, following notification by NAB that such dealings are considered bad business practice by member stations. The company is arranging to buy time at the regular rates.

The Northwest Radio-Television Institute, through the Bromley Advertising Agency, Minneapolis, is seeking to place radio advertising on a cost-per-inquiry basis. Member stations and the Bureau of Radio Advertising have advised both concerns that their offer is in violation of the NAB Code.

Bureau of Radio Advertising

The Bureau of Radio Advertising has started an informal bulletin service to all members, covering activities of the Bureau and other information of related interest. Two releases have gone out to stations, and the Bureau will welcome further suggestions or contributions from the membership. It is planned to have these bulletins supplement the printed trade studies and special releases already supplied to stations through the Bureau of Radio Advertising.

THE POPE'S ENCYCLICAL

Enclosed with this issue of the REPORTS are five copies of a column by Joseph Alsop and Robert Kintner, outstanding Washington commentators, about the relationship between the NAB Code and Pope Pius XII's latest encyclical. Members should place these where they will do the most good. Additional copies are available at headquarters.

FREC FORUM REPORT

In its first issue, the "Service Bulletin of the FREC" announces that a report on forum programs made by Paul M. Sheats of the University of Wisconsin is being prepared for submission to broadcasters and educators. Broadcasters will be especially interested in this report because of its connection with the "controversial public issues" section of the NAB Code.

GOVERNMENT SEEKS PROGRAM CONTROL IN SOUTH AMERICA

Moves toward complete governmental control of radio programs are reported from Uruguay and Argentina. The Uruguayan President has sent to Congress a bill to that effect, while a governmental commission recommended similar legislation in Argentina after a year's study.

FCC COMMITTEE RECOMMENDS "CONDITIONAL" SPONSORSHIP FOR TELEVISION

Warning against pitfalls in giving television a "green light" prematurely, the FCC Television Committee this week nevertheless acknowledged recent progress in that field to the extent of recommending liberalization of exist-

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ing regulations to help popularize this method of visual broadcast.

While the Committee does not favor regular commercialization of television at the present time, it does feel that clarification and simplification of rules would encourage the prospective new industry to advance beyond the "technical" and "experimental" stages.

These opinions are contained in the Second Report of the Television Committee, filed with the Commission today. The report is signed by Commissioner T. A. M. Craven, committee chairman; Norman S. Case, and Thad H. Brown. This is the same committee which, in its First Report, dated May 22, 1939, declared television "barely emerging from the first or technical research stage" and warned against setting up standards that might "freeze" orderly development. The Second Report was prompted by consideration of applications for increased television facilities.

The Committee notes certain television progress since last May, but feels that a "crucial" stage has been reached. Less than a thousand television receivers have been sold since that time, and nearly all of these are in New York City. To date only seven of the 19 channels available for television have been developed to the point of initial readiness for technical service of any character.

Yet the Committee is of the firm conviction that, while not eager to purchase receivers at this time, "the public does not desire to be deprived of the opportunity to enjoy the benefits of television when it is ready for public service." It is the Committee's further opinion that progress henceforth "is directly dependent upon the development of public interest in television as a broadcast service, and that such interest can only be developed through the broadcast of programs that have a high public appeal."

Accordingly, the Committee makes specific recommendations which embrace:

1. Greater public participation in experimental operation.
2. Construction of more stations by properly qualified applicants.
3. Elimination of any regulation which interferes with proper business economic processes.
4. Adoption of a license policy for television broadcasters.

5. Allocation of the seven lower frequency channels as follows: 3 channels to metropolitan districts in excess of 1,000,000 population; 2 channels to areas of between 50,000 and 1,000,000, and 1 channel for districts of less than 50,000.

6. Stimulation of technical development on additional channels now reserved for television.

7. Development of program service in conjunction with research and experimentation.

8. Establishment of minimum requirements for television transmitters.

9. Protection of the public, as far as possible, against loss through obsolescence in receivers.

10. Modification of prohibition against commercialism to permit sponsorship on experimental programs, under certain conditions.

"While the Commission should take no action which discourages pioneering in sound business enterprises, it also has its duty to the public," declares the Committee. "No interests should be permitted to raise public hopes falsely, nor to encourage public investments where the state of scientific or economic development leaves any doubt that such hopes and expenditures are justified for the use of the public property in the radio spectrum. . . . Television should not be expected to reach over night the objectives which are necessary ultimately. It seems logical to conclude that a normal healthy growth is the most certain road to a sustained life of public service."

Regarding commercialization, the report said, in part:

"One company suggested to the Committee that there is a real need for relaxing the Commission's existing rules restricting commercial sponsorship for broadcasting television programs. It was asserted that such removal would stimulate the development of television as a service to the public without in any way retarding logical progress. It was also stated that lifting the existing restrictions would assist in ameliorating the heavy financial burden being shouldered by those pioneers who are endeavoring to develop television program technique, and improved program service to the public would follow. It was claimed that such an improvement would result in better public appreciation and, consequently, more rapid progress in the evolution of television. The organization which made this proposal has pioneered extensively in the development of television and its contributions of capital as well as practical achievements have influenced favorably the advancement of television.

"The Committee has given careful and sympathetic consideration to this proposal, particularly from the standpoint of estimating the extent to which the present restrictions against commercialization constitute a barrier to orderly progress. The Committee is of the opinion that at present the claimed advantages of removing the restrictions against commercialization of television do not outweigh the potential disadvantages.

"Today there is no circulation to attract any sponsor to television as a logical media for securing public response. It appears obvious that before commercialization of television can become feasible, the service should be ready to sell on some reasonable basis of circulation value to the sponsor. Since only a few experimental stations in operation today are rendering broadcast service to not more than 1000 receivers, there is no convincing argument that the removal at this time of the ban on commercialization will affect the development of television in any positive manner.

"On the other hand, there is grave possibility that premature commercialization could retard logical development. There is particular danger that advertising rather than entertainment or education might easily become a paramount factor in programs. In addition, premature commercialization may easily lead to a scramble for television channels by unfitted applicants who have no real public service concept. It may precipitate many stations in local markets before any source of good programs is available. Consequently, it is certain that public reaction to television service would be adverse.

"The Committee does not believe that immediate commercialization of television program service would increase the sale of receivers. On the contrary, it might easily result as a retardation of the ultimate sale of such receivers on a large volume basis.

"Furthermore, immediate commercialization threatens to open the door wide to financial exploitation of the public without any

sound basis therefor. And, finally, premature commercialization might crystallize employment and wage levels before a new-born art and industry has any opportunity to gain sufficient experience to obtain the stability in this phase of the service which is so essential to employer and employee alike.

"It may be that the time is fast approaching when pioneers must receive a return not only on their huge investment but also must secure remuneration for operating expenses. Consequently, the Committee feels that program sponsorship by advertisers is one of the logical means of support for the new television service to the public when such service is ready. The Committee recognizes a particular need for keeping the Commission's regulations abreast of progress. Therefore, applicants should be given the opportunity, at any time, of securing changes in the rules if, as a result of a public hearing, they can demonstrate that public interest will be served by such changes.

"While the Committee does not recommend any radical change in principle in existing rules relating to commercialization, it does suggest a clarification and simplification of existing rules in this respect.

"It should be made clear that the rules do not constitute an artificial barrier to the logical development of program technique, including the development of methods for making television useful as an advertising media conforming to favorable public reaction. Also it should be apparent that sponsorship is not prohibited, provided such sponsorship and the program facilities or funds contributed by sponsors are primarily for the purpose of experimental program development. The intent of the rules should be to prevent commercial exploitation of television as a service to the public prior to demonstrated proof of its readiness for regular operation in accord with public interest, convenience or necessity. Other than such alterations, the Committee is of the opinion that the Commission should not permit regular commercialization of television at present, but that instead the Commission should hold itself ready to consider the problem anew when general development progresses further into practicalities."

BROADCASTING ECONOMICS AGAIN DISCUSSED BY THE COURT

The Court of Appeals of the District of Columbia has dismissed three broadcasting cases including the appeals of WLAC, Tri-State Broadcasting Company, and Tri-City Broadcasting Company.

In the Tri-State case, licensees of station KTSM, the Court dismissed the case. This was an appeal from a decision of the Federal Communications Commission of June, 1938, in which the Commission granted Dorrance D. Roderick a construction permit for a new station to use 1500 kilocycles, 100 watts, unlimited time.

In January, 1937, the Commission granted Roderick's application and Tri-State Company appealed from that decision to the Court of Appeals. The Court reversed the decision of the Commission and remanded the case for further judgment. The Commission vacated its decision of January, 1937, and reopened the case. In June, 1938, the Commission again granted the Roderick application. Tri-State again appealed to the Court on the economic grounds and that it had not had an opportunity to present an oral argument to the Commission.

In its decision in this case the Court said in part:

"Thus, we are called upon to review the finding of the Commission in respect of economic injury resulting from the granting of the license for the new station, to determine whether or not the competition expected to result therefrom will be destructive and ruinous as urged by the appellant.

"The owner of an existing station may well contend in any case that a new station may reduce the present income of his station, but it requires more to justify the Commission refusing to grant the new license. A mere showing that the income of an existing station may be reduced if another station enters its field is not

sufficient. The appellant recognizes that such can not be the criterion of economic injury herein, as it charges that the competition complained of will be destructive and ruinous."

Discussing the question of allowing oral argument the Court says:

"We may not consider the additional grounds advanced by appellant for reversal, except that one which urges the invalidity of the Commission's order because it failed to afford appellant an opportunity to present oral argument before the full membership of the Commission, which had not at any time heard oral argument. Obviously oral argument under the statute is an important right to a party claiming it will suffer economic injury from an additional facility allowed by the Commission. It might very well induce the Commission to make one finding, when, without such argument, it may have made a contrary finding. Right of argument is an indispensable step to a fair hearing."

The Court held, however, that the appellant did not make any request of the Commission for oral argument. The Court on this question says:

"It (Tri-State) failed to give the administrative body an opportunity to grant oral argument, and can not be heard to complain thereof for the first time before this court. It is very clear in the present case that no error occurred in this respect."

The Court also dismissed the WLAC case. This was an appeal from a decision of the Federal Communications Commission of May, 1938. The Commission denied rehearing to WLAC on its granting of an application of WMEX for a construction permit to operate on 1470 kilocycles, 5000 watts, unlimited time using a directional antenna. WLAC appealed because of the alleged failure of the Commission to make findings with respect to interference WMEX would cause to WLAC. WLAC operates on 1470 kilocycles, 5000 watts, day and night.

This is a companion case to the Yankee Network case rendered by the Court, and arose out of the same proceeding. (See NAB REPORTS, Aug. 25, 1939, p. 3676.) In its conclusions in this case the Court says:

"We have said that if the Commission's prior consideration of a previously filed and copending application—where request has been made for joint consideration—has 'seriously prejudiced' an application we would have a case in which we might say that the latter applicant has an appealable interest as a person aggrieved. However, we cannot say, under the circumstances of the present appeal, that appellant has been prejudiced as a matter of law. The Commission's rule, permitting a joint hearing of pending applications, is certainly a reasonable one. As appellant, full-handed with knowledge of the situation, failed to request such a joint hearing, he is in no position to demand—and we have no power to require—that the Commission suspend its normal functions and reopen its proceedings in order to determine the large questions which he seeks now to have determined. For, indeed, large and important questions will be involved in determining whether the Commission's Rule 119 should be amended and kilocycles frequency 1470 reallocated for clear channel purposes; whether the classification of Station WLAC should be changed from a regional to a clear channel station; whether Station WLAC should be required to install directional antenna; whether Station KGA should be permitted to change its frequency from 1470 to 950 kilocycles; whether or not—and if so to what extent—the Commission should integrate into its rules the 'Standards of Good Engineering practice' or provisions of the Havana Treaty.

"So long as the Commission complies with the mandate of the statute it has, and should have, wide discretion in determining questions both of public policy and of procedural policy, and in making and applying appropriate rules therefor. It is not the function of this Court to direct the Commission as to the routine of its administrative procedure, so long as it conforms to the law. No violation of law is revealed by the record or shown by appellant.

"In view of our determination of the foregoing questions it is unnecessary to consider other assignments and contentions presented by appellant."

No written decision was rendered by the Court in the Tri-City Broadcasting Company case. The Court stated:

"Upon consideration of the motion to dismiss this appeal, and since it appears from the statement of reasons for appeal that appellant has stated no grievance which if true would justify this Court in reversing the decision of the Federal Communications Commission appealed from, it is

"Ordered that the appeal of the Tri-City Broadcasting Co., Inc., from the decision of the Federal Communications Commission denying appellant's application for a construction permit, effective March 27, 1939, be and hereby is dismissed."

CIVIC INTEREST CONSIDERATION IN BROADCAST GRANTS

The words "public necessity" in the Communications Act "are not to be construed narrowly, but rather as calling for the most widespread and effective broadcast service," declared the FCC in granting application of F. W. Meyer for construction permit for a new broadcast station in Denver, Colorado.

The Commission explains:

"Nothing in the Communications Act, our Rules and Regulations or our policy requires a finding of a definite need to support the grant of an application. Cases where such a finding of need is not made are, however, to be distinguished from situations in which a real lack of broadcast service is made clear. . . . In the latter class of cases the Commission will give due consideration to this fact. The 'public interest, convenience or necessity' which the statute provides as the basis for a grant, cannot be construed as a mandate that actual necessity for the particular facilities must be shown. Neither the disjunctive form nor the public convenience as an independent factor is to be entirely ignored. Indeed the words 'public necessity' in the Act are not to be construed narrowly, but rather as calling for the most widespread and effective broadcast service possible."

Opposition to granting the application argued that no public need is shown for additional broadcast facilities in Denver. All of the stations operating full time in that city are affiliated with the national chains. Thus the hours during which these stations may reach the greatest number of listeners are not available for local broadcasting. Local governmental, educational, civic, charitable, and community organizations thus lack an effective means of reaching the radio public in the vicinity.

The Meyer station proposes to operate on 1310 kilocycles with power of 100 watts at night and 250 watts until local sunset, unlimited time.

The application was denied originally on May 18, 1939. Subsequently, the applicant filed a petition for rehearing, which was granted and the case was reargued November 9th last. Under all the circumstances and evidence presented, the Commission concludes that "public interest, convenience and necessity" will be served by granting the application.

STATIONS COOPERATE TO BETTER SERVICE

An example of public benefit resultant from broadcast stations working out mutual problems of power allocation

was revealed when the FCC granted applications of stations KTUL, WIRE and KLO for increased power facilities.

The Tulsa Broadcasting Company, Inc., operating KTUL at Tulsa, Oklahoma; Indianapolis Broadcasting, Inc., operating WIRE at Indianapolis, Indiana, and the Interstate Broadcasting Corporation, operating KLO at Ogden, Utah, are the stations who cooperated to improve service in those areas.

The three stations were each operating with 5 kilowatts day and one kilowatt at night. Each wanted to increase its night power to five kilowatts. But they couldn't do that independently without interfering with one another. So they got together and worked out technical details whereby, through the use of directional antenna, they will minimize the interference problem and, at the same time, be able to extend their respective services.

When the joint arrangement was presented to the Commission it was approved without delay. The case is typical of mutual effort of other broadcasters who, by using modern engineering methods, are able to improve broadcast quality and coverage, the FCC said.

809 STATIONS

During the month of October, 1939, the Federal Communications Commission issued operating licenses to eight stations. The Commission granted eleven permits for the construction of new stations and cancelled two construction permits which it had previously granted. A comparative table by months follows:

	Jan. 1	Feb. 1	Mar. 1	Apr. 1	May 1	June 1	July 1	Aug. 1	Sep. 1	Oct. 1	Nov. 1
Operating	722	727	729	732	734	735	735	738	739	743	751
Construction	42	39	37	37	38	38	43	56	59	57	58
	764	766	766	769	772	773	778	794	798	800	809

FEDERAL COMMUNICATIONS COMMISSION

FINAL ORDERS

The Federal Communications Commission this week adopted a final order "dismissing as in default" the application of the Seaboard Broadcasting Corporation for a construction permit for the erection of a new station at Savannah, Ga., to use 1310 kilocycles, 100 watts night, and 250 watts day, until LS, unlimited time. The case was designated for oral argument before the Commission on October 13 and "applicants failed to appear and present oral argument."

Final order was also entered by the Commission denying the application of WMBR, Jacksonville, Florida,

to change its frequency from 1370 to 1120 kilocycles, to increase its power from 100 watts night and 250 watts day to 500 watts night and 1,000 watts day, on an unlimited time basis, to move its transmitter locally and use a directional antenna at night.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearing are scheduled before the Commission in broadcast cases for the week beginning Monday, November 20. They are subject to change.

Monday, November 20

- NEW—Sanfeliz Enrique Abarca, San Juan, P. R.—C. P., 580 kc., 1 KW, 5 KW LS, unlimited time.
 NEW—United Theatres, Inc., San Juan, P. R.—C. P., 580 kc., 1 KW, 1 KW LS, unlimited time (DA day and night).

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

- WLBL—Board of Regents, University of Wisconsin, Stevens Point, Wis.—Granted voluntary assignment of license from Board of Regents, University of Wisconsin, to State of Wisconsin, Department of Agriculture.
 KARM—George Harm, Fresno, Calif.—Granted construction permit to make changes in equipment and increase power from 100 to 250 watts.
 KVOS—KVOS, Inc., Bellingham, Wash.—Granted construction permit to make changes in composite equipment and increase power from 100 to 250 watts, upon condition that the grant is not to be construed as a finding for renewal of license of KVOS nor upon application of Bellingham Broadcasting Company, nor upon any of the issues involved in these cases.
 KHAS—The Nebraska Broadcasting Co., Hastings, Nebr.—Granted modification of construction permit approving transmitter and studio sites, installation of vertical radiator, and increase in night power from 100 to 250 watts.
 KVRS—Wyoming Broadcasting Co., Rock Springs, Wyo.—Granted modification of license to increase night power from 100 watts to 250 watts.
 KTUL—Tulsa Broadcasting Co., Inc., Tulsa, Okla.—Granted modification of license to increase night power from 1 KW to 5 KW, employing directional antenna for nighttime operation, and make changes in DA system.
 WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—Granted modification of license to increase night power from 1 KW to 5 KW and make changes in directional antenna system.
 KLO—Interstate Broadcasting Corp., Ogden, Utah.—Granted modification of license to increase night power from 1 KW to 5 KW and to change phasing in directional antenna system.
 KMAC—W. W. McAllister and Howard W. Davis, d/b as The Walmac Company, San Antonio, Tex.—Granted modification of license to increase night power from 100 to 250 watts.
 KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, Calif.—Granted amended application for construction permit to move station locally; install new equipment; increase power from 500 watts to 1 KW night, 5 KW day, and hours of operation from limited time to unlimited.

KIRO—Queen City Broadcasting Co., Inc., Seattle, Wash.—Granted modification of license to change assignment from 650 kc., 250 watts, limited time, to 710 kc., 1 KW, unlimited time.

DESIGNATED FOR HEARING

The following application has been designated for hearing by the Commission. Date for the hearing has not yet been set.

WSAL—Frank M. Stearns, Salisbury, Md.—Designated for hearing before Commissioner Brown, the matter of the Order of Revocation of License.

RENEWAL OF LICENSES

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

KANS, Wichita, Kans.; KASA, Elk City, Okla.; KCKN, Kansas City, Kans.; KFJI, Klamath Falls, Ore.; KFYO, Lubbock, Tex.; KGFJ, Los Angeles; KGHI, Little Rock, Ark.; KIUL, Garden City, Kans.; KROC, Rochester, Minn.; KRRV, Sherman, Tex.; KTSM, El Paso, Tex.; KVAK, Atchison, Kans.; KVCV, South of Redding, Calif.; KWNO, Winona, Minn.; KWOS, Jefferson City, Mo.; WJLS, Beckley, W. Va.; WKBO, Harrisburg, Pa.; WMBO, Auburn, N. Y.; WMPC, Lapeer, Mich.; WOLS, Florence, S. C.; WSBC, Chicago; WSJS, Winston-Salem, N. C.; WTJS, Jackson, Tenn.; WTRC, Elkhart, Ind.; WAYX, Waycross, Ga.; WBEO, Marquette, Mich.; WBRE, Wilkes-Barre, Pa.; WBRK, Pittsfield, Mass.; WCAT, Rapid City, S. Dak.; WCAX, Burlington, Vt.; WCRW, Chicago; WDAH, El Paso, Tex.; WEBR, Buffalo, N. Y.; WEBR, Auxiliary; WFTC, Kinston, N. C.; WGAU, Athens, Ga.; WGTM, Wilson, N. C.; WHAI, Greenfield, Mass.; WIL, St. Louis, Mo.

- WCSC—South Carolina Broadcasting Co., Inc., Charleston, S. C.—Granted renewal of license for the period ending August 1, 1940.
 WGAR—WGAR Broadcasting Co., Cleveland, Ohio.—Granted renewal of license for auxiliary for the period ending August 1, 1940.
 WSMB—WSMB, Inc., New Orleans, La.—Granted renewal of license for the period ending August 1, 1940.
 WCKY—L. B. Wilson, Inc., Cincinnati, Ohio.—Granted renewal of license for the period ending February 1, 1940.
 WNEL—Juan Piza, San Juan, P. R.—Granted renewal of license for the period ending June 1, 1940.

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

KEHP, area of San Diego, Calif.; KEGA, area of Los Angeles; WEGM, New York City; WEGO, Terre Haute, Ind.; WENW, area of Champaign, Ill.; KEGL, area of Los Angeles, Calif.; KEGN, area of San Francisco; KEGO, area of Los Angeles; KEGQ, area of Los Angeles; WEHP, area of Toledo, Ohio; WEIL, area of Miami, Fla.; WEIM, area of Miami, Fla.; KEID, area of Kansas City, Mo.; KEGD, area of Beaumont, Tex.; WAUJ, area of Louisville, Ky.; WEIZ, area of Dayton, Ohio; WEJY, area of Dayton, Ohio; WEJZ, area of Dayton, Ohio; WENU, area of Baltimore; KEIU, area of Missoula, Mont.; KEJC, area of Denver; KEJL, area of San Francisco; WEJD, WEJE, area of Washington, D. C.; WEJI, WEJJ, area of New York City; WEJK, area of Chicago; WEJL, WEJN, area of New York City; WEJO, WEJP, WEJQ, area of Cleveland, Ohio; WEJR, area of New York City; WEJS, WEJT, area of Washington, D. C.; WEJU, WEJW, area of New York City; WEJV, WEJX, area of Chicago; KEJD, KEJE, KEJG, area of Denver; KEJJ, area of Denver; WEOF, area of Nashville, Tenn.; KEIV, area of Long Beach, Calif.; KEIZ, area of Portland, Ore.; WEGK, area of Philadelphia; KEJM, area of Sioux City, Iowa; KEJO, area of St. Louis, Mo.; WEHT, area of Racine, Wis.; WEHY, area of Bristol, Tenn.; KEGU, area of Salt Lake City; WEKT, area of St. Petersburg, Fla.; KEGW, area of Phoenix, Ariz.; KEGX, area of Phoenix, Ariz.; WEXO, WEKP, area of Scranton, Pa.; WEQQ, area of Tallmadge, Ohio; WEKR, area of South Bend, Ind.; KEGY, area of Tulsa, Okla.; KEHB, KEHC, KEHD, area of Topeka, Kans.; WEKV, WEKW, area of Hartford, Conn.; WELD, WELE, area of Columbus, Ohio; WEOE, area of Fargo, N. Dak.; WELN, area of Hartford, Conn.; WELP, area of New Orleans; WELW, WELX, area of Philadelphia; WELY, area of Lancaster, Pa.; WAIF, WAIG, WELZ, area of Chicago; WENF,

WENG, area of Detroit; KEHL, area of Oklahoma City; WEOD, WEKX, WEKY, WEKZ, area of Boston, Mass.; WEGN, area of Newark, N. J.; KEGE, area of Dallas, Tex.; WEGW, WEGX, area of Charleston, W. Va.; WEHG, WEHK, area of New York City; WLWD, WLWE, WLWF, WLWG, WLWH, WLWX, area of Cincinnati, Ohio.; WEIC, area of Schenectady; KEIA, area of Honolulu; WEIT, area of New Orleans; WEIX, area of Memphis, Tenn.; KEIT, area of Kansas City, Mo.; WENV, area of Baltimore.

WABG—Memphis Commercial Appeal Co., area of Memphis, Tenn.—Granted renewal of relay broadcast station for the period ending October 1, 1940.

WDJM—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted renewal of international broadcast station license for the period ending November 1, 1940.

WCAB—WCAU Broadcasting Co., Philadelphia, Pa.—Granted renewal of international broadcast station license for the period ending November 1, 1940.

MISCELLANEOUS

KEX—Oregonian Publishing Co., Portland, Ore.—Granted extension of special temporary authority to operate a portable MOPA 100 watt transmitter from one hour after local sunrise to one hour prior to local sunset, provided no interference is caused to any other station, on the frequency **1140 kc.**, in the vicinity of Portland, Oregon, for the making of transmitter site tests, during daytime, for the period November 10 to November 19, 1939.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted extension of special temporary authority to operate with 5 KW power night, using directional antenna, for the period November 11 to not later than December 10, 1939, in order to overcome interference from Cuban Station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency **780 kc.**, reduces power so that additional interference is not involved, or until defective directional system of CMQ is corrected by installing new tuning condensers.

WDGY—Dr. George W. Young, Minneapolis, Minn.—Granted extension of special temporary authority to operate evenings (LS, November, 4:45 p. m. and December, 4:30 p. m., CST), for the period November 14 to not later than December 13, 1939, in order to broadcast civic, charitable, religious, educational, fraternal, and commercial programs of outstanding interest, and in order to carry programs of great local interest from the Mutual Broadcasting System.

WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Granted extension of special temporary authority to operate with 5 KW power night, using directional antenna, from November 11 to December 10, 1939, in order to overcome interference from Cuban Station CMQ provided such operation with additional power terminates immediately when CMQ ceases operation on **780 kc.**, reduces power so that additional interference is not involved, or until defective directional system is corrected by installation of new tuning condensers.

Inter-Island Airways, Ltd., Honolulu, Hawaii.—Granted special temporary authority to operate Aircraft Station KHCMB as a relay broadcast station on the frequency **5375 kc.**, November 11, 1939, to transmit to Standard Broadcast Station KGU program material in connection with the Tenth Anniversary of Air Transportation in Hawaii under the express condition that no interference is caused to other stations operating on this frequency.

KUMA—Albert H. Schermann, Yuma, Arizona.—Denied special temporary authority to operate from 10:00 p. m., MST, to the conclusion of a football game on December 9, 1939, in order to broadcast football game only.

WOC—Tri-City Broadcasting Co., Davenport, Iowa.—Granted petition to intervene in the bearing of Hobart Stephenson, Milton Edge, Edgar J. Korsmeyer, d/b as Stephenson, Edge & Korsmeyer, Jacksonville, Illinois, for a new station to operate on **1370 kc.**, 250 watts, unlimited time.

WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Granted special temporary authority to operate on the frequency **1200 kc.**, at present transmitter site until construction is completed at approval site in accordance with permit, for the period November 12, 1939, until not later than December 11, 1939.

KFRO—Voice of Longview, Longview, Texas.—Granted special temporary authority to operate additional time for the period December 1, 1939, and ending not later than December 25, 1939, in order to broadcast programs as described in letter

dated October 31, 1939, and on December 31, 1939, in order to broadcast church program and to remain on until midnight, in order to welcome in the year 1940.

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Granted special temporary authority to operate additional time simultaneously with station KFVS on November 17, 1939, in order to broadcast dedicatory address for the dedication of the new Elks Home, only.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from 7:30 p. m. to 8:30 p. m., power of 250 watts, on November 13, 1939, in order to broadcast proceedings of the banquet incident to the opening of the Community Chest campaign in Sharon.

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted special temporary authority to operate from local sunset at Abilene, Kansas (November and December, 5:15 p. m., CST), to local sunset at Los Angeles, Calif. (November and December, 6:45 p. m., CST), with 1 KW power, for the period November 15, 1939, to not later than December 1, 1939, in order to broadcast political, civic, charitable, religious, educational, fraternal, and commercial programs of outstanding local interest.

KHBC—Honolulu Broadcasting Co., Ltd., Hilo, Territory of Hawaii.—Granted modification of license to change corporate name of licensee from Honolulu Broadcasting Company, Ltd., to Hawaiian Broadcasting System, Limited.

WLNH—Northern Broadcasting Co., Laconia, N. H.—Granted license to cover construction permit for new equipment and increase in power from 100 watts to 250 watts.

WCOS—Carolina Advertising Corp., Columbia, S. C.—Granted license to cover construction permit for new station to operate on **1370 kc.**, with 100 watts night, 250 watts day, unlimited time.

WISE—Harold H. Thoms, Asheville, N. C.—Granted license to cover construction permit for new station to operate on **1370 kc.** with 100 watts power.

WJPR—John R. Pepper, Greenville, Miss.—Granted license to cover construction permit for new station to operate on **1310 kc.**, with 100 watts night, 250 watts day, unlimited.

WJPR—John R. Pepper, Greenville, Miss.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Sec. 3.54.

KSAN—Golden Gate Broadcasting Corp., San Francisco, Calif.—Granted license to cover construction permit for changes in equipment and increase in power to 250 watts.

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, Hawaii.—Granted modification of license to change corporate name of licensee from Honolulu Broadcasting Company, Ltd., to Hawaiian Broadcasting System, Ltd.

W8XVC—The Cincinnati Times Star Co., Cincinnati, Ohio.—Granted modification of construction permit for additional time to construct Facsimile Broadcast Station W8XVC, commencement date May 6, 1940, and completion date November 6, 1940; granted upon an experimental basis only, conditionally.

W2XR—Radio Pictures, Inc., Long Island City, N. Y.—Granted extension of special temporary authority to use ultra high frequency transmitter Type A, Serial No. 315 and authorized to be used by Television Broadcast (experimental) Station W2XDR, by Facsimile Broadcast Station W2XR, for the period November 12, 1939, to not later than December 11, 1939, pending action on modification of license for W2XR.

WAIR—C. G. Hill, George D. Walker & Susan H. Walker, Winston-Salem, N. C.—Granted special temporary authority to rebroadcast the NAA time signals for the period ending in no event later than 3:00 a. m., EST, June 1, 1940.

WLAW—Hildreth & Rogers Co., Lawrence, Mass.—Granted motion to dismiss without prejudice the application for construction to increase operating assignment of WLAW from sunset at Lawrence, Mass., to sunset at San Francisco, and install directional antenna for nighttime use. Dismissed petition for rehearing filed by WLAW in re this matter.

William F. Huffman, Wisconsin Rapids, Wis.—Adopted new bill of particulars in accordance with action taken on October 24, in designating for hearing the application of William F. Huffman for a new station; new bill to contain issues regarding technical and program service to be rendered and financial qualifications of applicant; also whether the application of George F. Meyer, Medford, Wisconsin, and Huffman's application are mutually exclusive, and if so, whether public interest, convenience and necessity would be served by granting this application.

Airfan Radio Corp., Ltd., San Diego, Calif.—Dismissed petition requesting the Commission to reconsider its action of July 26, granting the motion of Worcester Broadcasting Corporation to file application for construction permit and to incorporate the record in Dockets 5378 and 5381 as part of said application, in so far as said action incorporated such record.

KWAL—Chester Howarth & Clarence Berger, Wallace, Idaho.—Granted modification of construction permit for extension of completion date from November 20, 1939, to December 20, 1939.

WATR—The WATR Company, Inc., Waterbury, Conn.—Granted authority to determine operating power by direct measurement of antenna input, in compliance with Sec. 3.54.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted authority to determine operating power by direct measurement of antenna input, in compliance with Sec. 3.54.

KOTN—Universal Broadcasting Corp., Pine Bluff, Arkansas.—Granted authority to determine operating power by direct measurement of antenna input, in compliance with Sec. 3.54.

WILL—University of Illinois, Urbana, Illinois.—Granted authority to determine operating power by direct measurement of antenna input, in compliance with Sec. 3.54.

WFBM—WFBM, Inc., Indianapolis, Ind.—Granted authority to determine operating power by direct measurement of antenna input, in compliance with Sec. 3.54.

APPLICATIONS FILED AT FCC

570 Kilocycles

WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y.—Construction permit to install new transmitter; make changes in directional antenna; increase power from 1 to 5 KW; move transmitter from College Point Causeway, Flushing, N. Y., to Belleville Turnpike, Kearny, N. J.

610 Kilocycles

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—License to cover construction permit B3-P-2449 for equipment changes.

620 Kilocycles

WSUN—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Modification of license to increase power from 1 KW, 5 KW day, to 5 KW day and night.

740 Kilocycles

KTRB—Thomas R. McTammany and William H. Bates, Jr., Modesto, Calif.—Modification of license to change hours of operation from daytime to limited to WSB, Atlanta, Ga., using 250 watts power day and night.

930 Kilocycles

KMA—May Seed & Nursery Co., Shenandoah, Iowa.—Construction permit to install directional antenna for night use; increase power from 1 KW, 5 KW day, to 5 KW day and night.

980 Kilocycles

KDKA—Westinghouse Electric & Manufacturing Co., Pittsburgh, Pa.—License to cover construction permit B2-P-2308 as modified for a new transmitter and move of transmitter.

1200 Kilocycles

WCPO—Scripps-Howard Radio, Inc., Cincinnati, Ohio.—Authority to determine operating power by direct measurement.

KBTM—Jay P. Beard, tr/as Regional Broadcasting Co., Jonesboro, Ark.—Authority to determine operating power by direct measurement of antenna power.

KFJB—Marshall Electric Co., Marshalltown, Iowa.—Authority to determine operating power by direct measurement of antenna power.

KGHI—Arkansas Broadcasting Co., Little Rock, Ark.—Authority to determine operating power by direct measurement of antenna power.

WJBC—Arthur Malcolm McGregor and Dorothy Charlotte McGregor, Bloomington, Ill.—Authority to determine operating power by direct measurement of antenna power.

WMFR—Radio Station WMFR, Inc., High Point, N. C.—License to cover construction permit B3-P-2348 as modified for equipment changes and increase in power.

1210 Kilocycles

WSOC—WSOC, Inc., Charlotte, N. C.—Construction permit to install new transmitter, directional antenna, for night use; change frequency from 1210 kc. to 610 kc.; increase power from 100 watts, 250 watts day, to 1 KW day and night; move transmitter from 516 West Trade St., Charlotte, N. C., to near Charlotte, N. C.

1310 Kilocycles

KGFV—Central Nebraska Broadcasting Corp., Kearny, Nebr.—Authority to determine operating power by direct measurement.

KFYO—Plains Radio Broadcasting Company, Lubbock, Tex.—Construction permit to install new transmitter and vertical antenna; change frequency from 1310 kc. to 1380 kc.; increase power from 100 watts, 250 watts day, to 500 watts, 1 KW day; move transmitter from 2312 Fifth St., Lubbock, Tex., to site to be determined at or near Lubbock, Tex. Amended to request 1 KW power day and night.

KWOC—A. L. McCarthy, O. A. Tedrick, and J. H. Wolpers, d/b as Radio Station KWOC, Poplar Bluff, Mo.—Authority to determine operating power by direct measurement of antenna power.

1370 Kilocycles

KLUF—The KLUF Broadcasting Company, Inc., Galveston, Tex.—Construction permit to install new transmitter; change frequency from 1370 kc. to 1360 kc.; increase power from 250 watts to 500 watts; 1 KW day.

WHKY—Catawba Valley Broadcasting Co., Inc., Hickory, N. C.—Modification of construction permit B3-P-2346 for a new station, requesting approval of antenna and of transmitter site at 13th St. and 11th Ave., Hickory, N. C.; increase power from 100 watts, 250 watts day, to 250 watts power; change type of transmitter.

1420 Kilocycles

WELL—Enquirer-News Co., Battle Creek, Mich.—Voluntary assignment of license from Enquirer-News Co. to Federated Publications, Inc.

WJMS—WJMS, Inc., Ironwood, Mich.—Authority to determine operating power by direct measurement of antenna power.

WNOE—WBNO, Inc., New Orleans, La.—Modification of license to change name from WBNO, Inc., to WNOE, Inc.

1470 Kilocycles

KGA—Louis Wasmer, Spokane, Wash.—Construction permit to install new transmitter; make changes in antenna; increase power from 5 to 10 KW; move studio from Standard Stock Exchange Bldg., Spokane, Wash., to Radio Central Bldg., Spokane, Wash., and move transmitter from 325 East Towan Ave., Spokane, Wash., to 4102 South Regal St., Spokane, Wash.

1500 Kilocycles

KFDA—Amarillo Broadcasting Corporation, Amarillo, Tex.—Authority to transfer control of corporation from C. S. Gooch to J. L. Nunn, 10,200 shares common stock.

KFDA—Amarillo Broadcasting Corporation, Amarillo, Tex.—License to cover construction permit (B3-P-2485) for new equipment, increase in power.

KGFI—Eagle Broadcasting Co., Inc., Brownsville, Tex.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

MISCELLANEOUS

W2XAB—Columbia Broadcasting System, Inc., New York, N. Y.—License to cover construction permit B1-PVB-6 as modified for new equipment, increase in power, and addition of A-3 emission. License application specifies 50000-56000 kc.

Westinghouse Electric & Manufacturing Co., Philadelphia, Pa.—Construction permit for new high frequency station to be located at Architects Bldg., 17th and Sansom Sts., Phila-

delphia, Pa., on 42600 kc., 1 KW, unlimited time, special emission.

Guy S. Cornish, area Cincinnati, Ohio.—Construction permit for low power portable transmitter for public address service on 305000, 310000, 315000, 325000 kc., 5 watts power, A-3 emission. Amended to request 310000 kc. only and 1 watt power.

WEJA—National Broadcasting Co., Inc., New York, N. Y.—Modification of C. P. (B1-PRE-305) for changes in equipment and increase power to 100 watts.

WSXE—United Broadcasting Co., Cleveland, Ohio.—License to utilize equipment of relay station WRPM in lieu of equipment of high frequency broadcast station W8XNT and power output to be 100 watts. Amended: To change name of applicant.

KAOU—Arizona Broadcasting Co., Inc., Tucson, Arizona.—License to cover construction permit B5-PRE-292, for new relay broadcast station.

KEIM—KTAR Broadcasting Co., area of Phoenix, Arizona.—License to cover construction permit B5-PRE-293, for equipment changes and increase in power.

NEW—Monocacy Broadcasting Co., Frederick, Md.—Construction permit for new relay broadcast station to be operated in area of WFMD, Frederick, Md., on 1622, 2058, 2150, 2790 kc., 40 watts, A-3 emission.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

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

American Products Company, a corporation manufacturing food and toilet products, and **The Zanol Products Company**, its selling agent and subsidiary, both having offices at 3265 Coleraine Ave., Cincinnati, have been ordered to cease and desist from misrepresentations affecting prospective sellers of its products.

Findings of the Commission are that the respondents advertised in daily newspapers, trade magazines and other periodicals, seeking sales representatives for the products, and making offers to prospective salesmen that were exaggerated and untrue. Among them, it was found, were: "I will pay you up to \$42.50 a week and I will furnish a car to producers." . . . "Best of all I am going to start you in this wonderful business at my expense. I am going to put complete faith and confidence in you. I am going to assume all the expense and take all the risk." . . . "Wonderful chance to make \$6 a day taking orders for No-Frost." . . . "MAN—I want a man for local tea and coffee route paying up to \$27.50 first week. Opportunity for steady cash increases. Approximately 200 customers." . . . "Free Auto If You Qualify." . . . "Automobile Given to Producers." . . . "Automobile Given to Man Who Qualifies." . . . "FIVE MILLION A YEAR. These ideas are the rock on which I built my business and on which it has grown and prospered and brought money to hundreds and hundreds of men and women. When I tell you that I started with practically nothing and that now housewives buy five million dollars worth of Zanol products annually you know how successful my ideas have been."

Findings of the Commission are that average earnings of salesmen under normal conditions are but a small percentage of the amounts named in the advertisements, that no automobiles are given salesmen unless they have purchased at wholesale prices not less than \$2500 worth of goods in a year from the respondents, and that deposits are required from salesmen on all goods or samples supplied.

The respondents are ordered to cease and desist from misrepresenting in any manner the volume of their business; representing that salesmen or distributors of their merchandise incur no risk or expense, when in fact the respondents require a deposit from

such persons; using the word "free" or any other term of similar import, unless all the terms and conditions of such offer are clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with the term "free"; representing any specified sum of money as earnings or profits of any specified dealer or sales person for any stated period of time, unless such sum of money has been, in fact, averaged over a period of at least two months in the ordinary course of business and under normal conditions. (2836)

Hamilton Manufacturing Company, 413 South Fifth St., Minneapolis, manufacturer and distributor of push cards and punch boards involving games of chance and lottery schemes when used in the distribution of merchandise to the consuming public, is charged in a complaint with engaging in unfair acts and practices in commerce in violation of the Federal Trade Commission Act. (3944)

Harlich Manufacturing Company—A complaint has been issued against Leo, Libbie and Byron J. Lichtenstein, individually and as co-partners trading under the name of Harlich Manufacturing Company, 1401-1417 West Jackson Blvd., Chicago, charging the manufacture and distribution of push cards and punch boards to be used as lottery devices in connection with the sale and distribution of merchandise to ultimate consumers. (3947)

Pasadena Products, Inc., 300 North Lake Ave., Pasadena, Calif., distributor of a medicinal preparation designated "Sal-Ro-Cin," is respondent in a complaint alleging misrepresentation.

Through radio broadcasts and advertisements in newspapers and periodicals, the complaint alleges, the respondent represented that "Sal-Ro-Cin" is a competent and effective treatment for rheumatism, neuritis, lumbago and other ailments, and that the company will mail a liberal free sample of the preparation to any one requesting it.

The complaint charges that the preparation is not a competent or effective treatment for any of the ailments named, that at best it will bring only palliative relief from pains accompanying the ailments, and that the respondent does not mail free any samples, but makes a charge for all samples sent. (3945)

STIPULATIONS

The Commission has entered into the following stipulations:

F. R. Glover, Cortland, N. Y., engaged in selling medicinal preparations for poultry designated "Glover's Poultry Tonic," "Glover's Conditioning Powder," "Glover's Roup Cure (Liquid)," "Glover's Powdered Roup Cure," "Glover's Cholera Cure," "Glover's Pox Cure," "Glover's Poultry Wormer," "Glover's Louse Exterminator," "Ratin," and a book called "Poultry Diseases," has entered into a stipulation in which he agrees to cease certain misrepresentations in the sale of his products.

The respondent will discontinue representing that "Glover's Poultry Tonic" builds up resistance of a flock so that it will not be liable to disease, increases the egg yield of a flock three-fold or in any material amount, or enables one to raise chicks without losing any by disease; that "Glover's Conditioning Powder" is the world's greatest conditioner, will put every class of stock in the "pink of condition," will keep down fever in poultry and will condition cocks to win; that "Glover's Roup Cure" and "Glover's Powdered Roup Cure" will cure roup, colds, rattles, canker and all kindred diseases of poultry, are tonics or will serve as preventives of disease; that "Glover's Roup Cure (Liquid)" keeps the passages of the head and throat of poultry open and heals the delicate membranes; that "Glover's Powdered Roup Cure" drives the poison from the blood of poultry and brings about a sure, speedy and complete cure of roup; that "Glover's Cholera Cure" is an effective remedy or competent treatment for cholera or bowel troubles of poultry, or will check the worst attack of cholera at once and soon cure it; that "Glover's Pox Cure" is an effective remedy or competent treatment for Favus, scurvy and all like diseases of poultry, and that the powder included in "Glover's Pox Cure" eliminates the poison from the blood of poultry affected with pox, and the ointment heals the sores; that "Glover's Poultry

Wormer" is a sure cure for "all" worm troubles in poultry; that "Glover's Gapes Cure" is an absolute cure for gapes; that "Glover's Louse Exterminator" will keep fowls free from head and body lice and mites of all kinds or will rid one's flock of lice; that "Ratin" is effective for eliminating mice and rats of all sizes, and that the respondent's book entitled "Poultry Diseases" explains fully the cause of each disease, gives the symptoms of poultry diseases in such a manner as to enable the layman to readily distinguish one disease from another, or offers the best possible treatment for various poultry diseases and that range paralysis, brooder paralysis and leg weakness in poultry come from intestinal poisoning and in many cases from worms. (02457)

Morton Distributing Co.—A. C. Morton, doing business under the trade name of Morton Distributing Company, Sedalia, Mo., engaged in selling a medicinal preparation designated "Russell's Black Gold Ointment," has entered into a stipulation in which he agrees to cease representing that "Russell's Black Gold Ointment," or any medicinal preparation containing substantially the same ingredients, is a competent remedy in the treatment of eczema, psoriasis, acne or any other affections of the skin which are due to or based upon a systemic or constitutional background; is a competent remedy in the treatment of athlete's foot or any other affections of the skin resulting from a deep-seated invasion of the skin by a group of fungi, "will take care of practically any of the common run of skin troubles," or "draws out impure, poisonous waste matter". (02456)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Antisepto Products Company—In connection with a cease and desist order issued against Edward L. Jenkins and Mildred Jenkins, trading as Antisepto Products Company, Antisepto Products, Educational Products Company, Sanitol Products Company, XL Products Company and XL Products, 3335 Belle Plaine Ave., Chicago, the Commission finds that irreparable injury to health may be caused by use of the alleged remedies for delayed menstruation and prostate gland weaknesses distributed by the respondents.

The Federal Trade Commission, on July 11, 1939, obtained from the United States District Court in Chicago a preliminary injunction prohibiting the respondents from falsely advertising their alleged remedies for delayed menstruation.

The preparations were advertised in newspapers and periodicals as being competent and effective remedies, and were sold largely through the mails at prices ranging from \$1 to \$3.50.

The drugs used in compounding the preparations for women, the Commission finds, if used under the conditions prescribed in the advertisements, could cause uterine infection, blood poisoning, or result in a gangrenous condition of the lower limbs, while those used as ingredients of the prostate gland remedy, under certain conditions prescribed in the advertising, might cause brain disorders, injury to the urinary tract or serious nephritis to users. None of the preparations, the findings state, is a cure or remedy for the diseases for which it is prescribed, nor is it a competent or effective treatment.

The respondents are ordered to cease and desist from representing that use of the preparation known as "Guaranteed Antisepto Anti-Delay Compound," regular or super strength, or any other preparation composed of substantially similar ingredients or possessing substantially similar therapeutic properties, sold under any name, is a competent, safe or scientific treatment for delayed menstruation or that their use will have no ill effects upon the human body, or that use of the preparation known as "Guaranteed Prosaide Gland Medicine" or any similar preparation sold under any name, is a cure for or has any therapeutic value in the treatment of prostate gland weakness or inactivity.

The order also prohibits dissemination of advertisements which fail to reveal that the use of such preparations may result in serious and irreparable injury to the health of users. (3867)

Christopher Candy Company, manufacturer of candy at 4020 Avalon Boulevard, Los Angeles, has been ordered to cease and desist from selling or supplying to dealers or others candy or other merchandise so packed and assembled that sales to the general public are to be made by means of a game of chance, gift enterprise or lottery scheme; supplying or placing in the hands of others assortments of candy together with lottery devices to be used in selling or distributing the candy to ultimate purchasers; supplying push cards, punch boards or other lottery devices either in assortments of candy or separately, when such devices are to be used in selling or distributing the candy, and selling or otherwise disposing of candy by means of a game of chance, gift enterprise or lottery scheme. (3394)

Educational Products Company—See Antisepto Products Company.

E. Fougere & Company—See Perasthman Company, Inc.

Marvo Manufacturing Company—See Supreme Manufacturing Company.

Old Mission Tablet Company—E. W. Knowlton, trading as Old Mission Tablet Company, Pasadena, Calif., has been ordered to cease and desist from misrepresentations made in radio broadcasts and in advertisements in newspapers, magazines and other publications, that "Old Mission Tablets" or "O-M Tablets" are identical with the preparation which helped build up the reputation of one of the greatest stomach and kidney specialists in the United States, or are one of the greatest tablets offered for general run-down stomach condition.

The respondent also is ordered to cease representing that the preparation is one of the largest selling or most favored tablets for such condition, is an effective treatment for stomach or digestive troubles caused by costive weakened digestive system, or is an effective treatment for congestive stomach soreness, sick headaches, backaches, dizzy spells or gastric stomach attacks, unless such representations disclose that such effectiveness is limited to cases where such conditions are caused primarily by constipation. (3664)

Peerless Manufacturing Company—See Supreme Manufacturing Company.

Perasthman Company, Inc., 276 Fifth Ave., New York, manufacturer of a proprietary medicine designated "Perasthman" or "Perasthman Tablets," advertised as an alleged remedy for asthma, and E. Fougere & Co., Inc., 75 Varick St., New York, its exclusive distributing agent, are ordered to cease and desist from misrepresentations of the product's efficacy as an asthma treatment.

The Commission finds that the principal ingredient of the preparation is ephedrine, which is not safe for use by persons with heart or kidney ailments except in limited quantities and under competent medical supervision. The respondents are ordered to cease and desist from representing that the preparation is an effective treatment or a cure for asthma, or that it has any therapeutic value in the treatment of asthma other than affording, in some cases, temporary relief from some of the symptoms of asthma; that the preparation is harmless or will assure sufferers from asthma nights of restful sleep or days of greater comfort, or will stop wheezing or other symptoms of asthma.

The respondents also are ordered to desist from use of advertising which fails to reveal that the preparation is not safe if used in self-medication by members of the lay public suffering from heart and kidney ailments. (3719)

Sanitol Products Company—See Antisepto Products Company.

Supreme Manufacturing Company—C. C. Johnson, 1014 City National Bank Building, Omaha, Nebr., trading under the

Carlisle Service—See Supreme Manufacturing Company.

names Supreme Manufacturing Company, Carlyle Service, Marvo Manufacturing Company, and Peerless Manufacturing Company, has been ordered to cease and desist from representing that the use of a preservative or mending powder distributed by him will strengthen silk hosiery or lingeries, or save 50 per cent of its cost.

Among representations made to prospective customers, and on labels attached to the product, the Commission finds, were the following: "Prevents the runs and snags in your silk hosiery and lingerie . . . strengthens the heel and toe of your hosiery, thereby making them last four or five times longer . . . this treatment is permanent . . . now this product will cut your hosiery and lingerie expense in half . . . also prevents the silk from rotting, and one treatment is sufficient for the life of the hose."

Findings of the Commission are that the product will not accomplish any of the results claimed, and that respondent is not its manufacturer. The Commission's order is that C. C. Johnson,

trading under any name or names, cease representing that use of the product will prevent runs and snags in or the rotting and fading of hosiery and lingerie; that its use can save the purchaser approximately 50 per cent of the cost of silk lingerie and hosiery; that hosiery treated with the product will last four or five times longer than it would without being so treated; that its use will result in any substantial increase in the wearing qualities of silk hosiery, or that the respondent is the manufacturer of the product, unless or until such is the fact. (3712)

XL Products Company—See Antisepto Products Company.

Zanol Products Company—See American Products Company.

Broadcasting of Phonograph Records

The members have been advised of the decision of the Trial Court in RCA v. Whiteman last July, RCA's subsequent demand for payment by stations, the meetings of the Special NAB Committee with representatives of the phonograph-record manufacturers, the postponement by RCA of the effective date of license agreements to December 1st, and the appeals taken by Whiteman, RCA and WNEW from the decision of the trial court to the United States Circuit Court of Appeals (NAB Reports, July 21, August 11, 18, 25, September 1, October 27, 1939).

Because these appeals clearly indicated that none of the parties was fully satisfied with the decision of Judge Leibell in the District Court, Neville Miller last week discussed a further postponement with RCA representatives. He was told, however, that RCA would proceed on December 1st with its broadcast-station licensing campaign. Accordingly, the members should be informed of a number of additional facts bearing on the situation.

At the last annual convention of the American Federation of Musicians held in June, several resolutions dealing with the broadcasting of phonograph records were introduced and referred to the International Executive Board with power to act. The effect of these resolutions was to direct the Board to investigate the feasibility of having all union musicians who make records assign to AFM all of their property rights in perpetuity and to forbid all union members engaged in such recording work from making records unless a waiver or release had first been secured from AFM.

In September as a direct result of RCA's favorable Court decision followed by its campaign to license broadcasting stations, AFM addressed to all locals and members of AFM the following communication:

"The attention of the Federation has again been called to the fact that various recording companies, as a result of recent court decisions, are using every effort, through contractual provisions, to have members who make records assign their property rights therein to the recording companies.

"As a result, the International Executive Board has adopted the following rule: 'Any member who assigns any property right in any recording to any recording company, or to any other party without the consent of the American Federation of Musicians, by such action gives notice to the Federation and makes effective immediately his resignation from the A. F. of M.'

"This rule is effective immediately and will be strictly enforced."

The above letter was described at AFM headquarters as purely a precautionary measure to protect the rights of their members engaged in making records. Up to the present date



INTERNATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NAational 2080

Neville Miller, *President*

Edwin M. Spence, *Secretary-Treasurer*

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

BROADCASTING OF PHONOGRAPH RECORDS

(Continued from page 3849)

the International Executive Board of AFM has not adopted any other rule and so far as is known the rule above quoted has as yet not resulted in any resignations of AFM members.

The National Association of Performing Artists has informed broadcasters that RCA is not authorized to exact royalties on behalf of members of that organization. NAPA is the association which instigated and financed the Waring suit in Pennsylvania, the Whiteman and Crumit suits in New York and several other suits in other states. Recently Jimmie Walker, former New York City mayor, was elected president of NAPA in place of Fred Waring who becomes chairman of its Board.

The Music Publishers Protective Association, comprising practically all of the leading music publishers, notified all broadcasters that the licensing campaign of the phonograph record manufacturers was not authorized or sanctioned by its members. MPPA further stated:

"The recording licenses granted to the record manufacturers by the copyright owners do not give them the right to demand from you license fees for the broadcasting of phonograph records."

NAPA has approached MPPA looking towards an alliance for the collection of royalties from cafes, dance halls and other establishments using coin-operated phonographs, with a split of the royalties between NAPA and MPPA. It is understood MPPA has not entered into any such arrangement and will not do so unless its members approve of the idea. Anyway, the scheme is said not to embrace broadcasting; therefore, at the moment broadcasters are not affected by the potentialities of such an arrangement.

It is expected that either the MPPA or one of its publisher members will attempt to intervene in the appeal in RCA v. Whiteman on the ground that the decision below was erroneous in that the engrafting of a common-law right on the copyrights of the publishers was improper and interfered with the publishers' copyrights and its business of licensing the use of its compositions.

RCA will on December 4th argue a motion made by it to dismiss the appeal of WNEW on the ground that the

appeal is moot, the station having taken out a license with RCA for the broadcasting of RCA and Bluebird records. This motion will be vigorously opposed.

Station owners should also consider the effect of the contracts they hold with AFM based upon the settlement by IRNA and NCIB of the musicians' union controversy involving, among other things, the use of phonograph records. The current negotiations between IRNA and AFM should also be borne in mind as the use of records is involved in the discussions. Consideration should also be given to the fact that in order to make phonograph records the manufacturers must each hold licenses from AFM and that AFM, at the termination of its present licenses with the recording companies, may be in a position to exact certain terms regarding the ownership of the property rights, if any, that exist in the records.

It is apparent that the rights claimed by RCA are challenged at every turn. It is understood that NAPA and the music publishers each wish half of any royalties collected from broadcasters by the record manufacturers so that no revenue would remain for the record manufacturer. NAPA wants to own whatever property rights there are for the benefit of their band-leader members. AFM does not sanction NAPA's ownership because it does not take into account the work of the individual members of the orchestras and vests all rights in band leaders through NAPA. AFM therefore wants to control these rights. The music publishers contend that RCA does not have the right to license phonograph records for broadcasting. NAPA through Whiteman's appeal contests the injunction obtained by RCA against Whiteman and the station. The station contests the injunctions obtained by both RCA and Whiteman. RCA contests the injunction obtained by Whiteman against the station and objects to the Court failing to find a property right in RCA by virtue of its manufacturing skill. In other words, no one is satisfied.

The NAB believes it is of the utmost importance that the rights of broadcasters be fully protected and has retained legal counsel to represent broadcasters' interests in the RCA vs. Whiteman case. Until the whole issue is settled, the NAB will continue its efforts to protect the interests of broadcasters.

CODE COMMITTEE TO MEET WOMEN'S GROUPS

Distinguished national and state leaders of women's clubs will have a luncheon-conference meeting with members of the Code Compliance Committee next Wednesday, following the Committee's two meetings at Headquarters, November 28-29. Neville Miller, president of the NAB, will preside at the luncheon.

The meeting of the Code Compliance Committee has been called by its chairman, Edgar Bill. A full attendance is expected.

Details of the Code, with especial reference to its social aspects in the children's section will be stressed. It is anticipated that further cooperative effort between state and local women's groups and member stations will follow.

HUGH JOHNSON JOINS THOSE APPROVING CODE

General Hugh S. Johnson this week added his strong voice to those who have approved the new NAB Code. Appearing on the American Forum of the Air, over the Mutual Broadcasting System, last Sunday night, General Johnson expressed further approval of the controversial issue section: "If I understand the Code, it is the best that could have been written. There remains only the question of method—how best to provide the public with adequate and efficient radio debate—whether on sponsored or sustaining programs. That presents a real problem, but it is certainly not beyond the ingenuity of this up and coming industry. Let's speed it up."

Appearing on the same round-table discussion were Morris Ernst, prominent attorney and counsel for the American Civil Liberties Union; Martin Codel, publisher of *Broadcasting Magazine*, and Ed Kirby, NAB Director of Public Relations and secretary of the Code Compliance Committee.

Admitting that his organization, the American Civil Liberties Union had endorsed the Code, Mr. Ernst, in expressing disapproval of the Code, said that "even the Civil Liberties Union believes in individual free speech of its members." He declared that he believed the United States has the freest and best radio programs in the world, but that he was "worried about the Code no matter how idealistic it is in principle because of the threat implicit in the increasing concentration of broadcasting power in the hands of a few companies. It will be wholesome for the broadcasters if the public keeps an eye on the operations of this Code, particularly if the Code should ever have incorporated in it a referee, arbiter or enforcer."

Mr. Codel, in opening the discussion, pointed out that the Code had been the result of nearly a year's work by experienced broadcasters representing every section of the industry, that it had been submitted last spring to both the industry and the public, and that it had been considered and passed at the last convention of the NAB. "The language is clear and simple. Yet there has been more bunk spread around about what the Code means and what it doesn't mean than anything in recent days in radio." Mr. Codel reviewed the names of some of those individuals and organizations who were objecting to the Code, as well as those who had expressed approval.

In his remarks, Mr. Kirby stated: "The listener expects more from his radio set than a continuous flow of political harangue." He declared that each radio manager endeavors to program his station with sufficient variety so as to cater to the interests of the greatest number of lis-

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teners, serving the social, educational, religious and cultural needs of all. He stated that though we have 130,000,000 citizens each with the right of free speech, we have just some 800 radio stations. "Suppose everybody wanted to exercise his right of free speech at the same time on each of the stations? Actually this is impossible. Practically it is absurd. Yet there are those newly-become students of broadcasting who would have it this way." He pointed out that we manage our affairs through a system of "representative spokesmen in a representative government. The NAB Code extends the same American precept to radio."

Labor

THURMAN ARNOLD DISCUSSES ILLEGAL LABOR PRACTICES

Thurman Arnold, Assistant Attorney General in charge of the Justice Department's anti-trust division, made an interesting statement this week regarding certain union labor practices which he felt were illegal.

Although the statement dealt primarily with the building trades, it might be construed to apply to certain practices in the broadcasting industry.

The statement, printed in full below, was in the form of a letter to the secretary of the Central Labor Union (A. F. of L.) in Indianapolis, who had inquired about the recent indictment of a number of building union leaders, under the Sherman Act, in federal courts.

"Dear Sir:

"I reply to your letter inquiring about the application of the anti-trust laws to labor unions. I make this reply public because numerous other inquiries similar to yours indicate widespread public interest in the question.

"The anti-trust laws should not be used as an instrument to police strikes or to adjudicate labor controversies. The right of collective bargaining by labor unions is recognized by the anti-trust laws to be a reasonable exercise of collective power. Therefore, we wish to make it clear that it is only such boycotts, strikes or coercion by labor unions as having no reasonable connection with wages, hours, health, safety, the speed-up system or the establishment and maintenance of the right of collective bargaining which will be prosecuted.

"The kind of activity which will be prosecuted may be illustrated by a practice frequently found in the building industry. Suppose

a labor union, acting in combination with other unions who dominate building construction in a city, succeeds by threats or boycotts in preventing the use of economical and standardized building material in order to compel persons in need of low-cost housing to hire unnecessary labor.

Not Private Police Force

"Here is a situation with no reasonable connection with wages, hours, health, safety, or the right of collective bargaining. The union may not act as a private police force to perpetuate unnecessarily costly and uneconomic practices in the housing industry. Progressive unions have frequently denounced this 'make work' system as not to the long-run advantage of labor. Such unions have found it possible to protect the interests of labor in the maintenance of wages and employment during periods of technological progress without attempting to stop that progress.

"Preventing improved methods of production—as distinguished from protecting labor from abuses connected with their introduction—is, of course, not the only labor activity which goes beyond any legitimate labor purpose. We cite the example to emphasize the fact that union practices may become illegal where they have no reasonable connection with such legitimate objectives as wages, hours, safety, health, undue speeding up or the right of collective bargaining.

"We have no choice in this matter. Such practices go beyond even the dissenting opinions of the Supreme Court of the United States, which recognize a broader scope for the legitimate activities of labor unions than the majority opinions. In our anxiety to be fair to labor we are not subjecting to criminal prosecution practices which can be justified even under the dissenting opinions of the United States Supreme Court.

"In the present building investigation, a large number of legitimate activities of labor unions have been brought to our attention by complaint. We have been asked to proceed against unions because they maintain high rates of wages, because they strike to increase wages, and because they attempt to establish the closed shop. We have consistently disregarded all such requests.

Conflict of Opinions

"Refusals by unions to work upon goods made in non-union shops have also been brought repeatedly to our attention. In the past, courts have held that such secondary boycotts are violations of the anti-trust laws. In the Duplex and Bedford cut stone cases a minority of the Supreme Court presented the argument against this view. In view of this unsettled conflict of opinion among judges of the highest court as to the reasonableness of such activities we have instructed the attorneys in the building investigation not to institute criminal prosecutions in such cases.

"The types of unreasonable restraint against which we have recently proceeded or are now proceeding illustrate concretely the practices which in our opinion are unquestionable violations of the Sherman Act, supported by no responsible judicial authority whatever.

"1. Unreasonable restraints designed to prevent the use of cheaper material, improved equipment, or more efficient methods. An example is the effort to prevent the installation of factory-glazed windows or factory-painted kitchen cabinets.

"2. Unreasonable restraints designed to compel the hiring of useless and unnecessary labor. An example is the requirement that on each truck entering a city there be a member of the local teamsters' union in addition to the driver who is already on the truck. Such unreasonable restraints must be distinguished from reasonable requirements that a minimum amount of labor be hired in the interests of safety and health or of avoidance of undue speeding of the work.

"3. Unreasonable restraints designed to enforce systems of graft and extortion. When a racketeer, masquerading as a labor leader, interferes with the commerce of those who will not pay him to leave them alone, the practice is obviously unlawful.

"4. Unreasonable restraints designed to enforce illegally fixed prices. An example of this activity is found in the Chicago milk case, where a labor union is charged with combining with distributors and producers to prevent milk being brought into Chicago by persons who refuse to maintain illegal and fixed prices.

"5. Unreasonable restraints, designed to destroy an established and legitimate system of collective bargaining. Jurisdictional strikes have been condemned by the A. F. of L.

itself. Their purpose is to make war on another union by attacking employers who deal with that union. There is no way the victim of such an attack may avoid it except by exposing himself to the same attack by the other union. Restraints of trade for such a purpose are unreasonable whether undertaken by a union or by an employer restraining trade or by a combination of an employer and a union, because they represent an effort to destroy the collective bargaining relationships of a union with an employer.

Equal Responsibility

"The principle applicable to unions is the same as that applicable to other groups specially protected by law. Investors may combine into a corporation, farmers into a co-operative, and labor into a union. The anti-trust division has the duty to prevent the use of such legal rights of association in an illegal way for purposes far different from those contemplated in the statutes.

"Unions stand to gain by the vigorous performance of this duty. In the past most labor cases under the Sherman Act have arisen through private suits instituted without public responsibility and often conducted as a part of a struggle to destroy a union or to avoid dealing with it. Organized labor suffers when the selection of labor cases under the Sherman Act and the presentation of argument in such cases is left in the hands of those who may be hostile to organized labor itself. By contrast, enforcement of the law by officials with a public duty to be fair, consistent, and constructive involves an equal care to protect legitimate union activities and to prevent unlawful ones. In such enforcement, labor and the public will necessarily be informed as to the boundary between lawful and unlawful union action; and by virtue of such information the harassment of unions by unjust private suits will become more difficult. Sincerely,

"THURMAN ARNOLD,
"Assistant Attorney General."

Editorial reaction was extremely favorable. The *Washington Post* called the statement "forthright and constructive" and said "progressive labor groups are not likely to challenge this policy." The *Philadelphia Record*, a pro-labor paper, called it "clear thinking on labor's malpractices," adding that the majority of labor unions were not guilty of such "but because these abuses are so flagrant, so indefensible, all organized labor suffers." The *Baltimore Sun* remarked that "tolerant Mr. Arnold finds some union policy intolerable" while the *New York Herald-Tribune*, probing deeper, wondered whether "the President's desire for labor peace has something to do with this sudden threat of prosecution?" William Green, A. F. of L. president, addressed a letter to Attorney General Murphy, however, protesting the Arnold statement and concluding "it seems inconceivable to me that an Administration notable for its friendliness to labor should adopt a retrogressive policy advocated hitherto only by the most extreme reactionary enemies of labor." Mr. Green maintained that labor organizations were wholly exempt from the anti-trust laws.

A. F. OF M. NEGOTIATIONS

November 1—The IRNA executive committee met with representatives of the networks to canvass the situation and to discuss policy with regard to the expiration of A. F. of M. agreements expiring January 17, 1940.

Present: Messrs. Rosenbaum, Ethridge, Damm and Shepard for IRNA; Messrs. Klauber, Wood and Lowman for the networks; Mr. Lafount of the Independents, and J. L. Miller of the NAB.

November 2—The IRNA executive committee met the executive board of the A. F. of M. The working of the present agreements was discussed. The A. F. of M. board announced it wanted an additional \$1,500,000 annual expenditure for staff musicians by network affiliates and an increase of \$60,000 at each key station by the three major networks.

Present: Messrs. Rosenbaum, Damm and Shepard for IRNA; Messrs. Wood, Lowman and Seebach for the networks; Mr. Lafount of the Independents and J. L. Miller of the NAB. It was explained that Messrs. Lafount and Miller were present as observers.

November 17—The IRNA board of directors met alone and with representatives of the networks, to discuss what answer should be given to the A. F. of M.

Present: Messrs. Rosenbaum, Carpenter, Craney, Damm, Ethridge, Lounsberry, Morency, O'Fallon, and Shepard for IRNA; Messrs. Lohr, Klauber, Streibert, Wood, Lowman and Ream for the networks; J. L. Miller of NAB.

November 20—An IRNA committee met with the A. F. of M. executive board, and proposed that the matter of new agreements be left to individual stations and local unions. This the A. F. of M. board rejected. The IRNA committee then proposed an attempt to make a new national settlement if the A. F. of M. would discuss changes in Schedule A of the present national settlement and would agree to substantially the same total expenditure now required. The A. F. of M. board said it would reply to this second proposal after executive consideration. A copy of the IRNA statement, read by Mr. Rosenbaum, was mailed to all broadcasters.

Present: Messrs. Rosenbaum, Ethridge, Shepard, and Norton for IRNA; Messrs. Wood, Lowman, Streibert and Seebach for the networks; J. L. Miller of NAB.

FREE OFFERS

Flower Industries Council, who want stations to use publicity intended to promote the sale of flowers for Christmas, is the only free offer reported to NAB this week. The Bureau of Radio Advertising has invited them to use radio on a regular basis, in which case they will be assured of 100% station cooperation and results that will more than justify the expenditure.

COST-PER-INQUIRY

Ken Hoffman (Christmas Cards) is an enterprising citizen of New York City, who would like stations to sell his Christmas cards on a percentage basis, at the same time serving as a clearing house for orders. NAB has advised him that member stations consider this bad business practice, and has expressed the hope that he can see fit to buy time at stations' quoted card rates, with correspondingly improved results.

DECEMBER COMING EVENTS

- December 3-10—International Golden Rule Week
- December 16 —Boston Tea Party, 1773
—Beethoven, composer, born 1770
- December 17 —John Greenleaf Whittier, born 1807
—Wilbur Wright's first flight, 1903
- December 21 —Forefather's Day—Landing of Pilgrims in 1620 (celebrated mostly in New England)
- December 22 —Winter Begins Today
- December 25 —Christmas Day
- December 31 —New Year's Eve.

KENTUCKY BROADCASTING CORPORATION ORDERED TO SHOW CAUSE

The Federal Communications Commission on its own motion, ordered the Kentucky Broadcasting Corporation to show cause, on or before December 5th, why a construction permit issued to that corporation for a new station at Louisville should not be recalled on the ground that the concern is not financially qualified to construct and operate the proposed station in the public interest.

On February 8, 1939, the Commission granted the construction permit for the proposed Louisville station, to use 1210 kilocycles, 100 watts night and 250 watts day, unlimited time. On October 10, 1939, the Commission, without hearing, authorized the Northside Broadcasting Corporation to increase hours of operation of its station (WGRC), at New Albany, Indiana, from daytime only with 250 watts power to unlimited time with the same power.

On October 30th the Kentucky Broadcasting Corporation petitioned for rehearing of the Northside Broadcasting Corporation grant. It claimed that the authorization "would result in such severe loss of operating revenue to petitioner's proposed station as to impair the service which it could render" and, further, that "it would destroy the ability of the Kentucky Broadcasting Corporation to render proper service in the public interest." No facts were stated in the petition in the support of these conclusions.

In formally denying the Kentucky Broadcasting Corporation's request for rehearing, the Commission said:

"Since the petitioner's station is not yet constructed, much less operating, and petitioner is not a licensee under the Act, and is not engaged in the operation of a broadcast station, it is difficult to see how proof of the allegations * * * would constitute proper grounds for a denial of Northside's application. At the most, such allegations cast serious doubts upon the petitioner's financial qualifications to construct and operate its proposed station."

In view of such "voluntary admissions as to its inability to operate its proposed station if the Northside Broadcasting Corporation is authorized to operate full time," the Commission issued its supplemental show cause order in the case of the Kentucky Broadcasting Corporation.

FCC CALLS ATTENTION TO TEMPORARY PERMIT RULES

Attention of broadcasters has been called by the Federal Communications Commission to its rules dealing with special temporary authorizations. In an official announcement on this subject this week the Commission said:

The attention of all licensees of standard broadcast stations is called to the provisions of Section 1.365 of the Rules of Practice and Procedure. This section governs the filing and action on requests for special temporary authorizations. Two provisions are particularly called to the attention of these licensees. These provisions are briefly summarized as follows:

1. Requests must be made 10 days prior to the time of desired operation. In special cases where the request could not be made on time, a full explanation must be made in the request as a basis for acceptance.

2. The requests must be limited to temporary periods for the transmission of programs or events which are not recurrent.

All requests for special temporary authorizations will be considered strictly under all other provisions of Section 1.365, as well as the two provisions outlined above. Requests for operation not in accordance with this section will not be granted.

The provision requiring that the request be made 10 days prior to the desired time of operation means that events which are known 10 days in advance, such as the broadcast of election returns, addresses by prominent citizens, sports events, etc., must be filed 10 days before the event. In such cases a request for acceptance upon the basis that arrangements for the broadcast were not made 10 days prior to the event cannot be accepted. However, requests for operation in connection with an emergency or play-off of a sports event tie or championship which could not have been foreseen, would constitute a basis for requesting an exception to the requirement for filing 10 days in advance.

Requests must be limited to temporary periods for transmission of programs which are not recurrent. This means, for example, that a program concerning a community chest drive, the dedication of a public building, an address by a prominent citizen, a sports event, etc., may be considered, provided that only the actual time required for such operation is involved. Additional time for holding the audience or for the convenience of the licensee is not in order. Requests to carry programs which are recurrent and extend over considerable time, particularly beyond a definite 30-day interval, cannot be considered as proper basis for a request for temporary operation. Requests for such operation should be made by formal application in accordance with the rules governing the same.

Any licensee making a request for a temporary authorization should read carefully and must comply fully with all provisions of Section 1.365. Such procedure is essential to avoid unnecessary expense and delay in the handling of the request.

Section 1.365 referred to is as follows:

Sec. 1.365 of the Rules of Practice and Procedure of the Federal Communications Commission

Sec. 1.365. *Special temporary authorizations.* (a) Special temporary authority may be granted for the operation of a station for a limited time, or in a manner and to an extent or for service other or beyond that authorized in an existing license upon proper application therefor;¹ *Provided, however,* That no such request will be considered unless:

(1) It is received by the Commission at least ten days previous to the date of proposed operation: *Provided, however,* That any such request received within less than ten days may be accepted upon due showing of sufficient reasons for the delay in submitting such request;

(2) Full particulars as to the purpose for which the request is made are stated.

(b) If the request is for operation of a standard broadcast station, the following additional requirements shall apply:

(1) No such authority may be granted to a person other than the licensee of an existing standard broadcast station.

(2) The request shall be limited to a definite or temporary period or periods for the transmission of programs or events which are not recurrent, and approval thereof will not be granted for a period in excess of thirty days.

¹ Informal Applications.

(3) The request shall show that it has been seasonably submitted to other stations whose operations may be affected (to be determined as indicated below), and the date on which such request was so submitted, which such stations shall submit direct to the Commission waiver of objection to the granting thereof or a statement of the nature of any objections that such stations may desire to interpose.

(4) If the request is for operation upon a clear channel, showing required above shall be made with respect to the Class I station or stations on the channel.

(5) If the request is made by time sharing station, the showing required above shall be made with respect to the station or stations with which time is shared.

(6) In any case, the showing required above must be made with respect to any station on the same or adjacent channels when any such station is located within the interference range of the station making the request to be determined by the "Standards of Good Engineering Practice Concerning Standard Broadcast Stations."

(7) Waiver of objections, or statement of objections, when furnished under this rule, shall be forwarded direct to the Commission by the responding station, and in the case of waiver shall show whether the waiver covers simultaneous operation or whether the station is giving up the time sought by the applicant. Where it appears that the proposed operation has been seasonably submitted to the station or stations referred to in subparagraphs (4), (5), and (6), above, and no reply has been received, it will be considered that such stations have waived any objections to the granting of the request.

FCC RULES AMENDED

Section 1.142 of the FCC Rules of Practice and Procedure was amended, effective immediately, to read as follows:

"Unless otherwise specifically provided, an original and fourteen copies of all petitions, motions, pleadings, and other documents required or permitted to be filed under these rules shall be furnished the Commission."

BROADCAST MEASUREMENTS

During October the Federal Communications Commission measured 714 broadcast stations, leaving 82 not measured.

Six hundred and thirty-six stations showed a maximum deviation within 0-10 cycles; 68 stations within 11-25 cycles; 8 stations within 26-50 cycles; and 2 stations over 50 cycles.

FEDERAL COMMUNICATIONS COMMISSION

FINAL ORDERS

The Federal Communications Commission has adopted a final order granting the applications of KQV, Pittsburgh, Pa., and WNBC, New Britain, Conn., for modification of licenses: KQV for authority to operate on frequency 1380 kilocycles with 1000 watts, unlimited time, using directional antenna at night, and to change the phasing of directional antenna, instead of 500 watts night, 1000 watts LS, using directional antenna at night; and WNBC to operate on the same frequency with 1000 watts, unlimited time, using directional antenna, instead of 250 watts night, 1000 watts LS.

An amendment to a final order of the Commission has been adopted in connection with the granting of the application of the Saginaw Broadcasting Company for the erection of a new station at **Saginaw, Michigan**, to operate **1200 kilocycles**, 100 watts night, 250 watts LS, with specified hours of operation, and the application of Gross and Shields for a new station also at Saginaw to operate on **950 kilocycles**, 500 watts, daytime hours, calling for the approval by the Commission of the transmitter site.

Final order was adopted by the Commission granting the application of Vincennes Newspapers, Inc., for construction permit to erect a new station at **Vincennes, Indiana**, to operate on **1420 kilocycles**, 100 watts, unlimited time.

The Commission denied in an order the request of Yuba-Sutter Broadcasters, **Marysville, Calif.**, to reopen the proceedings for the purpose of adducing additional evidence, and for authority to amend its application. The Commission adopted its proposed findings of fact and entered its decision denying the application of the company to operate a new station at Marysville on **1320 kilocycles**, 250 watts, unlimited time, using a directional antenna after local sunset.

Final order was also adopted by the Commission granting the application of WJMS, Inc., for a construction permit to erect a new station at **Ashland, Wisconsin**, to operate on **1370 kilocycles**, 100 watts, unlimited time, subject to certain conditions.

FINDING OF FACT

The Federal Communications Commission has announced its proposed finding of fact proposing to grant the application of WJBO, **Baton Rouge, La.**, and WAPO, **Chattanooga, Tenn.**, WJBO for a construction permit to operate with 1000 watts on **1120 kilocycles**, instead of 500 watts, unlimited time, and WAPO for authority to change its frequency from **1420 kilocycles**, 100 watts night, 250 watts day LS, unlimited time to **1120 kilocycles**, 500 watts night, 1000 watts day on an unlimited time basis, employing a directional antenna at night.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearing is scheduled before the Commission in a broadcast case for the week beginning Monday, November 27. It is subject to change.

Friday, December 1

Hearing Before Paul A. Walker, Commissioner,
To Be Held in Grand Jury Room No. 212, U. S. Court House,
Phoenix, Arizona
KUMA—Albert H. Schermann, Yuma, Ariz.—Hearing upon Order
of Revocation of License of Station KUMA.

FUTURE HEARING

During the week the Commission has announced the following tentative date for a broadcast hearing. It is subject to change.

January 29

WINS—Hearst Radio, Inc. (Assignor), Metropolitan Broadcasting Corp. (Assignee), New York, N. Y.—Voluntary assignment of license, **1180 kc.**, 1 KW, limited time (KEX and KOB).

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

- KPDN—R. C. Hoiles, Pampa, Tex.—Granted modification of license to increase hours of operation from daytime to unlimited, using present frequency **1310 kc.** and power of 100 watts.
- KGFL—KGFL, Inc., Roswell, N. Mex.—Granted modification of license to change time of operation from specified hours to unlimited.
- WHMA—Harry M. Ayers, Anniston, Ala.—Granted construction permit to make changes in equipment and increase power from 100 to 250 watts.
- WKZO—WKZO, Inc., Kalamazoo, Mich.—Granted modification of construction permit to make changes in directional antenna system and increase night power from 250 watts to 1 KW, employing directional antenna system for nighttime operation; also extension of commencement date to 30 days after grant and completion date to 180 days thereafter.
- WOW—Woodmen of the World Life Ins. Society, Omaha, Nebr.—Granted construction permit to move transmitter site locally, install new equipment, and increase night power from 1 KW to 5 KW. Exact transmitter site and type of antenna to be determined with Commission's approval.
- WROL—S. E. Adcock and S. E. Adcock, Administrator of Estate of Ruth Adcock, deceased, Knoxville, Tenn.—Granted authority to transfer control of Stuart Broadcast Corporation (licensee of Station WROL) to S. E. Adcock.
- WBNS, Inc., Columbus, Ohio.—Granted construction permit for new high frequency broadcast station to operate on **43000 kc.**, with 250 watts, special emission for frequency modulation, unlimited time.
- KFXD—Frank E. Hurt, Nampa, Idaho.—Granted modification of license to increase night power from 100 to 250 watts.
- WGIL—Galesburg Broadcasting Co., Galesburg, Ill.—Granted modification of license to increase time of operation from daytime only to unlimited, using 250 watts day and night.
- WMEX—The Northern Corp., Chelsea, Mass.—Granted modification of license to increase night power from 100 to 250 watts.
- KTRI—Sioux City Broadcasting Co., Sioux City, Iowa.—Granted modification of license to increase night power from 100 to 250 watts.
- KDRO—Albert S. and Robert A. Drohlich, d/b as Drohlich Bros., Sedalia, Mo.—Granted modification of license to increase night power from 100 to 250 watts.
- WCOS—Carolina Advertising Corp., Columbia, S. C.—Granted modification of license to increase night power from 100 to 250 watts.
- KTSM—Tri State Broadcasting Co., Inc., El Paso, Tex.—Granted modification of license to increase night power from 100 to 250 watts.

WDAH—Tri State Broadcasting Co., Inc., El Paso, Tex.—Granted modification of license to increase night power from 100 to 250 watts.

RENEWAL OF LICENSES

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

KADA, Ada, Okla.; KALB, Alexandria, La.; KAND, Corsicana, Tex.; KARM, Fresno, Calif.; KAST, Astoria, Ore.; KDLR, Devils Lake, N. Dak.; KDON, Monterey, Calif.; KFDA, Amarillo, Tex.; KFJB, Marshalltown, Iowa; KFOR, Lincoln, Nebr.; KFPL, Dublin, Tex.; KFXJ, Grand Junction, Colo.; KFXM, San Bernardino, Calif.; KGDE, Fergus Falls, Minn.; KGEK, Sterling, Colo.; KGEZ, Kalispell, Mont.; KGLO, Mason City, Iowa; KGY, Olympia, Wash.; KHUB, Watsonville, Calif.; KITE, Kansas City, Mo.; KLAH, Carlsbad, N. Mex.; KMLB, Monroe, La.; KOCY, Oklahoma City, Okla.; KOOS, Marshfield, Ore.; KPDN, Pampa, Tex.; KPFA, Helena, Mont.; KPMC, Bakersfield, Calif.; KRBA, Lufkin, Tex.; KVNU, Logan, Utah; KVOL, Lafayette, Ind.; KVSF, Santa Fe, N. Mex.; KVSO, Ardmore, Okla.; KWG, Stockton, Calif.; KWOC, Poplar Bluff, Mo.; WABI, Bangor, Maine; WAML, Laurel, Miss.; WBBL, Richmond, Va.; WBRB, Red Bank, N. J.; WCLO, Janesville, Wis.; WCLS, Joliet, Ill.; WCMI, Ashland, Ky.; WCOU, Lewiston, Maine; WCOV, Montgomery, Ala.; WEMP, Milwaukee, Wis.; WEST, Easton, Pa.; WEXL, Royal Oak, Mich.; WFBG, Altoona, Pa.; WFDF, Flint, Mich.; WFOY, St. Augustine, Fla.; WGBB, Freeport, N. Y.; WGRM, Grenada, Miss.; WHAT, Philadelphia, Pa.; WHBU, Anderson, Ind.; WHBU, Green Bay, Wis.; WIBU, Poynette, Wis.; WJBY, Gadsden, Ala.; WJEJ, Hagerstown, Md.; WJIM, Lansing, Mich.; WJMC, Rice Lake, Wis.; WJNO, West Palm Beach, Fla.; WJTN, Jamestown, N. Y.; WJW, Akron, Ohio; WLBC, Muncie, Ind.; WLOK, Lima, Ohio; WNBH, New Bedford, Mass.; WOMT, Manitowoc, Wis.; WQXR, New York City; WRAL, Raleigh, N. C.; WRAW, Reading, Pa.; WRBL, Columbus, Ga.; WROL, Knoxville, Tenn.; WSAJ, Grove City, Pa.; WSAY, Rochester, N. Y.; WSGN, Birmingham, Ala.; WSNJ, Near Bridgeton, N. J.; WTAX, Springfield, Ill.; WTHT, Hartford, Conn.; WTMA, Charleston, S. C.; WSOY, Decatur, Ill.; WWAE, Hammond, Ind.; KBTM, Jonesboro, Ark.; KHBG, Okmulgee, Okla.; KSUN, Lowell, Ariz.; KVOX, Moorhead, Minn.

WBNS—WBNS, Inc., Columbus, Ohio.—Granted renewal of license for auxiliary transmitter for the period ending August 1, 1940.

WHEC—WHEC, Inc., Rochester, N. Y.—Granted renewal of license for the period ending August 1, 1940.

WRR—City of Dallas, Texas, Dallas, Tex.—Granted renewal of license for the period ending June 1, 1940.

WRR—City of Dallas, Texas, Dallas, Tex.—Granted renewal of license for auxiliary transmitter for the period ending June 1, 1940.

KCRJ—Central Arizona Broadcasting Co., Jerome, Ariz.—Present license extended on a temporary basis for the period ending January 1, 1940, pending receipt of and determination upon application for renewal.

KFXD—Frank E. Hurt, Nampa, Idaho.—Present license extended on a temporary basis for the period ending January 1, 1940, pending receipt of and determination upon application for renewal.

KWJB—Sims Broadcasting Co., South of Globe, Ariz.—Present license extended on a temporary basis for the period ending January 1, 1940, pending receipt of and determination upon application for renewal.

KOME—Oil Capital Sales Corp., Tulsa, Okla.—Present license extended on a temporary basis for the period ending January 1, 1940, pending receipt of and determination upon application for renewal.

WBRY—American Republican, Inc., Waterbury, Conn.—Present license extended upon a temporary basis only, pending receipt of and determination upon application for renewal, but in no event longer than January 1, 1940.

KGBU—Alaska Radio & Service Company, Inc., Ketchikan, Alaska.—Present license further extended upon a temporary basis only, for the period ending January 1, 1940, pending determination upon application for renewal.

KVOS—KVOS, Inc., Bellingham, Wash.—Present license extended on a temporary basis only for the period ending October 1, 1940, upon the express condition that the grant shall not be construed as a finding by the Commission upon the application of Bellingham Broadcasting Co. for construction

permit, nor upon the application for renewal of license of KVOS, nor upon any of the issues involved therein, nor that the Commission has found that the operation of this station is or will be in the public interest beyond the express terms of the temporary license.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Granted renewal of license on a temporary basis only for the period ending October 1, 1940, subject to whatever action may be taken by the Commission upon pending application for renewal.

WJRD—James R. Doss, Jr., Tuscaloosa, Ala.—Granted renewal of license on a temporary basis only for the period ending October 1, 1940, subject to whatever action may be taken upon pending application for renewal of license.

The following relay broadcast stations were granted renewals for the regular period:

WLWC, area of Cincinnati; KEGR, area of Seattle; WEIA and WEIB, area of Schenectady; WEIO, WEIN, WEIP, area of Milwaukee; KEIF, area of Fort Worth, Tex.; KEIH, area of Denver; WEIQ, area of New York City; KEIQ, KEIR, area of Los Angeles; KEIS, area of Kansas City, Mo.; WEJA, area of New York City; WEJC, area of Washington, D. C.; WEJH, area of Chicago; KEJH, KEJI, area of San Francisco; KEIX, KEIW, area of Denver; WEKJ, area of Pittsburgh, Pa.; WEOH, area of Richmond, Va.; KEGZ, area of Spokane, Wash.; WEKU, area of Hartford, Conn.; WELK, area of Springfield, Ill.; WEIK, area of Indianapolis.

KIJG—Eagle Broadcasting Co., Inc., area of Brownsville, Tex.—Granted renewal of relay broadcast station license for the period ending October 1, 1940.

MISCELLANEOUS

WSVS—Seneca Vocational High School, Buffalo, N. Y.—Granted special temporary authority to remain silent on November 23, 24 and 25, instead of November 30, December 1 and 2, as authorized by grant of June 8, in order to observe Thanksgiving holidays.

KVAK—Carl Latenser, Atchison, Kan.—Granted special temporary authority to operate from 7 to 11 p. m., CST, on November 17, in order to broadcast Atchison High School v. Hiawatha Kansas High School football game only.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts nighttime on November 17, in order to broadcast football game only.

WNBH—E. Anthony & Sons, Inc., New Bedford, Mass.—Granted special temporary authority to operate a crystal controlled portable transmitter in the vicinity of New Bedford, Mass., using power of 50 watts, frequency 1360 kc., between the hours beginning one hour after sunrise and ending one hour prior to local sunset, for a period not to exceed 10 days, in order to conduct site survey.

KRKO—Lee E. Mudgett, Everett, Wash.—Granted special temporary authority to operate simultaneously with station KEEN from 7 p. m. to 12 p. m., Midnight, on November 18 and December 2, in order to broadcast Everett City election returns.

WLAW—Hildreth & Rogers Co., Lawrence, Mass.—Granted special temporary authority to operate from local sunset (December 4:15 p. m., EST) to midnight on December 12, using 1 KW power, in order to broadcast final election results of the city of Lawrence.

KWHB—WHB Broadcasting Co., Kansas City, Mo.—Granted special temporary authority to use equipment described in construction permit granted October 23, with 100 watts power, frequencies 1622, 2058, 2150 and 2790 kc., for a period not to exceed 30 days, pending filing and action on application for license to cover said construction permit.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from local sunset (November 5:00 p. m., EST) to midnight on November 21, 1939, in order to broadcast the proceedings attendant upon the Democratic Victory Banquet.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Granted special temporary authority to operate from 8:30 p. m. EST, to the conclusion of the Mercer College v. Howard College football game on November 16, 1939, in order to broadcast football game only.

KUMA—Albert H. Schermann, Yuma, Ariz.—Adopted an order authorizing the Commissioner designated to preside at the

hearing, to fix the time and place such hearing shall be held, to hear, consider, determine and act upon any and all petitions, motions, and other preliminary matters in connection with, or pertaining to, said proceedings which may arise prior to the date of said hearing.

E. B. Sturdivant, d/b as Silver Crest Theaters, Yuma, Ariz.—Adopted an order authorizing the Commissioner designated to preside at the hearing, to fix the time and place such hearing shall be held, to hear, consider, determine and act upon any and all petitions, motions, and other preliminary matters in connection with, or pertaining to, said proceedings which may arise prior to the date of said hearing.

WJSV—Columbia Broadcasting System, Inc., Washington, D. C.—Granted special temporary authority to use a 100-watt crystal-controlled Collins transmitter, operating on 1510 ke., during daylight hours, for the period November 15 to November 24, in order to make field intensity measurements.

WJRD—James R. Doss, Jr., Tuscaloosa, Ala.—Granted special temporary authority to operate additional time from 7:00 p. m. to conclusion of game on November 16, 1939, in order to broadcast high school football game only.

WFTL—Tom M. Bryan, Ft. Lauderdale, Fla.—Granted modification of construction permit for approval of transmitter and studio sites at 403 Tarpon Drive, Ft. Lauderdale, Fla., and installation of vertical radiator.

KADA—C. C. Morris, Ada, Okla.—Granted special temporary authority to maintain studios at the transmitter site (Highway No. 48, 1 mile north of Ada, Okla.), for a period not to exceed 30 days, pending determination of studio site due to fire.

KABC—Alamo Broadcasting Co., Inc., San Antonio, Texas.—Granted special temporary authority to rebroadcast transmissions between the ground and plane of Army Stations at Randolph Field over Radio Station KABC on November 16, 23, 30, December 7 and 14, 1939.

WMAZ—Southeastern Broadcasting Co., Inc., Macon, Ga.—Denied extension of special temporary authority to operate unlimited time with 1 KW, for the period November 16, 1939, to not later than December 15, 1939, in order to broadcast civic, charitable, religious, educational, fraternal, and commercial programs, and news of national and international events of extreme local interest, both of local origin and from the Columbia Broadcasting System.

KWEW—W. E. Whitmore, Hobbs, N. Mex.—Granted special temporary authority to operate simultaneously with Station KBST from 4:45 p. m. to 6:00 p. m., EST, on November 24 and 30, 1939, in order to broadcast football games only.

WCLS—WCLS, Incorporated, Joliet, Ill.—Granted special temporary authority to operate additional time on December 5, 12, and 19, 1939, in order to broadcast high school football games only.

KVAK—Carl Latenser, Atchison, Kans.—Granted special temporary authority to operate additional time from local sunset on November 19, 1939, in order to broadcast football game only.

KFDY—South Dakota State College, Brookings, S. D.—Granted special temporary authority to remain silent on November 30, 1939, in order to observe Thanksgiving holiday.

WSVS—Elmer G. Pierce, Principal, Seneca Vocational High School, Buffalo, N. Y.—Granted special temporary authority to remain silent on January 1, 1940, February 12 and 22, 1940, March 30, 1940 (noon) to March 31, 1940, May 30, 1940 and June 17, to September 8, 1940, in order to observe holidays and vacations as described in letter dated November 9, 1939.

KGER—Consolidated Broadcasting Corp, Ltd., Long Beach, Calif.—Dismissed without prejudice to the filing of another petition which complies with the Rules and Regulations of the Commission, the petition for leave to intervene in the hearing on the application of Broadcasting Corporation of America, for a new station in Riverside, Calif.

KFRU—KFRU, Inc., Columbia, Mo.—Granted petition to intervene in the hearing on the application of Stephenson, Edge and Korsmeyer, for a new station in Jacksonville, Ill., but denied request for enlargement of issues.

Radio Voice of Springfield, Inc., Springfield, Ohio.—Granted petition for leave to amend application for new station.

Metropolitan Broadcasting Corp., Assignee, New York City.—Granted motion for continuance of hearing 60 days from November 27, on the application to assign license of Station WINS from Hearst Radio, Inc., to Metropolitan Broadcasting Corp.

W1XPW—WDRG, Inc., Meriden, Conn.—Granted extension of special temporary authority to rebroadcast over high frequency broadcast station W1XPW the transmissions from high frequency broadcast station W2XMN, for the period November 29 to December 28, in order to experiment as to the feasibility of such a system.

WHA—State of Wisconsin University of Wisconsin, Madison, Wis.—Granted special temporary authority to operate from local sunset (November 4:30 p. m., CST) to 5 p. m., CST, on November 18, in order to broadcast University of Wisconsin Homecoming football game only.

KHBB—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Granted special temporary authority to operate from local sunset (November and December 5:15 p. m., CST) to 9 p. m., CST, on November 19, 26, and December 3, in order to broadcast church services only.

E. B. Sturdivant, d/b as Silver Crest Theaters, Yuma, Ariz.—Granted motion to dismiss without prejudice the application for a new station in Yuma.

WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Designated for hearing the application of WBHP for renewal of license on the issues relating to technical violations of the Commission's Rules and Regulations, and to determine whether applicant is capable or willing to operate the station in accordance with the Rules of the Commission.

KRSC—Radio Sales Corp., Seattle, Wash.—Adopted amended order in the matter of the application of KRSC for construction permit to make changes in transmitting equipment, move transmitter site and increase power, by adding a paragraph that permittee shall file with the Commission within two months after effective date of order, an application for modification of construction permit, specifying exact transmitter site.

Gateway Broadcasting Co., Louisville, Ky.—Denied petition for hearing or rehearing in the application of WGRC, Northside Broadcasting Corp., New Albany, Ind., for modification of license to increase hours of operation from daytime to unlimited, on frequency 1370 ke., with 250 watts power, which was granted by the Commission without a hearing on October 10, 1939.

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Adopted an order authorizing the Commissioner designated to preside at the hearing in re the application of WHDH to change operating time from daytime (KOA) to unlimited, and increase power from 1 KW to 5 KW, to fix the time and place such hearing shall be held, to hear, consider, determine and act upon any and all petitions, motions, and other preliminary matters in connection with and pertaining to said proceedings.

KIEV—Cannon System, Ltd., Glendale, Calif.—Assigned Ralph L. Walker to preside at the hearing on the application for renewal of license for station KIEV, hearing to be held in the office of the Inspector in Charge, in Los Angeles, on December 7, 1939.

WSPA—Spartanburg Advertising Co., Spartanburg, S. C.—Denied petition for extension of effective date of final order in re Docket No. 5451.

WTHT—The Hartford Times, Inc., Hartford, Conn.—Granted special temporary authority to perform site surveys in or near Hartford during the experimental period on frequency 1200 ke., with a portable modified radio telephone transmitter, 50 watts power, with unmodulated carrier, for a period not to exceed 10 days.

KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period November 20 to December 19, 1939.

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to remain silent from 2 to 3 p. m. on December 5, 6, 7, 12, 13, 14, 19 and 20, and from 3 to 3:30 p. m., CST, on December 4, 11 and 18, in order to permit WNAD to broadcast special educational programs; to operate from 7:15 p. m. to 9:15 p. m., December 21, 26, and 28, and from 8:15 to 9:15 p. m., CST, on December 27, in order to permit WNAD to remain silent during Christmas vacation (provided WNAD remain silent).

WNAD—University of Oklahoma, Norman, Okla.—To operate from 2 to 3 p. m. on December 5, 6, 7, 12, 13, 14, 19 and 20, and from 3 to 3:30 p. m., CST, on December 4, 11 and 18, in order to broadcast special educational programs (provided KGGF remains silent); to remain silent from 7:15 to 9:15 p. m. on December 21, 26 and 28, and from 8:15

to 9:15 p. m., CST, on December 27, in order to observe Christmas vacation.

The Louisville Times Co., Louisville, Ky.—Granted construction permit for new low frequency relay broadcast station to operate on frequencies 1646, 2090, 2190 and 2830 kc., 50 watts.

J. T. Ward, d/b as WLAC Broadcasting Service (Nashville, Tenn.), Portable-Mobile.—Granted construction permit for new high frequency relay broadcast station to operate on frequencies 30820, 33740, 35820 and 37980 kc., 2 watts.

KHIQ—K. M. T. R. Radio Corp. (Los Angeles, Cal.), Portable-Mobile.—Granted construction permit for reinstatement of low frequency relay broadcast station to operate on frequencies 1622, 2058, 2150 and 2790 kc., 200 watts.

KBQA—Maxwell H. White & Herman R. Wiecking, d/b as Winona Radio Service, Portable-Mobile (area of KWNO, Winona, Minn.)—Granted license to cover construction permit for new low frequency broadcast station to operate on frequencies 1646, 2090, 2190, 2830 kc., 20 watts.

KMED—Mrs. W. J. Virgin, Medford, Ore.—Granted license to cover construction permit authorizing installation of new equipment and increase in day power from 250 watts to 1 KW.

KVAN—Vancouver Radio Corp., Vancouver, Wash.—Granted license to cover construction permit authorizing new station to operate on 880 kc., 250 watts, daytime only. Also granted authority to determine operating power by direct measurement of antenna input.

WHEB—Granite State Broadcasting Corp., Portsmouth, N. H.—Granted special temporary authority to operate a 50-watt site test transmitter, on the frequency 740 kc., in the vicinity of Portsmouth, during the experimental period when station WSB is not in operation, for a period not to exceed 10 days, in order to make a survey of a proposed new transmitter site for station WHEB.

WKST—Keystone Broadcasting Co., New Castle, Pa.—Granted special temporary authority to operate unlimited time on November 23, in order to broadcast programs as described in letters received November 13.

WMRO—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate additional time on November 23, in order to broadcast a football game only.

WSUI—State University of Iowa, Iowa City, Iowa.—Granted special temporary authority to reduce hours of operation from unlimited to a minimum of 8 hours daily, for the period December 17, 1939, to January 3, 1940, in order to observe Christmas vacation.

WLWG—The Crosley Corp. (Cincinnati, Ohio—area of WLW and WSAI). Portable-Mobile.—Granted construction permit to make changes in equipment and increase power from 1 to 2 watts in High Frequency Relay Broadcast Station.

WLWH—The Crosley Corp. (Cincinnati, Ohio—area of WLW and WSAI). Portable-Mobile.—Granted construction permit to make changes in equipment of High Frequency Broadcast Station.

WLWI—The Crosley Corp. (Cincinnati, Ohio—area of WLW and WSAI), Portable-Mobile.—Granted construction permit to make changes in equipment of High Frequency Broadcast Station and increase power from 5 to 15 watts.

WOLS—O. Lee Stone, Florence, S. C.—Granted license to cover C. P. authorizing changes in composite equipment and increase power from 100 to 250 watts.

WEGS—Donald A. Burton, Muncie, Ind.—Granted license to cover C. P. for changes in equipment of High Frequency Relay Broadcast Station.

KORE—Eugene Broadcast Station, Eugene, Ore.—Granted license to cover C. P. authorizing changes in equipment and increase in power from 100 to 250 watts.

KANS—The KANS Broadcasting Co., Wichita, Kans.—Granted modification of construction permit authorizing changes in equipment and extension of commencement date to 90 days after grant and completion date to 90 days thereafter.

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Granted authority to determine operating power by direct measurement of antenna input.

WRAK—WRAK, Inc., Williamsport, Pa.—Granted authority to determine operating power by direct measurement or antenna input.

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Granted license to cover C. P. authorizing move of transmitter site, changes in equipment and installation of vertical radiator.

Westinghouse Electric and Mfg Co. (Pittsburgh, Pa.), Portable-Mobile.—Granted construction permit for new high frequency relay broadcast station to operate on frequencies 31220, 35620, 37020 and 39260 kc., 2 watts. Also granted license to cover same.

Bamberger Broadcasting Service, Inc., New York City.—Granted special temporary authority to use a Beer-Mug type transmitter manufactured by Fred M. Link, Model No. 388, power 0.2 watt, under area license of station WEGK, instead of regularly licensed equipment, for a special pickup at Seven-Daily Bicycle Races, Madison Square Garden, New York City, on November 20, on frequencies 31620, 35260, 37340, 39620 kc.

WDWS—Champaign News-Gazette, Inc., Champaign, Ill.—Granted special temporary authority to rebroadcast two-way communication between plane and ground on the frequencies 7385 and 6290 kc., at Chanutte Field, Ill., on November 20, in connection with serial program concerning Army expansion.

KUMA—Albert H. Schermann, Yuma, Ariz.—Denied petition for indefinite postponement of hearing in re revocation of license of KUMA.

APPLICATIONS FILED AT FCC

580 Kilocycles

KMJ—McClatchy Broadcasting Co., Fresno, Calif.—Modification of license to increase power from 1 KW; 5 KW day to 5 KW day and night.

590 Kilocycles

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, Hawaii.—Modification of construction permit B-P-2220, for change in frequency, increase in power, move of transmitter, install new transmitter and antenna, further requesting authority to increase power from 1 KW; 5 KW day to 5 KW day and night, and change name to Hawaiian Broadcasting System, Ltd.

630 Kilocycles

WPRO—Cherry & Webb Broadcasting Company, Providence, R. I.—Construction permit to use old W. E. 353 E-1, transmitter as an auxiliary move transmitter from 680 Barrington Parkway, E. Providence, R. I., to Wampanoag Trail, E. Providence, R. I. (site of new main transmitter), increase power from 500 watts; 1 KW day to 1 KW day and night, and use antenna described in construction permit B1-P-2369 as modified.

660 Kilocycles

WEAF—National Broadcasting Co., Inc., New York, N. Y.—Modification of construction permit B1-P-2339, to install new antenna and move transmitter, further requesting authority to install directional antenna for day and night.

800 Kilocycles

WBAP—Carter Publications, Inc., Fort Worth, Texas.—Authority to determine operating power by direct measurement of antenna power.

810 Kilocycles

WCCO—Columbia Broadcasting System, Inc., Minneapolis, Minn.—Authority to determine operating power by direct measurement of antenna power.

850 Kilocycles

WKAR—Michigan State College, East Lansing, Mich.—Modification of construction permit B2-P-1767, as modified, for increase in power, new equipment, new antenna, and move of transmitter, further requesting authority to install new transmitter.

890 Kilocycles

WBAA—Purdue University, W. Lafayette, Ind.—Construction permit to install new transmitter, make changes in antenna, change hours of operation from specified hours to unlimited time, increase power from 500 watts; 1 KW day to 1 KW; 5 KW day, move transmitter from Northwestern Ave., West Lafayette, Ind., to State Road #43, 3 miles north of Romney, Randolph Township, Ind.

900 Kilocycles

WKY—WKY Radiophone Co., Oklahoma City, Okla.—Construction permit to increase power from 1 KW; 5 KW day to 5 KW day and night, using directional antenna nighttime.

920 Kilocycles

WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Authority to determine operating power by direct measurement of antenna power.

1010 Kilocycles

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Modification of license to increase power from 1 KW; 5 KW day to 5 KW day and night, using directional antenna at night.

1050 Kilocycles

WEAU—Central Broadcasting Co., Eau Clair, Wis.—Authority to determine operating power by direct measurement.

1060 Kilocycles

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—License to cover construction permit B1-P-2327 for installation of directional antenna for night use.
WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Modification of special experimental authority to operate simultaneously with KRLD (unlimited time) on 1040 ke., using directional antenna at night.

1110 Kilocycles

WRVA—Larus & Brothers Co., Inc., Richmond, Va.—Authority to determine operating power by direct measurement of antenna power.

1120 Kilocycles

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Construction permit to install new transmitter, directional antenna for day and night use; increase power from 250 watts night, 1 KW day, to 5 KW day and night; and move transmitter from 231 West Michigan St., Milwaukee, Wis., to near Milwaukee, Wis.

1200 Kilocycles

WFTC—Jonas Weiland, Kinston, N. C.—Authority to determine operating power by direct measurement of antenna power.
WMOB—S. B. Quigley, Mobile, Ala.—Modification of construction permit B3-P-1983 as modified for a new station, requesting authority to make changes in transmitting equipment.
WSOO—Hiawathaland Broadcasting Co., Sault Ste. Marie, Mich.—Modification of construction permit B2-P-2423 for a new station, requesting approval of antenna, new transmitter, and studio site at Sault Ste. Marie, Mich., and transmitter at south of town, Sault Ste. Marie, Mich.
KVCV—Golden Empire Broadcasting Co., Redding, Calif.—Construction permit to install new transmitter and increase power from 100 to 250 watts day and night.
WSOY—Commodore Broadcasting, Inc., Decatur, Ill.—License to cover construction permit B4-P-2107 for changes in equipment, antenna, frequency, power, and hours of operation.
WJBW—Charles C. Carlson, New Orleans, La.—Construction permit for equipment changes and increase in power from 100 watts to 250 watts.
WDLP—Panama City Broadcasting Co., Panama City, Fla.—Modification of construction permit B3-P-2213 for new station, requesting approval of antenna and approval of studio and transmitter site at near Cove Hotel, Panama City, Fla. Amended: to specify transmitter and studio site at First and Mercer Sts., Panama City, Fla., and antenna changes.

1210 Kilocycles

WFTM—Ft. Myers Broadcasting Co., Ft. Myers, Fla.—Modification of construction permit (B3-P-2444) for a new station, requesting approval of antenna and approval of studio and transmitter site at 51 E. First St., Ft. Myers, Fla., and increase night power from 100 to 250 watts.
WTMA—Y. W. Scarborough & J. W. Orvin, d/b as Atlantic Broadcasting Co., Charleston, S. C.—Voluntary assignment of

license from Y. W. Scarborough & J. W. Orvin, d/b as Atlantic Coast Broadcasting Co., to Atlantic Coast Broadcasting Co.

KHBG—Okmulgee Broadcasting Corp., Okmulgee, Okla.—Construction permit to make changes in equipment, increase power from 100 to 250 watts, time from day to unlimited.
WJMC—Walter H. McGenty, Rice Lake, Wisc.—Authority to determine operating power by direct measurement.
KDON—Monterey Peninsula Broadcasting Co., Monterey, Calif.—Construction permit to install new transmitter, antenna, increase power from 100 watts to 500 watts night, 1 KW day, change frequency from 1210 to 1440 ke., and move transmitter from Municipal Wharf, Monterey, Calif., to site to be determined, near Monterey, Calif. Amended: To omit request to move transmitter and omit request for changes in antenna.
NEW—Midland National Life Insurance Co., Watertown, S. Dak.—Construction permit for a new broadcast station to be operated on 1210 ke., 250 watts power, unlimited time, requesting facilities of KWTN.
WGCM—WGCM, Inc., Gulfport, Miss.—Construction permit to install new antenna, increase power from 100; 250 watts day, to 250 watts day and night, and move transmitter from Great Southern Country Club (East Beach, Gulfport), Mississippi City, Miss., to Arlington Heights, Gulfport, Miss.
WMFG—Head of the Lakes Broadcasting Co., Hibbing, Minn.—Authority to determine operating power by direct measurement of antenna power.
KOVO—Clifton A. Tolboe, tr/as Citizens Voice & Air Show, Provo, Utah.—Modification of license to increase power from 100 watts; 250 watts day, to 250 watts day and night.

1240 Kilocycles

KFJZ—Tarrant Broadcasting Co., Ft. Worth, Texas.—License to cover construction permit (B3-P-2564) for new equipment.

1250 Kilocycles

WKST—Keystone Broadcasting Co., New Castle, Pa.—Modification of license to change corporate name to WKST, Inc.

1260 Kilocycles

KOIL—Central States Broadcasting Co., Omaha, Nebr.—Construction permit to install directional antenna for night use, increase power from 1 KW night, 5 KW day to 5 KW day and night.

1290 Kilocycles

WEBC—Head of the Lakes Broadcasting Co., Duluth, Minn.—Authority to determine operating power by direct measurement of antenna power.

1310 Kilocycles

KWFC—Clyde E. Wilson & Howard A. Shuman, d/b as Hot Springs Broadcasting Co., Hot Springs, Ark.—Modification of construction permit (B3-P-2380) for a new station, requesting approval of antenna, installation of new transmitter, and approval of studio and transmitter site at 633 Central, Hot Springs, Ark.
KGEZ—Donald C. Treloar, Kalispell, Mont.—Construction permit to install new transmitter, increase power from 100 watts, to 1 KW, change frequency from 1310 to 1380 ke.
WJPR—John R. Pepper, Greenville, Miss.—Modification of license to increase power from 100 watts; 250 watts day, to 250 watts day and night.
WGTM—WGTM, Inc., Wilson, N. C.—Authority to determine operating power by direct measurement.
NEW—Dixie Broadcasting Corp., La Grange, Ga.—Construction permit for a new broadcast station to be operated on 1310 ke., 250 watts power, unlimited time.

1370 Kilocycles

KUJ—KUJ, Inc., Walla Walla, Wash.—Construction permit to move transmitter from Second and Rose Sts., Walla Walla, Wash., to site to be determined, Walla Walla, Wash., install new antenna, new transmitter, change frequency from 1370 to 1390 ke., and increase power from 100 watts to 1 KW. (Contingent on KRLC application B5-ML-902 for 1370 ke.).

NEW—C. P. Edwards, Jr., & Howard Long, d/b as Kingsport Broadcasting Co., Kingsport, Tenn.—Construction permit for a new broadcast station to be operated on **1370 kc.**, 250 watts, unlimited time.

WDAS—WDAS Broadcasting Station, Inc., Scranton, Pa.—License to cover construction permit (B2-P-2287), as modified, for move of auxiliary transmitter and install antenna for auxiliary transmitter.

KORN—Nebraska Broadcasting Corp., Fremont, Nebr.—Modification of construction permit (B4-P-2166) for a new station, requesting approval of antenna, installation of new transmitter, and approval of studio site at 6th & Broad Sts., Fremont, Nebr., and transmitter at East Sixteenth St., Fremont, Nebraska.

WHLB—Head of the Lakes Broadcasting Co., Virginia, Minn.—Authority to determine operating power by direct measurement of antenna power.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Modification of license to move main studio from New Albany, Ind., to Louisville, Ky.

WDWS—Champaign News-Gazette, Inc., Champaign, Ill.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

1390 Kilocycles

KRLC—H. E. Studebaker, Lewiston, Idaho.—Modification of license to change frequency from **1390** to **1370 kc.**, contingent on KUJ (B5-P-2610), for change in frequency from **1370** to **1390 kc.**

WHK—Radio Air Service Corp., Cleveland, Ohio.—Extension of special experimental authorization to transmit facsimile signals from 1 a. m. to 6 a. m., EST, using 1 KW power, for period ending 8-1-40. Amended: To change the name to The United Broadcasting Co.

1420 Kilocycles

KRBM—KRBM Broadcasters, Bozeman, Mont.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

KABC—Alamo Broadcasting Co., Inc., San Antonio, Tex.—Construction permit to install new transmitter, new antenna, change in frequency from **1420 kc.** to **710 kc.**; increase power from 250 watts to 10 KW; move transmitter from 811 East Myrtle St., to site to be determined, San Antonio, Tex.

KDNT—Harwell V. Shepard, Denton, Texas.—Modification of license to change hours of operation from daytime to unlimited time, using 100 watts power.

WFMJ—William F. Maag, Jr., Youngstown, Ohio.—Construction permit for changes in equipment, and increase in power from 100 to 250 watts.

KVAK—Carl Latenser, Atchison, Kans.—Modification of license to change hours of operation from daytime to specified hours. Amended: to request unlimited time using 100 watts power.

1430 Kilocycles

KINY—Edwin A. Kraft, Juneau, Alaska.—License to cover construction permit B-P-2401, as modified for changes in equipment and increase in power.

1460 Kilocycles

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—License to cover construction permit B4-P-2493 for auxiliary transmitter. Amended: re frequency check.

1480 Kilocycles

WHIP—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Construction permit to change hours of operation from specified hours to unlimited time, employing directional antenna day and night. Amended: re antenna changes.

1500 Kilocycles

KSAL—KSAL, Inc., Salina, Kans.—Modification of construction permit B4-P-2068, for change in frequency, increase in power, make changes in equipment, install directional antenna for night use, further requesting changes in directional antenna system, and installation of new transmitter. Extend

commencement date 60 days after grant and completion date 180 days thereafter.

WSYB—Philip Weiss, tr/as Philip Weiss Music Co., Rutland, Vt.—License to cover C. P. (B1-P-2454) for equipment changes and increase in power.

WKBB—Sanders Brothers Radio Station, Dubuque, Iowa.—License to cover construction permit (B4-P-1147) as modified, for move of transmitter and studio from East Dubuque, Ill., to Dubuque, Iowa, install new antenna and increase night power.

WOMI—Owensboro Broadcasting Co., Owensboro, Ky.—Authority to determine operating power by direct measurement.

1550 Kilocycles

NEW—Henry Joseph Walczak, Springfield, Mass.—Construction permit for a new television station at 360 Worthington St., Springfield, Mass., to be operated on **1550 kc.**, 250 watts, special emission, unlimited time.

MISCELLANEOUS

W2XWI—Bamberger Broadcasting Service, Inc., Carteret, N. J.—Modification of construction permit B1-PHB-82, for approval of transmitter site at Pauline St. and Park Ave., Carteret, N. J.

WLWO—The Crosley Corporation, Mason, Ohio.—Modification of construction permit B2-PIB-17, as modified, requesting extension of completion date from January 1, 1940 to July 1, 1940.

W9XBA—WHB Broadcasting Co., Kansas City, Mo.—License to cover construction permit B4-PHB-68, as modified, for new high frequency broadcast station.

KWHB—WHB Broadcasting Co., Kansas City, Mo.—License to cover construction permit B4-PRY-195 for new low frequency broadcast station.

WENX—Brown Radio Service and Laboratory (Gordon P. Brown, Owner), area of Rochester, N. Y.—Construction permit for reinstatement of station, requesting changes in equipment and increase in power from 25 watts to 50 watts.

W9XHW—Columbia Broadcasting System, Inc., Minneapolis, Minn.—Construction permit to move transmitter to site to be determined, Boston, Mass., Worcester, Mass., and adjacent areas in Massachusetts; install new transmitter; change emission from A-3 to special emission; change frequency from **42300 kc.** to **42800 kc.**; increase power from 50 watts to 1 KW.

W2XDV—Columbia Broadcasting System, Inc., New York, N. Y.—Construction permit to move transmitter to Chrysler Bldg., 405 Lexington Ave., New York, N. Y.; install new transmitter; change frequency from **42300 kc.** to **43000 kc.**; increase power from 50 watts to 1 KW; and change emission from A-3 to special.

WBOS—Westinghouse Electric & Manufacturing Co., Millis, Mass.—Modification of license to change frequency from **9570 kc.** to **6140, 9570, 15210, 21540 kc.**, sharing time with WPIT on all four frequencies.

WRPM—Radio Air Service Corp., Cleveland, Ohio.—Voluntary assignment of construction permit to United Broadcasting Co.

NEW—Westinghouse Electric & Manufacturing Co., Allison Park, Pa.—Construction permit for a new high frequency broadcast station to be located at Clearview Road at Route 8, Allison Park, Pa., to be operated on **42600 kc.**, 1 KW, unlimited time, and special emission.

KEHI—WDAY, Inc., area of Fargo, N. Dak.—Construction permit to change location of transmitter from portable-mobile to fixed at 118 Broadway, Fargo, N. Dak.

NEW—Midland Broadcasting Co., Inc., Kansas City, Mo.—Construction permit to erect new high frequency station located at 106 W. 14th St., Kansas City, Mo., to be operated on **42600 kc.**, 1 KW power, unlimited time, special emission.

WEHX—United Broadcasting Co., Cleveland, Ohio.—Modification of license to increase power from 25 to 100 watts.

NEW—Balaban & Katz Corp., Chicago, Ill.—Construction permit for new television station located at northeast corner Washington Blvd. and Crawford Ave., Chicago, Ill., to be operated on **66000-72000 kc.**, 1 KW power, A-3 and A-5 emission, unlimited time.

KEIL—KMTR Radio Corporation, area of California.—Construction permit for reinstatement of station on **30820, 33740, 35820, 37980 kc.**, using 50 watts power for orders on **33740 kc.** and 25 watts for programs.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

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

Charles A. Brewer & Sons—Kenneth E., Everett R. and Nelson C. Brewer, individually and as copartners trading under the name of Chas. A. Brewer & Sons, 6320-32 Harvard Ave., Chicago, manufacturers and distributors of push cards and punch boards used in the sale and distribution of merchandise by lottery methods, are respondents in a complaint.

The complaint charges that the sale and distribution of the push card and punch board devices by respondents supplies to, and places in the hands of others the means of conducting lotteries, games of chance or gift enterprises in the sale and distribution of their merchandise to ultimate consumers. The respondents thus supply to and place in the hands of persons, firms and corporations the means of and instrumentalities for engaging in unfair methods of competition in commerce and unfair acts and practices in commerce within the intent and meaning of the Federal Trade Commission Act. (3952)

Jean Ferrell, Inc., 112 East Walton St., Chicago, engaged in the sale and distribution of a preparation known as "Concentra", represented as a concentrated food product for use in treating obesity and as a tonic, is charged in a complaint with dissemination of misleading advertisements concerning its preparation.

Among the respondent corporation's representations are that "Concentra" is a highly concentrated food, safe for use, and one which, with the addition of liquids, will constitute a balanced diet and replace the ordinary diet. It is alleged to be a highly concentrated, dehydrated food in capsule form, containing rhubarb, soya bean meal, Irish sea moss, gravel root and dehydrated cranberries.

The complaint charges that by reason of the high content of rhubarb present in this preparation it is, in fact, a drug, and is not safe for use by either adults or children, and that serious injury to health may result from its continued use as recommended by the respondent. The preparation, the complaint continues, will not constitute a balanced diet and does not have sufficient nutritive value to replace the ordinary diet. It will not, as advertised, supply deficiencies to the human body or aid in furnishing the corrective organic elements; nor will it correct either overweight or underweight or restore a healthy, normal figure. (3950)

Hudson Fur Dyeing Company—Misrepresentation of rabbit peltries as seal, is charged in a complaint against Louis, Charles, Sidney, Esther and Belle Estrin, trading as Hudson Fur Dyeing Company, 29 Congress St., Newark, N. J. The respondents are engaged in the processing and dyeing of rabbit peltries and also in the distribution of these furs.

The complaint alleges that the respondents attached labels and tags to the peltries and furnished the purchasers tags for use on finished garments made therefrom, reading: "HUDSEAL (Seal Dyed Coney) Trade Mark Reg. * * * Super Quality", and "SATINSEAL REGISTERED Seal Dyed Coney * * * Hudson Process", the words "Seal Dyed Coney" being printed in much smaller type than the words "Hudseal" and "Satinseal".

By furnishing false and misleading labels and tags to customers, the complaint charges, and causing them to be placed upon the peltries, respondents place in the hands of uninformed or unscrupulous dealers a means whereby members of the purchasing public may be misled into the erroneous belief that fur garments made from rabbit peltries are in fact composed of seal peltries.

The complaint points out that there is a preference on the part of the purchasing public for fur products made from peltries of seal because of their superior qualities such as pliability, durability and luster, and that the false and misleading statements on respondents' labels and tags have the capacity and tendency to mislead and deceive a substantial portion of the purchasing public into the erroneous belief that the garments so labeled are made of seal peltries. (3951)

Retonga Medicine Company, 161 Spring St., N. W., Atlanta, is charged in a complaint with misrepresenting in newspaper advertisements that a medicinal preparation containing drugs, known as "Retonga", is a competent treatment for nervousness, biliousness, undernourishment and other disorders.

The complaint alleges that the representations are grossly exaggerated and misleading, and that "Retonga" is not an alterative medicine or powerful stomachic, and its therapeutic properties the limited to little more than those of a laxative. (3949)

Sure Laboratories—"Sure", a breath purifier manufactured and distributed by Fannie P. Fox, trading as Sure Laboratories, 841 North Wabash Ave., Chicago, will not accomplish the claims made for it in radio broadcasts and newspaper advertising according to a complaint nor can ordinary salesmen, under normal conditions, earn "\$300 profit weekly," as suggested in advertisements alleged to have been disseminated by the respondent.

"Just put a drop of 'Sure' on your tongue, swirl it around in your mouth . . . and every trace of offensive breath is gone instantly!" * * * Anyone can make money with 'Sure', and "One man has averaged \$300 profit weekly for the last 60 days." are among such advertisements in newspapers and broadcasts.

The complaint alleges that the preparation will not neutralize breath odors, and that its effect is limited to masking such odors to a greater or less degree, and that salesmen, under ordinary conditions, cannot earn \$300 per week or sums which could be characterized as representing large earnings. (3948)

STIPULATIONS

The Commission entered into the following stipulations during the week:

Apex News and Hair Company, Inc., Indiana and Arctic Avenues, Atlantic City, N. J., operates schools for beauty culture in different cities and manufactures and sells beauty preparations for members of the colored race. The respondent agreed to discontinue advertising that its "Apex Skin Bleach" instantly lightens the complexion or brings to the skin new life and color or youthful vitality, and to cease representing that any of its products will correct dandruff, nourish the scalp, or promote a growth of hair. The respondent agreed to cease designating any of its preparations as a hair grower. (2573)

M. H. Arndt Manufacturing Company—Milton H. Arndt, trading as M. H. Arndt Manufacturing Company, Trenton, N. J., and Webster, Mass., engaged in breeding and developing chickens and in making, selling and distributing poultry raising equipment, agreed to discontinue representing that the use of contact heat results in production of hump-backed broilers or chicks, if used continuously, or that chicks brooded by contact heat are inferior to those brooded by means of radiant heat. The respondent also stipulated that he would cease publishing or exhibiting drawings or other pictorial representations of competitive products, the effect of which may be to misrepresent the desirability or other qualities of the competitive products. (2570)

Bar-Je, Inc., 540 North Michigan Ave., Chicago, agrees to cease and desist from representing that "Bar-Je Dry Skin Cleanser", "Bar-Je Night Cream", or any cosmetics containing substantially the same ingredients or properties, will supply nourishment, food values or building materials to the skin or underlying tissues, or will duplicate, restore, maintain, replace or replenish the natural oils; will overcome dry skin or impart, or maintain a protective

film on the skin; will keep the skin young, youthful, or looking young and youthful, or will prevent or remove lines or wrinkles of the skin; and that the preparations contain "Lipiderm" or that there is any product or element recognized, designated or known as "Lipiderm." The respondent corporation will also discontinue representing that the preparations are new, secret, newly discovered, or scientific in principle, method of application or use, or that such methods are adhered to only in "Bar-Je" products, or that any price is special or introductory, unless it is a price substantially lower than the price at which such preparation is customarily sold and is specifically limited to a reasonable time and discontinued at the end of such time limit. (02460)

Casnati Derm-Esthetic Institute, Inc., 75 East 55th St., agrees to cease representing that "Fermo-Derm", a skin lotion distributed by it, will draw all clogging substances from the pores, or that it shows the same chemical analysis as the life-giving essentials of healthy glands; that it will accelerate circulation or feed the skin or revitalize the supporting tissues until they become charged with youthful virility and reproduce themselves. The respondent corporation also agrees to cease use of the word "Institute" as part of its corporate or trade name or to imply that the business conducted by it is that of an institute for the promotion of dermatological study or of learning. (2571)

Central States Amateur Independent Basket Ball Assn.—See Central States Basket Ball Association.

Central States Basket Ball Association—Wayne G. Emmelmann, sole trader as Central States Basket Ball Association and also as Central States Amateur Independent Basket Ball Association, 4260 Roland Rd., Indianapolis, engaged in the sale and distribution of sporting goods and athletic and school trophies, has entered into a stipulation to discontinue certain misleading representations.

The respondent agrees to cease and desist from use in his trade name of the word "Association" or similar designation to imply that such personal business enterprise is an association of individuals, or use of the title "Secretary" in the conduct of his business or promotional undertakings, or in any way to hold himself out as an official or representative of a group or body which does not exist; from representing that the so-called Central States Basket Ball Association is an organization, or the outstanding organization of America, or that such a purported organization publishes an "Association Co-Operative Catalog", or that the business conducted by him individually is the "sales division" of such an alleged association.

Emmelmann further agrees not to represent that his business is a "Co-Operative Service", or was started or is maintained by some association "not to commercialize basket-ball", but only to "make it possible for all schools and organizations to purchase their athletic supplies at sane prices". The respondent will also desist from use of the terms "Sunburst Gold" or the words "Gold" or "Silver" to apply to products not composed in whole or in part of gold or silver. (2574)

Certified Products Company—W. Raymond Roose, trading as Certified Products Company, 223 South Western Parkway, Louisville, Ky., dealer in razor blades, combs, and novelty articles, agreed to cease using the word "Manufacturers" on letterheads or in advertising matter so as to imply that he manufactures the things he sells or operates or controls a factory in which they are made, and to discontinue representing that products sold by him have an alleged valuation which is fictitious or in excess of the price for which they customarily can be purchased. (2575)

Champion Distributing Company—See Model Lingerie Company.

Duratex Plush Company—Gerson Greenberg, trading as Duratex Plush Company, Oak Lane, Philadelphia, in the sale of "Dorise" mohair upholstery fabrics, will desist from employing the word "Weavers" as part of a trade name under which he sells his products which are not woven by him, or in a manner implying that he weaves the products he sells or controls the

plant in which they are woven. According to the stipulation, Greenberg originally used the trade name "Duratex Plush Weavers," but has dropped the word "Weavers," substituting therefor the word "Company." Greenberg also stipulated that he would cease representing that his products are "A Government Standard" or are "Made to Comply with Government Specifications," when in fact there is no proper basis for these claims. (2569)

Early & Daniel Company, Inc., 1117 West Sixth St., Cincinnati, agrees to cease representing that the feeding of "Tuxedo Turkey Growing & Developing Mash" to turkeys will enable one to have an increase in profits over profits that might be obtained by the feeding of any other similar product; that the feeding of the mash will cause an increase in the development or growth of poults and turkeys over such development or growth as may be obtained through use of similar products; that correct feeding will assure one of an increase in profits, or that feed alone is responsible for the quality or size of poultry or stock; that "Tuxedo Growing & Developing Mash" will insure large bodied breeders or that by feeding this product one is assured of strong, healthy or vigorous poults, or that the vitamin guarantee offered with the product will assure such result. The respondent corporation will also discontinue representations that Tuxedo hog feeds are complete feeds of highest quality, or that by use of "Tuxedo Porkmaker" a person may expect hogs to attain any definite weight within any specific time greater than the average weight obtained by other persons feeding other similar products under normal conditions; or that any unusual weight has been obtained by persons feeding the product, unless in direct connection therewith full disclosure is made of the conditions under which such feeding was carried on. (02461)

Eastern Hosiery Mills, Inc., 330 Fifth Ave., New York, wholesaler of hosiery, agrees to cease use of the word "Mills" as part of its corporate name or in any way to imply that it manufactures the products it sells or actually owns and operates or directly controls the factory in which they are made, when such are not the facts. (2580)

J. Harris & Company—Jacob Harris and Emanuel Harris, trading as J. Harris & Co. and as Majestic Pen Co., 115 East 23rd St., New York, agreed to discontinue representing or placing in the hands of others the means of representing, that any fountain pen made, assembled or sold by them holds 109 per cent more ink than other pens, or holds any proportion exceeding the actual quantity as compared to other fountain pens on the market. (2568)

L. Hemmerdinger & Co., Inc., 424 East 123rd St., New York, distributor of bronze powders, paints and varnishes, will discontinue employing the word "Manufacturers" on letterheads in connection with the sale of its powder product, so as to imply that it manufactures such product, or owns or controls the plant in which it is made, when such are not the facts. The respondent also agrees to desist from using the word "Importers" misleadingly, when it is not an importer of the powdered material. (2567)

Levy Bros. & Adler Rochester, Inc., Rochester, N. Y., manufacturer of men's and boys' suits, in its stipulation, agreed to discontinue using, or furnishing others for their use, labels or advertising matter bearing the words "Olde English," to be employed in connection with the sale of this firm's domestically made products. (2565)

Majestic Pen Company—See J. Harris & Company.

Mother Goose Bedding Company—J. L. Bashor, trading as Mother Goose Bedding Company, 565 Whitehorn Ave., Columbus, Ohio, a dealer in goose feather quilts, agreed to cease using in advertising matter the words "Special Introductory," or either word in connection with the phrase "One Week Only," or otherwise as descriptive of a sales offer so as to imply that it is special, introductory, or other than the respondent's regular offer, when

such are not the facts. Bashor also stipulated that he would not represent (1) that modern bedding is made of fabrics that absorb moisture and conduct heat away from the body while drawing cold from the outside; (2) that ordinary quilts and blankets absorb body heat, speeding up heart action; (3) that use of down or feather quilts will cause a person to wake up more refreshed than if he had used ordinary quilts, and (4) that use of down and feather quilts is an effective treatment or preventive for sinus, arthritis, rheumatism and catarrhal conditions. (2566)

Model Lingerie Company, also trading as Champion Distributing Company, 209 West Jackson Boulevard, Chicago, sells lingerie, hosiery, men's shirts, cameras, clocks, silverware and other merchandise. Under its stipulation, it agrees to discontinue supplying to, or placing in the hands of others, punch boards, push or pull cards, or other lottery devices for the purpose of enabling such persons to dispose of or sell any merchandise by the use thereof. It also agrees to cease representing that the sale of premium merchandise by means of push cards or similar devices is a "unique plan of advertising," or, by the use of any other words of similar implication, that any merchandising plan involving a lottery scheme is intended for mere advertising purposes or is other than a method of disposing of merchandise. The respondent also agrees to discontinue certain misleading uses of the words "free" and "guarantee" and of fictitious figures purporting to be "values" of articles sold. (2576)

R. A. Nichols, 113 York St., Rumford, Me., agrees to cease and desist from representations in connection with the sale of instructions and formula for the compounding of "Mexican Cough Remedy"; that the remedy will stop, check or have any effect on the cause, course or degree of night sweats, will purify the blood or relieve coughs not due to or associated with colds, or supply energy for the human body. The respondent further agrees to cease designating or describing the formula he offers for sale, or the syrup composed according to such formula, as "Mexican," by using the term "Mexican" or any other word or term that simulates "Mexican" by spelling or sound. (02459)

Pioneer Publications, Inc., 1270 Sixth Ave., New York, agrees to cease representing in connection with the sale of a book of instructions on dancing, sold and distributed by it, that "ease or assurance" on the dancing floor can be acquired by merely reading the book and practicing a few hours. The respondent corporation agrees to cease representing "That anyone, by reading the information and following the instructions in said book, will be enabled to dance with ease or assurance or will be enabled to become a wonderful dancer, or that thereby anyone can, with but a few hours practice, learn to dance." (02458)

Vapoo Products Company, Inc., 1775 Broadway, New York, in the sale of "Arctic Syntex M," sold also under the name "Vapoo," and used in the cleaning of carpets, rugs and upholstery, agreed to discontinue employing as descriptive of its product the word "sanitizes" or any other word of similar implication, the effect of which may tend to convey the belief that the preparation is effective as a germicide or an antiseptic; and to cease using any representation importing that the product will remove all stains regardless of cause. (2572)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Alle-Rhume Remedy Company, Inc.—The Commission has reconsidered and modified its cease and desist order issued last August against Alle-Rhume Remedy Company, Inc., and Block Drug Company, Inc., Jersey City, N. J., directing the respondents to discontinue certain misleading representations in the sale of "Allenru," or any similar preparation.

The modified order is similar to the original order except that

it eliminates that provision thereof which prohibited the respondents from disseminating any advertisements which failed to reveal that their preparation is not a wholly safe drug to be used by the lay public in self-medication. (3678)

Block Drug Company, Inc.—See Alle-Rhume Remedy Company, Inc.

James Heddon's Sons—The Commission, upon notice and opportunity for hearing, has issued an order altering the terms of a cease and desist order issued last August against James Heddon's Sons, Dowagiac, Mich., which firm had been directed to discontinue misleading representations in the sale and distribution of its "Improved Heddon Pal" hollow steel fishing rod, or other fishing rods.

Under the original order, the respondent was directed to cease representing, among other things, that all hollow steel fishing rods, other than its own, have walls which are thicker at the butt than at the tip.

The order has now been corrected to prohibit the representation that all hollow steel fishing rods, other than the respondent's own, have walls which are thicker at the tip than at the butt. (3792)

Marlin Firearms Company, New Haven, Conn., has been ordered to cease and desist from representing that it manufactures the razor blades it sells and distributes.

In advertisements in newspapers and periodicals, the Commission finds, the respondent alleged "It is not hard to understand why Marlin is one of the finest blades in the world. They are made with the same care that has made Marlin guns tops in quality for 67 years," and "Marlin, world-famous firearms manufacturer, has found a way to produce a truly fine razor blade * * *"

In truth, the findings continue, the respondent corporation does not make or manufacture the blades sold by it under its trade name and represented as "Marlin" blades, but they are manufactured by another company not owned or controlled by the respondent.

A substantial part of the purchasing and consuming public and dealers, the findings continue, prefer to deal direct with the manufacturer in the belief that lower prices, elimination of middlemen's profits, superior products, and other advantages, can be obtained. Furthermore, the name "Marlin" has long been associated with the manufacture of high-grade firearms, and there would be a preference on the part of a substantial portion of the purchasing public for razor blades manufactured by the Marlin Firearms Company in the belief that the company, by reason of its reputation, is better equipped to manufacture a high-grade product.

The Commission orders that the respondent corporation forthwith cease and desist from representing that it is the manufacturer of the razor blades which it sells, unless and until it owns and operates, or directly and absolutely controls, the factory in which the blades are manufactured. (3871)

Pillsbury Flour Mills Company—On petition of the Pillsbury Flour Mills Company, Minneapolis, the Commission has reconsidered certain parts of its findings and order to cease and desist issued last April against Quality Bakers of America, Inc., and other respondents, who were directed to discontinue violations of the brokerage section of the Robinson-Patman Act.

Among the respondents named in that order were Pillsbury Flour Mills Company, and the Consolidated Flour Mills Company and Kansas Milling Company, both of Wichita, Kans.

Upon reconsideration, the Commission has modified its findings and order as to these three companies and has dismissed the complaint insofar as it relates to them for the reason that prior to its issuance they ceased paying brokerage fees as alleged to the respondent Quality Bakers of America, Inc., an intermediary, the stock of which was owned by various baking companies, members of Quality Bakers of America, a trade association.

The provisions of the findings and order relating to Quality Bakers of America, Inc., and other respondents, were not amended. These respondents have petitioned the United States Circuit Court of Appeals, First Circuit, Boston, for review of the Commission's order to cease and desist. The record in the proceeding will shortly be certified to the court, as provided by law, and the case will be proceeded with there in the regular course. (3218)

Purity Products Company—Willard C. McAhren and Maude B. McAhren, trading as Purity Products Company, 801 Bluff Road, Sioux City, Iowa, have been ordered to cease and desist from misrepresentations made in the sale and distribution of a medicinal preparation designated "Wheatol."

In advertisements circulated through United States mails and in circulars and other printed matter, the Commission finds, the respondents represented that Wheatol, "one of the most potent sources known for VITAMIN E," is effective in the treatment of certain ailments and conditions, and that the loss of vigor, vitality and general well-being of males up to and considerably over 50 years of age, and inability of women to bear children successfully after conception, among other things, are due to a deficiency of Vitamin E, and will be remedied by the use of Wheatol. These representations, the findings continue, are misleading and untrue.

Respondents Willard C. and Maude B. McAhren are ordered to desist from further representations that impairment of youthful vigor and vitality, and general conditions which accompany advancing years in a male, are due to a deficiency in Vitamin E, or that such impairment can be averted or delayed by use of their preparation, or that the preparation will affect womens' ability to successfully conceive or bear children, except in rare cases involving habitual involuntary abortion, which may be due to a Vitamin E deficiency of a degree susceptible of replacement by the Vitamin E content of "Wheatol."

It was further ordered that the case against Landon & Warner, 360 North Michigan Ave., Chicago, named in the complaint as advertising agents for the respondents, be closed without prejudice to the right of the Commission to reopen it in the event that facts so warrant. In answering the complaint, Landon & Warner denied participation in the preparation or dissemination of the advertising to which the complaint refers. (3847)

Quality Bakers of America, Inc.—See Pillsbury Flour Mills Company.

Standard Toykraft Products, Inc., 319 McKibbin St., Brooklyn, N. Y., a distributor, has been ordered to discontinue misleading representations in the sale of toys.

Findings are that the respondent company caused to be inserted on containers of certain toy sets the language: "Toykraft Knitting Spool Set, Copyright 1936, and Made by Standard Toykraft

Products, Inc., New York, U. S. A." In this manner the respondent United States, when in fact a substantial portion of the units comprising the sets were manufactured in Japan, purchased by the respondent from importers, and assembled by the respondent, according to findings. (3876)

represented that its toy sets were wholly manufactured in the

Superior Textile Mills—Abraham Starr, trading as Superior Textile Mills, 16-20 East 12th St., New York, has been ordered to cease and desist from misrepresentations in the sale and distribution of haberdashery.

Findings are that the respondent employs about 75 salesmen, who take orders from consumers in house-to-house canvasses. Through the media of price lists, advertisements and other printed matter, the respondent is alleged to have made misleading statements with reference to commodities offered for sale by him. Among these are: "Established 1905. . . SUPERIOR TEXTILE MILLS, 16-20 East 12th Street, New York, N. Y. Postage paid to all parts of U. S. A. . . SUPERIOR TEXTILE MILLS, Makers of Superior Quality Shirts and Wearing Apparel for Men, 16-20 East 12th Street, New York." and "Direct from Mills to Wearer," and offers of 4 shirts or other garments for the price of 3, for a certain limited period.

Findings also are that respondent was not established in business until after 1925, does not own or control any textile mill and does not sell direct from mill to wearer.

Starr is ordered to cease and desist from use of the word "Mills" in his trade name or from representing that he is the manufacturer of the products sold by him, unless and until he actually owns or operates the manufacturing plant wherein such products are made; from representing that any article regularly included in a combination offer with other articles, is "free," or that the sale thereof constitutes a "free merchandising sale"; from representing any articles delivered to purchasers of other articles as "free," until and unless the conditions under which such articles are delivered to purchasers are stated in immediate connection or conjunction with the term "free," in words, letters and figures of equal conspicuousness, and there is no deception as to the price, quality, character or any other feature of any of the items in the offer.

The respondent also will discontinue representing that his business was established at any time other than the time of its actual establishment, or that any offer of merchandise is limited as to time, unless such offer is in fact so limited. (3190)

The National Association of Broadcasters

NORMANDY BUILDING

* * * * *

WASHINGTON, D. C.

SPECIAL BULLETIN

To All Broadcasters:

The most vitally important series of district meetings in broadcasting history is underway.

With the expiration date of current ASCAP contracts only a little more than a year away, every broadcaster in the country should make arrangements immediately to attend his district meeting. Non-members as well as members of NAB should let nothing stand in the way of attending these meetings, where the industry's copyright program will be the first order of business.

Neville Miller, NAB president, will attend these meetings to explain this program in detail.

Adopted unanimously by a special industry convention last September, this program is generally considered by far the best solution ever advanced for the copyright problem.

Don't fail to attend your district meeting! The dates and places are listed below.

District 1	Boston	Kenmore Hotel	December 6
District 2	New York City	Ritz Tower	November 28
District 3			First Week in January(*)
District 4	Richmond	John Marshall	December 16
District 5	Jacksonville		January(*)
District 6	Nashville	(*)	January 2 or 3(*)
District 7	Cincinnati	Netherland-Plaza	December 5
District 8	South Bend, Ind.	LaSalle	December 6
District 9			
District 10	Omaha	Fontenelle	December 8
District 11	Minneapolis	Radisson	December 13
District 12	Tulsa	(*)	December 11
District 13	Dallas	Baker	January 5
District 14	Denver	Albany	December 9
District 15	San Francisco	Palace	January 10
District 16	Los Angeles	(*)	January 9
District 17	Portland	New Heathman	January 12

(* Additional details will be sent to you as soon as possible.)

Code Committee Meets; Women's Luncheon

Asking that broadcasting stations in the different states meet to examine state laws and practices relating to the qualifications for candidates for public office, and to determine dates which mark the beginning of political campaigns in the respective states or political subdivisions, the NAB Code Compliance Committee met in Washington last Tuesday and Wednesday at the call of its chairman, Edgar Bill, of WMBD, Peoria, Illinois. The Committee reviewed the progress of the Code and self-regulation to date and considered details whereby Headquarters could render member stations greater informational service in interchanging experiences and ideas with the membership.

The resolution follows:

"In view of the fact that different laws or practices govern the conduct of elections in the different states and local communities, it is the recommendation of the Code Compliance Committee that the broadcasting stations in the different states should be called into meeting by state chairmen or through the efforts of District Directors, where no state organization exists, and request them, after a study of their respective state and local laws, to determine:

- "(a) When does an individual become a legally qualified candidate for public office and qualify for the sale of time under the Code, or,
- "(b) Determine the date for the opening of a campaign for election of public officials, or for the discussion of public proposals which are subject to ballot."

The Committee requests that as soon as possible this information be sent into Headquarters so that it will be in a position to answer inquiries received from the outside in connection with the approaching political campaigns.

On Wednesday, members of the Committee and Headquarters department heads attended a luncheon conference at the Willard Hotel with national and state women's club leaders to discuss the social aspects of the Code.

The meeting was one of the largest gatherings of influential club women in recent years, many of the leaders coming from distant points to enter into the discussions. Among the national presidents of organizations were Mrs. William Corwith, American Legion Auxiliary; Mrs. Saidie Orr Dunbar, General Federation of Women's Clubs; Mrs. Charles E. Bolling, United Daughters of the Confederacy; Mrs. W. Chapin Huntington, Society of Women Geographers; Mrs. Joseph E. Goodbar, National Federation of Press Women; Miss Frances Grant, Pan American Women's Association; Dr. O. Latham Hatcher, Alliance

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

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

CODE COMMITTEE MEETS; WOMEN'S LUNCHEON

(Continued from page 3865)

for Guidance of Rural Youth; Mrs. J. K. Pettengill, National Congress of Parents and Teachers; Mrs. Henry M. Robert, Jr., Daughters of the American Revolution.

In the key-note speech of the day, Mrs. Saidie Orr Dunbar, president of the General Federation of Women's Clubs, showered praise upon the Code and pledged the sympathetic support of women's clubs nationally and locally. She declared there were some programs to which some of the women objected, especially in the children's field, but, she said that "with so many varied tastes to cater to, there will of course always be room for some complaint." Other leaders who took part in the discussion and commended the Code included Mrs. Henry M. Robert, Jr., president of the Daughters of the American Revolution; Mrs. Charles E. Bolling, president of the United Daughters of the Confederacy; Mrs. Edwin C. Lewis, national radio chairman of the National Society of New England Women; Mrs. Nathaniel Singer, radio chairman of the United Parents Associations; Dr. Alice Keliher, of the Progressive Education Association, and Mrs. Benjamin F. Kraus, radio chairman of the Massachusetts State Federation of Women's Clubs.

Following the opening remarks by President Miller, Edgar Bill and Ed Kirby, Committee Secretary, and the address by Mrs. Saidie Orr Dunbar, the meeting was thrown open to a question and answer period.

Mrs. Harold V. Milligan, radio chairman of the General Federation of Women's Clubs, requested that NAB send out to all women's organizations "radio kits" which would contain copies of the Code and all pertinent literature, as well as the NAB booklet *How To Use Radio*. The delegates were informed that this would be done immediately.

The Code Committee pledged its cooperation with the women's viewpoint in connection with cultural, educational, religious and social aspects of broadcasting, particularly in regard to improving the standards of children's programs. Organizations were requested to conduct serious studies and surveys to determine what they considered should be on the air, but which is not now on the air. The delegates were invited to submit this data

at the next meeting of the Code Compliance Committee in early 1940, where it may be digested and correlated. Representative sponsors and advertising agencies will then be called into conference to consider the new information received.

The Code Committee members regarded the meeting, which continued over four hours, as a highly successful one, and of incalculable benefit to the entire industry.

A roster of those present follows:

Miss Helen W. Atwater
 American Home Economics Assn.
 Mrs. Henry Baker
 Service Star Legion
 Miss Mariam Birdseye
 Association of Women in Public Health
 Mrs. Charles E. Bolling, Pres.-General
 United Daughters of the Confederacy
 Mrs. Frederick H. Brooke
 Girl Scouts
 Mrs. Leonard J. Calhoun
 Mississippi Federation of Women's Clubs
 Mrs. Robert W. Cornelison
 Radio Chairman, New Jersey State Federation of Women's Clubs
 Mrs. William H. Corwith
 President, American Legion Auxiliary
 Miss Margaret Cuthbert
 National Broadcasting Company
 Mrs. Saidie Orr Dunbar
 President, General Federation of Women's Clubs
 Miss Elizabeth Eastman
 Young Women's Christian Assn.
 Miss Ethel Evans
 Young Women's Mutual Improvement Association
 Miss Jane Evans
 Executive Director, National Federation of Temple Sisterhoods
 Miss Catherine Fitzgibbon, Secretary
 Women's International League for Peace and Freedom
 Miss Bess Furman
 National League of Women Voters
 Mrs. E. Richard Gasch
 Second Vice President
 American Federation of Soroptimist Clubs
 Mrs. Joseph E. Goodbar, Pres.
 National Federation of Press Women
 Miss Bess Goodykoontz
 National Council of Administrative Women in Education
 Miss Dorothy Gordon
 National Council of Women
 Miss Frances Grant, President
 Pan American Women's Association
 Miss Rebekah S. Greathouse
 National Woman's Party
 Mrs. Robert J. Green
 Catholic Daughters of America
 Mrs. Otto Hammerlund
 National Society of New England Women
 Dr. O. Latham Hatcher, president
 Alliance for Guidance of Rural Youth
 Miss Alice Howard
 National Assn. of Deans of Women
 Mrs. Thomas Howerton
 Osteopathic Women's National Assn.
 Mrs. W. Chapin Huntington, Pres.
 Society of Women Geographers
 Mrs. K. D. Jacob
 P. E. O. Sisterhood
 Dr. Alice Keliher
 Progressive Education Association
 Mrs. John Morrison Kerr
 National Pres., Children of the American Revolution

Mrs. Benjamin F. Kraus
Radio Chairman, Massachusetts State Federation of Women's Clubs

Mrs. Luella Laudin
Executive Director, National Council of Women

Miss Mary E. Leeper
Executive Secretary, Association for Childhood Education

Mrs. Edwin C. Lewis,
National radio chairman, National Society of New England Women

Mrs. Blanche C. Lewton
Chairman of marketing, Woman's National Farm and Garden Association

Miss Dorothy L. McFadden
Executive director, Junior Programs

Mrs. Harold V. Milligan
Radio chairman, General Federation of Women's Clubs

Miss Bertha Nienberg
International Association of Altrusa Clubs

Mrs. Moe Offenberg
President of Washington Chapter, Hadassah

Mrs. J. K. Pettengill
President National Congress of Parents and Teachers

Miss Constance Roach
National League of Women Voters

Mrs. Henry M. Robert, Jr.
President-General, Daughters of the American Revolution

Miss Josephine Schain, Chairman,
Executive Committee, National Committee on the Cause and Cure of War

Miss Lavinia Schwartz
Midwestern Education Director, Columbia Broadcasting System

Miss Ivora Scott
National Women's Christian Temperance Union

Mrs. Nathaniel Singer, Radio Chairman,
United Parents Associations

Mrs. Sina H. Stanton
Council of Women for Home Missions

Mrs. Victoria Fabor Stevenson
League of American Pen Women

Mrs. James Austin Stone
National Women's Trade Union League

Mrs. Marion Hines Taylor
Zonta International

Mrs. Mary Logan Tucker
United States Daughters of 1812

Mrs. Arthur Vandenberg
Camp Fire Girls

Mrs. R. Gordon Wagenet
Women's International League for Peace and Freedom

Dr. Lulu Waters
Osteopathic Women's National Assn.

Mrs. James Watson
League of American Pen Women

Mrs. Roy C. F. Woagley
Secretary, Associated Women of the American Farm Bureau Federation

Mr. Sterling Wheelright
National Federation of Music Clubs

Miss Earlene White
National Federation of Business and Professional Women's Clubs

Mrs. Robert Clark Wiggins
Pennsylvania Federation of Women's Clubs

FIRST PLEDGES TO BROADCAST MUSIC, INC., RECEIVED

In the first of a series of District meetings to be held throughout the country, the first subscriptions to Broadcast Music, Inc., streamed in as broadcasters in the Second District signed the pledges in a more than encouraging degree and number.

The meeting, in the Ritz Tower, New York City, and

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presided over by Harry Wilder, WSYR, and District Director, was well attended and endorsed the Broadcast Music, Inc., plan enthusiastically. Neville Miller, Sydney Kaye and Stuart Sprague reviewed the copyright matter fully. Other matters discussed were the A. F. of M. contract, the phonograph record problem and the Code.

Those in attendance were: William Fay, WHAM, Rochester, New York; Robert Soule, WFBL, Syracuse, New York; Carl Colman, WINS, New York City; Clarence Wheeler, WHEC, Rochester, New York; John T. Calkins, WENY-WESG, Elmira, New York; E. H. Twamley, WBEN, Buffalo, New York; Cliff Taylor, WBEN, Buffalo, New York; G. N. Woodman, WJZ-WEAF, New York City; Cecil Masten, WNBC, Binghamton, New York; Julius F. Seebach, WOR, New York City; John V. L. Hogan, WQXR, New York City; Elliott M. Sanger, WQXR, New York City; Kolin Hager, WGY, Schenectady, New York; Richard E. O'Dea, WNEW, New York City; W. C. Alcorn, WBNX, New York City; Donald Flamm, WMCA, New York City; Stuart Sprague, Sydney Kaye, Neville Miller, president, National Association of Broadcasters; E. K. Johnson, WIBX, Utica, New York; Irving Collins, WWRL, Woodside New York; H. C. Wilder, WSYR, Syracuse, New York; Samuel J. Gellard, WLTH, Brooklyn, New York; S. W. Caulfield, WBNX, New York City; I. R. Lounsbury, WGR, Buffalo, New York; E. N. Stoer, WINS, New York City; William S. Hedges, WEAF, New York City; W. S. Reuman, WWRL, Woodside, New York; John A. Kennedy, NAB Legislative Committee; Edwin W. Schenning, WMCA, New York City; Joe Hartz, WMCA, New York City; Harold E. Smith, WOKO, Albany, New York.

NAB Attorney, Engineer Appointed; New Services

With the appointment of Russell P. Place as counsel, and Lynne C. Smeby as full time director of engineering, announced this week, the National Association of Broadcasters has about completed its program of expansion

as outlined in the reorganization plan for the benefit of member stations.

Recently the Bureau of Radio Advertising was established to promote the use of radio advertising. It is headed by Sam Henry, Jr., former sales promotion manager of World Broadcasting Company.

To carry on a year 'round institutional type of promotion Arthur Stringer, former promotional consultant, was added to the staff after the Atlantic City convention.

Headquarters is also formulating plans for increased activity of the research department during the coming year. As being drawn the work will include some fundamental studies designed to fix the advantages of research as a tool in station management. A committee is to be appointed to work with Paul Peter, director of research.

The projected year's work include plans for meeting media competition in the development of facts through research. Ways and means for the development of needed information for the bureau of radio advertising, public relations, labor relations and the executive office of the association are to be established.

In addition to a consulting research committee, it is planned to appoint a research representative in each district to assist the director of research and the research committee.

Russell P. Place

Russell P. Place, of Boston, is a graduate of Harvard College and of Harvard Law School. He took time out to serve over-seas during the World War as pilot with the rank of Ensign in the U. S. Naval Reserves. Following admission to the Massachusetts Bar in 1922 he practiced law in Boston with the firms of Elder, Whitman, Weyburn and Crocker; and Shattuck and Gray.

While with the latter firm he served for a portion of the time as legislative counsel to Henry Shattuck, then chairman of the ways and means committee of the Massachusetts House of Representatives.

Mr. Place also served as assistant trust officer of Lee, Higginson Trust Company and as general agent of the Aetna Life Insurance Company for Eastern Massachusetts.

In 1923 he married Miss Marian Lothrop Worcester, of Cambridge, and they have three children.

Andrew W. Bennett is retained as special counsel to deal with copyright problems.

Lynne C. Smeby

Lynne C. Smeby, director of engineering, is a member of the Institute of Radio Engineers. He comes to NAB directly from the conduct of a special assignment in Porto Rica, for the International Telephone and Telegraph Company. There he rebuilt the company's broadcast station WKAQ in San Juan, installed a coastal-harbor radiotelephone system, and did work for the police radio system for Porto Rica. Mr. Smeby is a

graduate of the University of Minnesota with a degree in electrical engineering.

His interest in radio began in 1918, as soon as the war-time ban on amateur radio was removed. The year following his graduation, in 1928, he was appointed Chief Engineer of WRHM, now WTCN, Minneapolis.

The next year he became technical supervisor of KSTP, St. Paul. In 1935 he moved to Detroit to become technical supervisor of WXYZ; WOOD, Grand Rapids; and the Michigan Radio Network.

For a number of years he had maintained close contact with the commission, his last appearance being in February when he gave testimony on the Michigan Radio Network during the chain-monopoly hearing. Continued study has kept him conversant with the developments in radio, television, facsimile, ultra-high frequency broadcasting, frequency modulation, and industrial appliances of electronic devices.

FLY DISCUSSES COMMISSION ACTIVITIES

James Lawrence Fly, Chairman of the Federal Communications Commission, at a press conference on Wednesday stated that in his opinion the Commission in the future should give more thought to broadcasting station ownership and financial responsibility.

Discussing the Television situation, Chairman Fly said that the Commission will grant hearings on the new Television Rules. He said that undoubtedly the Commission would adopt tentative Television Rules and would then grant hearings if anyone requested them.

The Commission, stated the Chairman, wants to act as expeditiously as possible on the Television situation. However, the Commission wants to see the whole Television situation from both the standpoint of the industry and the public, and it wishes to protect its development.

There are no sharp issues on the Commission regarding the Television report of the committee, he stated. Mr. Fly pointed out that there are a good many difficult factors in Television and called particular attention to

DISTRICT 7 MEETING CHANGE

THE DISTRICT SEVEN MEETING PLACE HAS BEEN CHANGED FROM CINCINNATI TO THE DAYTON-BILTMORE HOTEL, DAYTON, OHIO, DECEMBER 5.

This is the same date as previously scheduled. Reason for the change to Dayton is due to crowded hotel conditions in Cincinnati because of the major league baseball meeting.

the fact that the receiver has to be synchronized to the transmitter and something must be done in this connection for the public who may purchase expensive Television sets and find later that they are obsolete because of progress in the art.

Mr. Fly said that he thought the monopoly report being compiled by the staff would go to the Monopoly Committee within the next week or ten days.

WOV TO NEW YORK STATION

On request of the New York Broadcasting Corporation, the Federal Communications Commission has assigned call letters WOV to the new broadcast station to be constructed by that corporation in New York City, to operate on the frequency of 1100 kilocycles, with power of 5 kilowatts, unlimited time.

The new station will supplant three existing broadcast stations, namely, WOV and WBIL, New York City, and WPG, Atlantic City.

It has been the practice of the Commission not to assign three-letter calls to broadcast stations except in cases where "good will" has attached to the use of such existing call letters, as in the case of WOV. This is because conservation of three-letter calls for land stations, such as communicate with ships and planes, is implied in International Telecommunications Convention of Madrid, 1932. This convention makes no provision for assignments of call letters to broadcast stations. As a result, some foreign stations do not use call letters. There is no provision in the Communications Act relating to assignment of call letters in this country apart from blanket authority to the Commission to do so.

While the Commission issues four-letter calls to new broadcast stations as a general rule, it has not yet been necessary to replace three-letter calls previously assigned broadcast stations in order to make these calls available to land stations. Consequently, the good-will value of existing three-letter broadcast calls is considered as cases present.

Eighty-four broadcast stations still retain three-letter identification calls.

NAB DECEMBER PROMOTION

Keeping radio ahead with another vigorous push toward maximum availability of radio receivers is the aim of NAB's December promotion.

Suggested material consisting of three original scripts and thirty-two announcements was mailed members on November 27.

Because of the anticipated increase in holiday spending, an exceptional opportunity is presented, during December, for attracting listeners' Christmas cash into a station's own circulation system.

BUREAU OF RADIO ADVERTISING RELEASES SUCCESS STORY NO. 2

The NAB Bureau of Radio Advertising has released the second in the series of trade studies entitled "Results from Radio." Vol. 1, No. 2 is on the subject of laundry advertising, and outlines the successful use of radio by the Buffalo General Laundries under the direction of Mr. Gordon Whitbeck, advertising manager. Members who have not ordered their supply of the Bureau studies are urged to do so at once. Order forms have been sent to all non-replying stations for this purpose.

COURT DISMISSES MOTION

Court of Appeals of the District of Columbia on Tuesday denied the motion of the Federal Communications Commission to dismiss the appeal of KSFO, San Francisco.

This is an appeal from a decision of the Commission on October 20, 1938, denying an application for the assignment of the license of the station to the Columbia Broadcasting System of California, Inc.

Headquarters office is seeking information concerning Tom Tannehill. We would appreciate information concerning his present whereabouts.

FCC COMMISSIONERS' FUNCTIONS FOR DECEMBER

The Federal Communications Commission announces that the work, business and functions of the Commission for the month of December have been assigned as follows:

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

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

FEDERAL COMMUNICATIONS COMMISSION

FINAL ORDERS

The Federal Communications Commission has announced a final order granting Station KNEL, Brady, Texas, its application to increase hours of operation from

daytime to unlimited on **1500 kilocycles**, 250 watts day, 100 watts night.

In another order the Commission denied the application of the Gateway Broadcasting Company for a construction permit to erect a new station at **Louisville, Kentucky**, to operate on **880 kilocycles**, 500 watts, unlimited time, using a directional antenna.

An amendment to a final order has been adopted by the Commission in the application of F. W. Meyer to erect a new station at **Denver, Colorado**, to operate on **1310 kilocycles**, 100 watts, 250 watts LS, unlimited time, "by adding a paragraph directing the permittee, within two months after the effective date of the order, to file with the Commission an application for modification of construction permit, specifying the exact time transmitter site and antenna system.

FINDING OF FACT

The Commission has announced its proposed finding of fact proposing to grant the application of M. C. Reece for a construction permit for a new station to be erected at **Phoenix, Arizona**, to operate on **1200 kilocycles**, 100 watts night, 250 watts LS, unlimited time.

In its proposed finding of fact, the Commission states that sufficient potential sources of advertising have been shown to exist in Phoenix "from which the applicant may reasonably be expected to derive adequate commercial support to insure the operation of the proposed station in the public interest." The Commission found that the proposed station will not cause objectionable interference from the operation of any station,

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearing is scheduled before the Commission in a broadcast case for the week beginning Monday, December 4. It is subject to change.

Thursday, December 7

Hearing to Be Held in the Offices of the Federal Communications Commission, 1105 Rives-Strong Bldg., Los Angeles, Calif.

KIEV—Cannon System, Ltd., Glendale, Calif.—Renewal of license, **850 kc.**, 250 watts, daytime.

FUTURE HEARINGS

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

December 14

Oral Argument Before the Commission

Report No. B-80:

KERN—McClatchy Broadcasting Co., Bakersfield, Calif.—C. P., **1380 kc.**, 1 KW, unlimited time. Present assignment: **1370 kc.**, 100 watts, unlimited time.

KOH—The Bee, Inc., Reno, Nev.—C. P., **630 kc.**, 1 KW, unlimited time. Present assignment: **1380 kc.**, 500 watts, unlimited time.

January 9

NEW—L. J. Duncan, Leila A. Duncan, Josephine A. Keith, Effie H. Allen, Aubrey Gay, d/b as Valley Broadcasting Co., West Point, Ga.—C. P., **1310 kc.**, 250 watts, unlimited time.

January 10

NEW—Chilton Radio Corp., Dallas, Tex.—C. P., **1370 kc.**, 250 watts, unlimited time.

NEW—V. O. Stamps, Dallas, Tex.—C. P., **1370 kc.**, 250 watts, unlimited time.

January 15

NEW—Joe W. Engel, Chattanooga, Tenn.—C. P., **1370 kc.**, 250 watts, unlimited time.

NEW—Lookout Mountain Company of Georgia, Lookout Mountain, Ga.—C. P., **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

January 16

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, **1210 kc.**, 100 watts, unlimited time.

January 17

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Renewal of license, **1390 kc.**, 1 KW, daytime.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WMAL—National Broadcasting Co., Inc., Washington, D. C.—Granted construction permit to move transmitter site from 712 Eleventh St., N. W., to District 7, Bethesda, Md.; install new equipment and directional antenna system; and increase power from 250 watts night, 500 watts day, to 5 KW, employing directional antenna system both day and night.

WTAQ—WHBY, Inc., Green Bay, Wis.—Granted construction permit to increase night power from 1 KW to 5 KW, employing directional antenna system.

WSPD—The Firt Industry Company, Toledo, Ohio.—Granted construction permit to install directional antenna system for night operation and increase power from 1 KW to 5 KW.

KLZ—KLZ Broadcasting Company, Denver, Colo.—Granted construction permit to install directional antenna system and increase night power from 1 KW to 5 KW, employing directional antenna for day and night use.

KHSL—Golden Empire Broadcasting Company, Chico, Calif.—Granted construction permit to install new equipment and increase power from 250 watts, unlimited time, to 500 watts night, 1 KW day.

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Granted voluntary assignment of license from Charles Leo Lintzenich to Fred O. Grimwood. (Station operates on **1290 kc.**, 100 watts power, daytime only.)

WIP—Pennsylvania Broadcasting Co., Inc., Philadelphia, Pa.—Granted amended construction permit to move transmitter site locally, install directional antenna system, new equipment, and increase in power from 1 KW to 5 KW, employing directional antenna both day and night.

KGIR—KGIR, Inc., Butte, Mont.—Granted modification of license to increase night power from 1 KW to 5 KW.

KFDM—Beaumont Broadcasting Corp., Beaumont, Tex.—Granted modification of license to increase night power from 500 watts to 1 KW.

KRKD—Radio Broadcasters, Inc., Los Angeles, Calif.—Granted modification of license to increase night power from 500 watts to 1 KW.

KFPY—Symons Broadcasting Co., Spokane, Wash.—Granted modification of license to increase night power from 1 KW to 5 KW.

KSCJ—Perkins Brothers Company (The Sioux City Journal), Sioux City, Ia.—Granted amended construction permit to install directional antenna system and increase night power from 1 KW to 5 KW, employing directional antenna system for nighttime operation.

KGB—Don Lee Broadcasting System, San Diego, Calif.—Granted amended construction permit to move transmitter site locally, install new equipment and vertical radiator, and increase power from 1 KW to 5 KW. Exact transmitter site and type of antenna to be determined with Commission's approval.

WDRC—WDRC, Inc., Hartford, Conn.—Granted amended construction permit to install directional antenna system and increase night power from 1 KW to 5 KW, employing directional antenna for both day and night use.

WSAI—The Crosley Corp., Cincinnati, Ohio.—Granted amended construction permit to move transmitter site locally, install directional antenna system, and increase night power from 1 KW to 5 KW, employing directional antenna for nighttime operation only.

KVGB—Helen Townsley, Great Bend, Kans.—Granted construction permit to make changes in equipment and increase power from 100 watts to 250 watts, unlimited time.

WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Granted modification of construction permit to make changes in equipment and changes in directional antenna system; increase power from 1 KW night to 5 KW night, using directional antenna both day and night; also extension of commencement date to 30 days after grant and completion date to 180 days thereafter.

WHUB—M. L. Medley, Cookeville, Tenn.—Granted modification of construction permit approving studio and transmitter sites, installation of vertical radiator and new equipment, and increase in night power from 100 watts to 250 watts.

WHKY—Catawba Valley Broadcasting Co., Inc., Hickory, N. C.—Granted modification of construction permit approving transmitter site and installation of vertical radiator, changes in equipment and increase in night power from 100 watts to 250 watts.

WKRC—Columbia Broadcasting System, Inc., Cincinnati, Ohio.—Granted voluntary assignment of license of station WKRC from the Columbia Broadcasting System, Inc., to The Cincinnati Times-Star Company. (Station operates on 550 kc., 1 KW night, 5 KW day, unlimited time, using directional antenna both day and night).

KEX—Oregonian Publishing Co., Portland, Ore.—Granted modification of license to change frequency from 1180 to 1160 kc., and change hours of operation from simultaneous day, shares KOB night, to unlimited time.

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted modification of license to change hours of operation from simultaneous day, sharing KEX night, to unlimited time.

DESIGNATED FOR HEARING

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

WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Application for renewal of license for the period from December 1, 1939, to October 1, 1940, designated for hearing, to (1) determine the qualifications of licensee to operate the station; (2) to determine whether Form No. 728, executed by the licensee on August 1, 1938, pursuant to Rule 340.01, and the information submitted by the licensee in response to Sec. 7(d) of the application (executed Nov. 1, 1939) for renewal of station's license for the period beginning Dec. 1, 1939, or either of them truly and accurately reflect the distribution and ownership of the voting stock of the licensee corporation; (3) to determine whether the station's license, the frequency authorized to be used by the licensee, and the rights therein granted were transferred, assigned, or in any

manner disposed of by transfer of the control of licensee corporation in violation of Sec. 310 (b) of the Comm. Act; (4) because of licensee's failure to comply with the provisions of Rule 340.01, Sec. 43.1 of the Comm. Rules and Comm. Order No. 37. A 90 day temporary extension was granted pending hearing.

KTRB—Thomas R. McTammany & William H. Bates, Jr., Modesto, Calif.—Application for construction permit to move transmitter site and install vertical radiator, make changes in equipment and increase power from 250 watts to 1 KW, and time of operation from daytime only, to limited to WSB. Exact transmitter site and type of antenna to be determined with Commission's approval. Application designated for hearing to determine the nature, extent and effect of interference which may be caused to KTRB operating as proposed in this application by KXL operating as is proposed in its pending application; and to determine the nature, extent and effect of interference which may be caused to KXL operating as proposed in its pending application by the operation of KTRB as proposed in this application.

WSAL—Frank M. Stearns, Salisbury, Md.—Designated for hearing the application for renewal of license, and granted a 60-day temporary extension of present license in conformity with, and subject to all the terms and conditions of the separate order of revocation entered October 24, 1939, and, further subject to the final determination of the Commission on said order.

KXL—KXL Broadcasters, Portland, Ore.—Application for construction permit to move transmitter and studio sites locally, from 4th and Pine, and Multnomah Hotel, to 7 miles Southeast of Portland, and 1101 SW Washington, Portland, respectively; install new equipment and directional antenna system; change frequency from 1420 kc. to 740 kc., power from 100 watts night, 250 watts day, to 10 KW, and time of operation from sharing with KBPS to limited, employing directional antenna system for both day and nighttime operation.

RENEWAL OF LICENSES

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

KGFV, Kearney, Neb.; WAIM, Anderson, S. C.; WBBZ, Ponca City, Okla.; WEDC, Chicago; WFAS, White Plains, N. Y.; WGCM, Gulfport, Miss.; WHBC, Canton, Ohio; WJBW, New Orleans; WLNH, Laconia, N. H.; KOCA, Kilgore, Texas; WMFF, Plattsburg, N. Y.; WSIX, Nashville, Tenn.

The following stations were granted renewal of licenses for the period ending August 1, 1940:

KFAC, Los Angeles; KGCX, Wolf Point, Mont.; WHK, Cleveland, Ohio.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—present license further extended upon a temporary basis only, for the period ending January 1, 1940, pending determination upon application for renewal.

WMFR—Radio Station WMFR, Inc., High Point, N. C.—Present license extended upon a temporary basis only, for the period ending January 1, 1940, pending determination upon application for renewal.

KFPW—Southwestern Hotel Co., Fort Smith, Ark.—Present license extended upon a temporary basis only, for the period ending January 1, 1940, pending determination upon application for renewal.

WHK—United Broadcasting Co., Cleveland, Ohio.—Present special experimental authorization to transmit facsimile signals from 1 a. m. to 6 a. m., EST, using 1 KW power, was further extended for a period of 1 month, for the period ending January 1, 1940, pending receipt of and determination upon application for extension.

KSUB—Leland M. Perry, Cedar City, Utah.—Extended special temporary authorization to Leland M. Perry, surviving partner of Johnson and Perry, a partnership composed of Harold Johnson and Leland M. Perry, to operate station KSUB for a period of one month from December 1, 1939, to January 1, 1940, upon a temporary basis only, subject to whatever action may be taken upon any formal application for regular authorization that may be submitted with respect to KSUB.

The following Relay Broadcast Stations were granted renewal of licenses for the regular period:

KEHA, area of San Francisco; WEGG, area of Atlanta; WEGI, area of Baltimore; WEGJ, area of Baltimore; WEGZ, area of

New Haven; KEHO, area of Salt Lake City; KEIK, area of Los Angeles; KEIP, area of Siloam Springs, Ark.; WEIU, area of New Orleans; KEHI, area of Fargo, N. Dak.; WELS, area of Tuscola, Ill.; WEND, area of Harrisburg, Pa.

Licenses for the following Relay Broadcast Stations expiring December 1, 1939, were extended upon a temporary basis only, for the period ending January 1, 1940, pending determination upon application for renewal of license:

KEIM, area of Phoenix, Ariz; KEIO, area of Siloam Springs, Ark.; WEKA, area of E. Lansing, Mich.; WEHB, WEHD, WEHF, WEHU, WEHV, WEHX, area of Cleveland, Ohio; WENK, area of Erie City, Pa.; WEKF, area of Paducah, Ky.; WEGQ, area of Boston; WEHA, area of New York City.

WAXG—Florida Capitol Broadcasters, Inc., Area of Tallahassee, Fla.—Present Relay Broadcast Station license further extended on a temporary basis only from December 1, 1939 to January 1, 1940, pending determination upon application for renewal of license.

MISCELLANEOUS

KNET—Palestine Broadcasting Assn., Palestine, Texas.—Granted special temporary authority to operate additional time on November 24, in order to broadcast Palestine High School football game only.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted special temporary authority to operate simultaneously with station WBRB additional time on November 23, in order to broadcast the Thanksgiving Day football game between White Plains High School and Washington High School only.

WABL—Oregonian Publishing Co., Portland, Ore.—Granted special temporary authority to operate a portable MOPA 100-watt transmitter from one hour after local sunrise to one hour prior to local sunset, provided no interference is caused to any other station, on the frequency of 1140 kc., in the vicinity of Portland, for the making of transmitter site tests, during daytime, for period of 10 days beginning November 22.

WABL—American Airlines, Inc., Washington, D. C.—Granted special temporary authority to operate aircraft radio station KHAXF on the frequency 2790 kc., from 12 to 12:30 p. m., CST, on November 24, in order to relay broadcast Santa Claus program to Radio Station WGN.

WJG—Warner & Tamble Radio Service, Memphis, Tenn.—Dismissed petition to intervene in the hearing on the application of WPI.

Richard T. Sampson, Riverside, Cal.—Granted motion for leave to withdraw pending application for new station without prejudice.

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Granted motion for continuance of hearing now scheduled for December 4, to a date convenient to the Commission.

WSUN—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Granted petition to intervene in the hearing on the application of WROL for C. P. to change frequency and increase power.

Joseph W. Engel, Chattanooga, Tenn.—Granted petition to intervene in the hearing on the application of Lookout Mountain Company of Georgia, for a new station in Lookout Mountain, Ga.

Dixie Broadcasting Corp., Lagrange, Ga.—Granted petition to intervene in the hearing on the application of Valley Broadcasting Co., for a new station at West Point, Ga.

Helen L. Walton & Walter Bellatti, Jacksonville, Ill.—Granted petition to intervene in the hearing on the application of Stephenson, Edge and Korsmeyer, for a new station in Jacksonville, Ill.

Sentinel Broadcasting Corp., Syracuse, N. Y.—Denied petition for rehearing in re applications of Civic Broadcasting Corp., for a new station in Syracuse to operate on 1500 kc., 100 watts, unlimited time, which was granted by the Commission on October 5.

Palm Radio Company, Fort Meyers, Fla.—Denied petition and supplemental petition requesting reconsideration of action taken by the Commission on October 3, in granting without a hearing the application of Fort Meyers Broadcasting Co. for a new station in Fort Meyers, Fla., to operate on frequency 1210 kc., 100 watts night, 250 watts local sunset, unlimited time.

KIEV—Cannon System, Ltd., Glendale, Calif.—Denied petition to reconsider action in designating for hearing the application for renewal of license for KIEV.

WSOC—WSOC, Inc., Charlotte, N. C.—Ordered the Secretary to wire broadcast station WSOC that license will expire December 1st, and no application for renewal or extension has been received.

KERN—McClatchy Broadcasting Co., Bakersfield, Calif.; KOH—The Bee, Inc., Reno, Nevada.—Scheduled for Oral Argument on December 14, 1939, the Commission's Proposed Findings of Fact and Conclusions (B-80) in Docket No. 5435, McClatchy Broadcasting Co., and Docket No. 5490, The Bee, Inc.

WJMC—Walter H. McGenty, Rice Lake, Wis.—Granted special temporary authority to operate from 7:45 p. m. to 9:45 p. m., CST, on November 28, December 22, 1939, in order to broadcast high school basketball games only.

KHQ—Louis Wasmer, Inc., Spokane, Wash.—Granted special temporary authority to rebroadcast program material to be received from U. S. Army Plane Serial #AC38-520 from 1:45 p. m. to 2:15 p. m., PST, on November 26, 1939, for the purpose of promoting flying cadet enlistments.

W2XVT—Allen B. DuMont Laboratories, Inc., Passaic, N. J.—Granted special temporary authority to operate experimental television broadcast Station W2XVT from 9:00 a. m. to 6:00 p. m., EST, (provided W2XBS remains silent) for the period beginning November 27, 1939, and ending in no event later than December 9, 1939, in order to permit necessary adjustments for experimentation.

WSLB—St. Lawrence Broadcasting Corp., Ogdensburg, N. Y.—Granted special temporary authority to perform site survey tests in or near Ogdensburg, N. Y., on the frequency 1370 kc., with a portable modified radiotelephone transmitter, having power output not in excess of 50 watts, with unmodulated carrier, for a period not to exceed ten days.

WENK—WLEU Broadcasting Corp., Portable-Mobile (Area of WLEU, Erie, Pa.)—Granted construction permit to install new equipment in high frequency relay broadcast station. Also granted license to cover same.

W3XO—Jansky & Bailey, Washington, D. C.—Granted license to cover construction permit for high frequency broadcast station to use frequency 43200 kc., and an experimental basis conditionally; 1 KW power, unlimited time; station to be located at 1219 Wisconsin Ave., Georgetown.

WMVB—Miami Valley Broadcasting Corp., Portable-Mobile (Area of WHIO, Dayton, Ohio)—Granted license to cover construction permit for new low frequency relay broadcast station; frequencies, 1622, 2058, 2150 and 2790 kc., 18 watts.

W9XAZ—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Granted modification of construction permit for additional time to Feb. 28, 1940, to complete construction of high frequency broadcast station.

W2XVP—City of New York, Municipal Broadcasting System, New York City.—Granted modification of construction permit of high frequency broadcast station for changes in equipment and extension of completion date to 90 days after date of grant.

WBAN—Bamberger Broadcasting Service, Inc., Newark, N. J. (Portable-Mobile)—Granted modification of license for low frequency relay broadcast station to correct description of equipment and add A-1 emission.

WBAM—Bamberger Broadcasting Service, Inc., Newark, N. J. (Portable-Mobile)—Granted modification of license for low frequency relay broadcast station to correct description of equipment and add A-1 emission.

WBAQ—Bamberger Broadcasting Service, Inc., Newark, N. J. (Portable-Mobile)—Granted modification of license of low frequency relay broadcast station to correct description of equipment.

WBAO—Bamberger Broadcasting Service, Inc., Newark, N. J. (Portable-Mobile)—Granted modification of license of low frequency relay broadcast station to correct description of equipment.

WEGN—Bamberger Broadcasting Service, Inc., Newark, N. J. (Portable-Mobile)—Granted modification of license of high frequency broadcast station to correct description of equipment.

WEGK—Bamberger Broadcasting Service, Inc., Newark, N. J. (Portable-Mobile)—Granted modification of license of high frequency broadcast station to correct description of equipment.

WSOC—WSOC, Incorporated, Charlotte, N. C.—Extended upon a temporary basis only, pending receipt of and determination upon application for renewal of license, the license of Station

WSOC expiring 3 a. m., EST, December 1, 1939, until no later than 3 a. m., EST, February 1, 1940.

Brown Radio Service and Laboratory, Rochester, N. Y. (area of WSAY), Portable-Mobile.—Granted construction permit for low frequency relay broadcast station, frequencies **1646, 2090, 2190 and 2830 kc.**, 50 watts.

KEIT—Midland Broadcasting Co. (area of KMBC, Kansas City, Mo.), Portable-Mobile.—Granted construction permit to make changes in equipment of high frequency broadcast station.

KAOV—KRIC, Inc. (area of KRIC, Beaumont, Tex.), Portable-Mobile.—Granted license to cover construction permit for new low frequency relay broadcast station; frequencies **1646, 2090, 2190 and 2830 kc.**, 40 watts.

WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—Granted license to cover construction permit authorizing changes in equipment and increase in power and time of operation from 100 watts daytime to 250 watts, unlimited time.

WMFR—Radio Station WMFR, Inc., High Point, N. C.—Granted license to cover construction permit authorizing changes in equipment and increase in power from 100 to 250 watts.

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted license to cover construction permit authorizing changes in equipment.

KAOU—Arizona Broadcasting Co., Inc. (area of KVOA, Tucson, Ariz.), Portable-Mobile.—Granted license to cover construction permit for new high frequency relay broadcast station, frequencies **31220, 35620, 27020 and 39260 kc.**, 10 watts.

WEJA—National Broadcasting Co., Inc. (area of WJZ and WEA, N. Y.), Portable-Mobile.—Granted modification of construction permit to make changes in equipment and increase power to 100 watts in high frequency relay broadcast station.

W8XAD—WHEC, Inc., Rochester, N. Y.—Granted modification of construction permit for specific transmitter site.

WLWA—The Crosley Corp. (Cincinnati, Ohio, area of WLW, WSAI), Portable-Mobile.—Granted modification of license to change frequencies of relay broadcast station to **1622, 2058, 2150, 2790 kc.**

WLWB—The Crosley Corp. (Cincinnati, Ohio, area of WLW, WSAI), Portable-Mobile.—Granted modification of license to change frequencies of relay broadcast station to **1606, 2022, 2102, and 2758 kc.**

WNOE—WBNO, Inc., New Orleans, La.—Granted modification of license to change name from WBNO, Inc., to WNOE, Inc.

KFJB—Marshall Electric Co., Marshalltown, Ia.—Granted authority to determine operating power by direct measurement of antenna input.

KEIA—Honolulu Broadcasting Co., Ltd. (Honolulu, T. H., area of KGMB), Portable-Mobile.—Granted modification of high frequency relay broadcast station license to change corporate name to Hawaiian Broadcasting System, Ltd.

WJMS—WJMS, Inc., Ironwood, Mich.—Granted authority to determine operating power by direct measurement of antenna input.

KGFW—Central Nebraska Broadcasting Corp., Kearney, Neb.—Granted authority to determine operating power by direct measurement of antenna input.

KWOC—Radio Station KWOC, Poplar Bluff, Mo.—Granted authority to determine operating power by direct measurement of antenna input.

WCCO—Columbia Broadcasting System, Inc., Minneapolis, Minn.—Granted authority to determine operating power by direct measurement of antenna input.

KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted special temporary authority to operate daytime hours, with 50 KW while taking field intensity data, for a period not to exceed 30 days, during such days as data are actually being taken and balance of operation to be conducted with 1 KW auxiliary transmitter.

APPLICATIONS FILED AT FCC

620 Kilocycles

KTAR—KTAR Broadcasting Co., Phoenix, Ariz.—Construction permit to install new transmitter, directional antenna for day and night use, increase power from 1 to 5 kilowatts, move transmitter from 116 N. Central Ave., Phoenix, Ariz., to 36th St. & Thomas Road, Phoenix, Arizona.

740 Kilocycles

KTRB—Thomas R. McTammany & William H. Bates, Jr., Modesto, Calif.—Modification of license to change time from day to limited to WSB, Atlantic, Ga., 250 watts day and night. Amended: to change to construction permit, move transmitter to site to be determined, Modesto, Cal., antenna to be determined, new transmitter and increase power to 1 kilowatt.

780 Kilocycles

WTAR—WTAR Radio Corp., Norfolk, Va.—Authority to determine operating power by direct measurement of antenna power.

850 Kilocycles

WKAR—Michigan State College, East Lansing, Mich.—Modification of construction permit B2-P-1767, as modified, for increase in power, new transmitter and antenna, move of transmitter, requesting extension of completion date from 11-30-39 to 1-30-40.

860 Kilocycles

WHB—WHB Broadcasting Co., Kansas City, Mo.—Construction permit to install new transmitter and antenna, increase power from 1 to 50 kilowatts, move transmitter from North Kansas City, Mo., to site to be determined, Kansas City, Mo.

900 Kilocycles

NEW—North Jersey Broadcasting Co., Inc., Paterson, N. J.—Construction permit for a new broadcast station to be operated on **960 kc.**, 1 KW, daytime operation.

940 Kilocycles

WDAY—WDAY, Inc., Fargo, N. Dak.—Construction permit to install directional antenna for day and night use and increase power from 1 KW, 5 KW day, to 5 KW day and night. Amended to request use of directional antenna nighttime only.

990 Kilocycles

WBZ—Westinghouse Electric & Manufacturing Co., Boston, Mass.—Modification of construction permit B1-P-2161 for move of transmitter, and new transmitter and directional antenna for day and night use, further requesting changes in equipment.

1050 Kilocycles

KFBI—Farmers & Bankers Broadcast Corp., Wichita, Kans.—Modification of construction permit B4-P-1865 for new transmitting equipment, requesting approval of antenna and transmitter site at $W\frac{1}{2}$ of $S\frac{1}{2}$ of $NW\frac{1}{4}$ of Sec. 28, Twp. 26, S. Range 1 East, R.F.D. near Wichita, Kans., and studio at 1st and Market Sts., Wichita, Kans.

1100 Kilocycles

KWKH—International Broadcasting Corporation, Shreveport, La.—Authority to determine operating power by direct measurement of antenna power, for **1100 kc.**, 50 KW power, unlimited time, as authorized by B3-MSA-50.

KWKH—International Broadcasting Corporation, Shreveport, La.—License to cover modification of special experimental authority, B3-MSA-50, for changes in equipment, increase in power, and move of transmitter.

1170 Kilocycles

NEW—Chester N. Williams, Orinda, Calif.—Construction permit for a new station to be operated on **1170 kc.**, 1 KW power, limited time.

1180 Kilocycles

KEX—Oregonian Publishing Co., Portland, Oregon.—Modification of license to change frequency from **1180 to 1160 kc.**, and hours of operation from simultaneous day, shares KOB night, to unlimited.

KEX—Oregonian Publishing Co., Portland, Oregon.—Construction permit to install new transmitter, directional antenna for day and night use, change frequency from **1180 to 1160 kc.**

increase power from 5 to 50 KW, change hours of operation from simultaneous KOB day and shares KOB night, to unlimited, move transmitter from Denver Ave., near Swift Road, North Portland, Oregon, to River Road, near Carver, Oregon.

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Modification of license, change time to unlimited, contingent on KEX's application for 1160 kc., B5-ML-910.

1200 Kilocycles

KAST—Astoria Broadcasting Co., Astoria, Oregon.—Authority to determine operating power by direct measurement of antenna power.

WENY—Elmira Star Gazette, Inc., Elmira, N. Y.—Authority to determine operating power by direct measurement of antenna power.

WFTC—Jonas Weiland, Kinston, N. C.—Authority to determine operating power by direct measurement.

WENY—Elmira Star Gazette, Inc., Elmira, N. Y.—License to cover construction permit B1-P-1461, as modified for a new broadcast station.

1210 Kilocycles

KFVS—Oscar C. Hirsch, trading as Hirsch Battery & Radio Co., Cape Girardeau, Mo.—Modification of license to change frequency from 1210 to 1370 kc., and hours of operation from specified hours to unlimited time.

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Modification of license to change hours of operation from specified hours to unlimited, requesting facilities of KFVS if KFVS is granted unlimited time on 1370 kc.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Authority to determine operating power by direct measurement of antenna power.

KXOX—Sweetwater Radio, Inc., Sweetwater, Texas.—License to cover construction permit B3-P-2106, as modified for a new station.

KXOX—Sweetwater Radio, Inc., Sweetwater, Texas.—Authority to determine operating power by direct measurement.

NEW—Henry Estes, Austin Dean, & L. H. Christian, d/b as Gainesville Broadcasters, Gainesville, Ga.—Construction permit for a new station to be operated on 1210 kc., 250 watts power, unlimited time.

NEW—T. Frank Smith, Houston, Texas.—Construction permit to erect a new station to be operated on 1210 kc., 250 watts, unlimited time. Amended: To change equipment, and give studio and transmitter sites as site to be determined, Houston, Texas.

KFXM—J. C. Lee & E. W. Lee, Lee Brothers Broadcasting Co., San Bernardino, Calif.—Construction permit to install new transmitter, new antenna and increase power from 100 to 250 watts. move transmitter from 512 Fifth St., San Bernardino, to Colton Ave., San Bernardino, Calif.

1260 Kilocycles

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Construction permit to make changes in antenna and transmitter, increase in power from 1 KW; 5 KW day to 5 KW day and night, move transmitter from Virginia Drive, approximately 3½ miles N. E. of business district of Dayton, Ohio, to rural S. E. of city, near Dayton, Ohio.

1300 Kilocycles

KALE—KALE, Inc., Portland, Ore.—Modification of construction permit B5-P-2344 to increase power, move transmitter, new transmitter, and antenna changes, further requesting changes in equipment and extend completion date 90 days; make changes in antenna.

1310 Kilocycles

NEW—Radio Voice of Springfield, Inc., Springfield, Ohio.—Construction permit for a new station to be operated on 1310 kc., 100 watts power, unlimited time. Amended re corporate structure.

1360 Kilocycles

WCSC—South Carolina Broadcasting Co., Inc., Charleston, S. C.—Authority to determine operating power by direct measurement.

1370 Kilocycles

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Authority to determine operating power by direct measurement.

KFRO—Voice of Longview, Longview, Tex.—Modification of construction permit B3-P-2117, as modified, for changes in frequency, increase in power, change in hours of operation, install new transmitter and directional antenna, further requesting installation of new transmitter and increase power from 1 to 5 KW. Extend commencement and completion dates 60 and 180 days.

NEW—Helen L. Walton and Walter Bellatti, Jacksonville, Ill.—Construction permit for a new broadcast station on 1370 kc., 250 watts power, unlimited time.

WCNC—Aubrey G. McCabe and Trim W. Aydlett, d/b as Albemarle Broadcasting Co., Elizabeth City, N. C.—Voluntary assignment of license from Aubrey G. McCabe and Trim W. Aydlett, d/b as Albemarle Broadcasting Co., to Albemarle Broadcasting Co.

KVGB—Helen Townsley, Great Bend, Kans.—Authority to determine operating power by direct measurement.

WISE—Harold H. Thoms, Asheville, N. C.—Modification of license to increase power from 100 to 250 watts.

1390 Kilocycles

KABR—Aberdeen Broadcast Co., Aberdeen, S. Dak.—Construction permit to install new transmitter, make changes in directional antenna, for night use, and increase power from 500 watts, 1 kilowatt day to 5 kilowatts day and night.

1400 Kilocycles

WLTH—Voice of Brooklyn, Inc., Brooklyn, N. Y.—License to cover Construction permit B1-P-2481, for move of transmitter.

1420 Kilocycles

WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—Construction permit for new transmitter.

WAZL—Hazleton Broadcasting Service, Inc., Hazleton, Penna.—Modification of construction permit B2-P-2344, for equipment changes, increase in power, further requesting authority to install new transmitter.

KFAM—The Times Publishing Co., St. Cloud, Minn.—Authority to determine operating power by direct measurement.

1500 Kilocycles

NEW—P. K. Ewing, Kosciusko, Miss.—Construction permit for a new station to be operated on 1500 kc., 100 watts night and 250 watts day power, unlimited time. Amended: Antenna changes and give transmitter site as site to be determined, Kosciusko, Miss.

KUTA—Frank C. Carman, Jack Powers, David G. Smith, and Grant R. Wrathall, d/b as Utah Broadcasting Co., Salt Lake City, Utah—Modification of construction permit B5-P-2513, for new equipment requesting increase in power from 100 to 250 watts, extend commencement date 30 days after grant and completion date 60 days thereafter.

NEW—South Jersey Broadcasting Corp., Vineland, N. J.—Construction permit for a new broadcast station to be operated on 1500 kc., 250 watts, unlimited time.

NEW—The Delmarva Broadcast Co., Salisbury, Md.—Construction permit for a new broadcast station to be operated on 1500 kc., 250 watts, unlimited time.

MISCELLANEOUS

NEW—WDRC, Incorporated, Meriden, Conn.—Construction permit for a new television broadcast station to be located on Summit of West Peak, Meriden, Connecticut, on 96000-102000 kc., 1 KW power, A-3 and A-5 emission. Amended: To request frequency of 66000-72000 kc.

W8XVB—Stromberg-Carlson Telephone Mfg. Co., Rochester, N. Y.—License to cover construction permit B1-PHB-71, for new high frequency broadcast station.

WEHG—Columbia Broadcasting System, Inc., Portable Mobile.—Modification of license to change authorized power from 1.5 watts to 2 watts and make changes in equipment.

NEW—The Crosley Corp., Cincinnati, Ohio—Construction permit for a new television broadcast station on 44000-50000 kc., 1 KW power, A-3 and A-5 emission, to be located at corner

Wine and Fifth Sts., 48th floor Carew Tower. Amended: To request 50000-56000 kc.

- NEW—Miami Valley Broadcasting Corp., Dayton, Ohio.—Construction permit for a new high frequency station on 42600 kc., 1 KW power, unlimited time, special emission. Located near Dayton, Ohio.
- KFDA—Amarillo Broadcasting Corporation, Amarillo, Texas.—Authority to determine operating power by direct method.
- KEJJ—National Broadcasting Co., Inc., Denver, Colo.—License to cover construction permit B5-PRE-302, for new equipment.
- KEJK—National Broadcasting Co., Inc., San Francisco, Calif.—License to cover construction permit B5-PRE-303, for new equipment.
- KEJL—National Broadcasting Co., Inc., San Francisco, Calif.—License to cover construction permit B5-PRE-304, for new equipment.
- NEW—Henry Joseph Walczak, Springfield, Mass.—Construction permit for new television broadcast station located at 360 Worthing St., Springfield, Mass., to be operated on 1550 kc., 250 watts, unlimited time, special emission. Amended: To request frequency of 1650 kc.
- NEW—Boston Edison Co., Boston, Mass.—Construction permit for a new high frequency broadcast station located at 1165 Massachusetts Ave., Boston, Mass., frequency 42800 kc., special emission, 250 watts power. Amended: To request frequency of 43,200 kc.
- NEW—Howitt-Wood Radio Co., Inc., Binghamton, N. Y.—Construction permit for a new high frequency broadcast station, on 42600 kc., 1 KW power, special emission, located at Cleveland & Stokes St., Binghamton, N. Y.
- WEMA—Westinghouse Electric & Mfg. Co., Portable-Mobile.—Modification of license to increase power to 50 watts.
- WEMB—Westinghouse Electric & Manufacturing Co., Mobile.—Modification of license to increase power to 50 watts.
- WEMN—Westinghouse Electric & Manufacturing Co., Mobile.—Modification of license to increase power to 50 watts.
- WEMO—Westinghouse Electric & Manufacturing Co., Portable-Mobile.—Modification of license to increase power to 50 watts.
- WLWO—The Crosley Corp., Mason, Ohio.—Modification of license to operate unlimited time on 17800 kc. in addition to present licensed frequencies.
- WEJN—National Broadcasting Co., Inc., New York, N. Y.—License to cover C. P. B1-PRE-306 for new equipment.
- WEJW—National Broadcasting Co., Inc., New York, N. Y.—License to cover construction permit B1-PRE-308, for new equipment.
- WEJQ—National Broadcasting Co., Inc., Cleveland, Ohio.—License to cover construction permit B2-PRE-307, equipment changes.
- NEW—Zenith Radio Corp., Chicago, Ill.—Construction permit for a new high frequency station located at 6001 Dickens Ave., Chicago, Ill., to be operated on 42800 kc., 5 KW power, special emission. Amended: To request 1 KW power and equipment changes.
- WEOC—South Carolina Broadcasting Co., Inc., area of Charleston, S. C.—License to cover construction permit B3-PRE-249, as modified, for a new high frequency relay broadcast station.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

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

Celotex Corporation—A complaint has been issued charging The Celotex Corporation, Chicago, with violation of Section 7 of the Clayton Act through its acquisition of the capital stock of Certain-teed Products Corporation, New York, a competitor.

The complaint alleges that about January 1, 1938, The Celotex Corporation acquired from the Phoenix Securities Corporation 9,946 shares of the outstanding preferred stock and 109,360 shares of the outstanding common stock of the Certain-teed Products Corporation, and as consideration therefor issued 43,744 shares of its own common stock and paid approximately \$569,760 in cash. About March 1, 1939, the complaint alleges, The Celotex Corporation acquired from the General Investment Corporation and others approximately 40,000 additional shares of Certain-teed common stock for approximately \$550,000 in cash and securities.

Acquisition by Celotex of Certain-teed's capital stock allegedly had the effect of substantially lessening competition in interstate commerce between the two companies; of restraining interstate commerce in the sale of structural insulation and acoustical material, including fiber and gypsum products, in certain parts of the country, and of tending to create a monopoly in The Celotex Corporation in the sale of such products. (3957)

Certain-Teed Products Corporation—See Celotex Corporation.

Jasper W. Efir—Charging violation of the brokerage section of the Robinson-Patman Act, a complaint has been issued against Jasper W. Efir, 200 West 34th St., New York, and 38 southern retail store companies of which he is a stockholder and director and by each of which he is employed as vice president to act as purchasing agent. Twenty-eight of the companies have stores in North Carolina, nine in South Carolina, and one in Virginia.

Operating from his New York office, which is listed as J. W. Efir, Efir Department Stores, Efir takes care of the purchasing requirements of the 38 store companies. It is alleged that sellers of such merchandise pay to Efir brokerage fees amounting to a percentage of the sales prices agreed upon between themselves on the one hand and the 38 buyers, through their agent, Efir, on the other, and that no services are rendered the sellers by Efir.

The brokerage fees received by Efir allegedly are used by him as an officer and employee of the various store companies in the payment of rent, salaries, wages, traveling expenses and other maintenance costs of their New York office and for other purposes solely for the benefit of these buyers.

The respondent Efir store companies are located in Charlotte (two companies), Wilmington, Raleigh, Winston-Salem, Salisbury, Durham, High Point, Gastonia, Lumberton, Rocky Mount, Goldsboro, Monroe, Lexington, Burlington, Wilson, Shelby, Statesville, Forest City, Albemarle, Lenoir, Laurinburg, Lincolnton, Greensboro, Kannapolis, Hickory, Kinston, and Greenville, N. C., and Columbia, Anderson, Greenville, Spartanburg, Greenwood, Rock Hill, Sumter, Greer, and Chester, S. C., and Danville, Va. (3955)

Levin Bros.—Complaints have been issued against Levin Bros., Terre Haute, Ind., and H & D Sales Company, Knoxville, Tenn., charging the use of lottery practices in connection with the sale of merchandise to ultimate consumers.

The complaint against Max, Morris L. and Isaac P. Levin, trading as Levin Bros., is in two counts, the first charging the respondents with the distribution and sale of assortments of knives, watches, candy and other merchandise along with punch boards involving a lot or chance feature to consumers. The second count charges the sale and distribution by respondents of push cards and punch boards involving lottery features in the sale of merchandise.

Respondents thus supply to persons, firms and corporations, the complaint alleges, instrumentalities for engaging in unfair methods of competition and unfair acts and practices in commerce in violation of the Federal Trade Commission Act.

H & D Sales Company, 320 North Gay St., Knoxville, Tenn., and Nathan J. Hubbard and Arthur Easton Davis, individually and as officers of the corporation, are charged with the sale and distribution of merchandise so packed and assembled as to involve the use of games of chance, gift enterprises or lottery schemes when sold and distributed to ultimate consumers. (3954-3956)

W. H. Maze Company, Peru, Illinois, manufacturer and distributor of roofing nails, is charged in a complaint with misrepresentation in the sale of its products.

In advertisements in periodicals and other publications, the respondent represented that "Maze Anchor Lead Heads hold two to four times better—conclusive tests prove it."

The complaint alleges that the respondent's "Lead Head Anchor Shank Nails" do not have two nor four times the holding power, under normal conditions, of other nails ordinarily used for roofing. (3953)

Charles H. Phillips Chemical Company, New York, has been served with a complaint alleging misleading representations in the sale of "Phillips' Milk of Magnesia Cleansing Cream" and "Phillips' Milk of Magnesia Texture Cream."

The respondent corporation allegedly advertised that "if your skin seems 'acid,' if it has lost its fresh tone, smooth firm texture . . . then try the beauty-giving action of these milk of magnesia creams on your skin!" . . . "Help overcome 'acid' skin. You know how milk of magnesia taken internally relieves excess acidity of the stomach. In just the same way these new type milk of magnesia creams act externally on the excess fatty acid accumulations on the skin, and help to overcome unsightly faults and aid in beautifying."

It is alleged that the respondent's use of the phrase "Milk of Magnesia" in the name of its products has a tendency to mislead buyers because milk of magnesia has no therapeutic value in treating the conditions for which the respondent recommends it such as "acid skin," skin blemishes, enlarged pores or excess fatty acid accumulations, and will neither penetrate nor cleanse the pores nor improve the texture of the skin.

Skin blemishes are not caused by "acid skin"; in fact, there is no disease or abnormal pathological condition known as "acid skin," according to the complaint. The quantity of fatty acid on the normal skin is very small, the complaint continues, and neither the use of one nor of both the respondent's preparations will neutralize it in the same way that milk of magnesia neutralizes excess acid in the stomach, or so as to accomplish the results represented. (3959)

H & D Sales Company—See Levin Bros.

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

American Clinical Laboratories, Inc., Official Research Bureau of New York, Inc., Federal Research Corporation, and Shelley Braverman, an individual, all of 149-50 Roosevelt Ave., New York, have been ordered to cease and desist from misrepresentations in the sale and distribution of "Retardo," a medicinal preparation advertised as a safe remedy for the treatment of excess weight.

The Commission finds that Shelley Braverman owns the majority of the stock in American Clinical Laboratories, Inc., and Federal Research Corporation, and owns all the stock of Official Research Bureau of New York, Inc., and directs and controls their sales activities and policies.

American Clinical Laboratories, Inc., is found to have represented in newspapers and periodicals and in radio continuities, among other things, that "Retardo" is "absolutely free of all harmful ingredients," and is "the newest discovery for the reduction of excess weight," and Federal Research Corporation to have represented that it "contains no dangerous drugs," when according to the findings, the product is not an effective or reliable treatment for losing weight, and contains a substantial amount of boric acid, which is harmful when taken in the amounts and over the period of time directed by the respondents.

American Clinical Laboratories, Inc., Federal Research Corporation, and Shelley Braverman, are ordered to cease and desist from representing that the use of "Retardo" is a safe, competent, effective or reliable method for losing weight, and that use of the preparation will reduce weight without dieting or exercise. These respondents are also directed to cease representing, through their failure to reveal that the preparation is not wholly safe for use in self medication, that it contains no harmful or dangerous drugs, and that its use will have no ill effects upon the body.

The order further requires the American Clinical Laboratories, Inc., Official Research Bureau of New York, Inc., and Braverman to cease representing, through use of the terms "Approved by the Official Research Bureau of New York" or "Seal of Approval, Official Research Bureau of New York," or through use of the

corporate name "Official Research Bureau of New York, Inc.," to designate or refer to the preparation, that it has been approved by any research bureau having an official connection with the city or State of New York, or has been approved by any municipal, State or governmental agency or bureau whatsoever. (3415)

Benson Speciality Company—Robert H. Benson and Emma Benson, trading as Benson Specialty Company, 251 Plymouth Building, Minneapolis, and engaged in the sale and distribution of specialty merchandise, have been ordered to cease and desist from misrepresentation of the value of coupons and certificates used in the sale and distribution of their merchandise, and of prices at which their products are offered for sale.

Among such typical representations in newspapers and periodicals, the findings state, are: "SPECIAL. This certificate and 59¢ entitles the bearer to one of our genuine indestructible \$3.00 vacuum filler sackless fountain pens. Introductory offer. This pen will be \$3.00 after sale. Limit 3 pens to each customer." . . . "This coupon is worth \$3.02. This coupon and \$1.98 entitles the bearer to one of our regular \$5.00 Electro Heat Kwick hot water disc as above described. LIMITED SUPPLY AT INTRODUCTORY PRICE. Through special arrangement with the manufacturer we are able to offer for 2 days only a special advertising discount of \$3.02 on each Electro Heat Kwick nationally advertised at \$5.00. Note—due to limited supply only one to each coupon."

In truth and in fact, the findings continue, the prices represented by the respondents as the customary retail prices of the products are fictitious and greatly in excess of the prices at which the articles customarily are offered for sale and sold, and the respondents are not conducting an introductory or special offer, and the certificates or coupons referred to in advertisements do not have the values therein specified or any value whatever, as the prices charged by the respondents in addition to the certificates or coupons are the regular prices at which the products are sold in the usual course of business.

The respondents are ordered to cease and desist from representing as the customary or regular prices of their products, prices and values which are in fact fictitious and in excess of prices at which such products are customarily offered for sale, and from representing that any articles of merchandise regularly sold in connection with the use of any purported certificate or similar device, have any value in excess of the actual money price required to be paid, or that any coupon or similar device has any monetary value in the purchase of an article which is regularly sold by the respondents with or without such coupon or similar device at the price required to be paid. (3795)

Federal Research Corp.—American Clinical Laboratories, Inc.

Grey Advertising Agency, Inc.—Waldes Koh-I-Noor, Inc.

Official Research Bureau of New York, Inc.—American Clinical Laboratories, Inc.

Perma-Maid Company, Inc., Cincinnati, selling agent and distributor of stainless steel cooking utensils, has been ordered to cease and desist from unfair disparagement of the products of competitors.

The Perma-Maid Company and its officers, representatives, agents and employees, are ordered to cease representing that food prepared or kept in aluminum utensils is detrimental to the health of the user thereof; that the preparation of food in aluminum utensils causes the formation of poisons, and that the consumption of food prepared or kept in aluminum utensils will cause ulcers, cancers, cancerous growths and various other ailments, afflictions and diseases. (3268)

Waldes Koh-I-Noor, Inc., 47-52 Twenty-seventh St., Long Island City, New York, manufacturer and distributor of fastening devices for men's and women's apparel, and The Grey Advertising Agency, Inc., 128 West 31st St., New York, have been ordered to cease and desist from misrepresentations in the distribution and sale of ladies' handbags.

The Commission finds that the Waldes Koh-I-Noor company manufactures devices such as snap fasteners, snap buckles, hook and eye and slide fasteners. One of its manufactured devices is

a slide fastener or zipper designated "Kover-Zip." As a means of promoting sales of its products, the findings continue, the Koh-I-Noor company causes ladies' handbags, including certain of its fastener products to be manufactured.

During the spring and fall of 1936, respondents engaged in an advertisement and sales promotional program of ladies' handbags and purses equipped with "Kover-Zips." Plans for the campaign, the findings continue, were laid out and executed by The Grey Advertising Agency, for Waldes Koh-I-Noor company, and were financed by the latter company. In connection therewith respondents purchased, in France, a number of ladies' handbags designed and manufactured by various couturiers. Only one bag of each particular design was purchased. Prices paid in France for the articles ranged from \$11.38 to \$22.75, at the rate of exchange when purchased. Customs duties, consular fees, packing, delivery and other charges increased the cost of the delivered articles in this country to sums ranging from \$15.86 to \$31.21 per handbag.

The handbags were then distributed among certain handbag manufacturers in the United States for copying as to design and style, for production in commercial quantities to sell at prices ranging from \$2.95 to \$3.50.

Pursuant to the sales promotional program, the Commission finds, respondents caused 24 of the imported French-made bags to be illustrated in page advertisements appearing in issues of a magazine having a wide circulation throughout. The advertisements represented the retail prices of the imported handbags to be from \$35 to \$95.

The purpose of the magazine advertisements, the findings continue, was to create a price basis and promotional background for subsequent advertising and sale of the Waldes Koh-I-Noor company's American-made copies of the French-made handbags, and not to induce the purchase of the original handbags. The originals illustrated were not, in fact, offered for sale to retailers or in regular selling channels at prices ranging from \$35 to \$95. Imported handbags of the same quality, style, design and material as the handbags purchased in France by respondents and illustrated in the advertisements, when offered for sale in the United States, the findings continue, do not command prices of more than about half the value represented in the advertisements.

Findings of the Commission are that the ladies' handbags offered for sale and sold by respondents were copies of French-made handbags in style and design only. In matters of ornament, materials and workmanship, respondent's handbags were substantially lower in quality and value than the French-made handbags. The offering for sale of such handbags represented to be "authentic copies," "identical copies," "identical facsimiles" or "exact reproductions," the findings point out, has the tendency to mislead and deceive members of the buying public, and the acts and practices of the respondents are to the injury of the public and respondent Waldes Koh-I-Noor company's competitors, and constitute unfair methods of competition.

Respondents are ordered to cease and desist from representing or inducing others to represent that any imported French-made ladies' handbags have been regularly offered for sale at a retail price at which the same have not been or are not regularly offered for sale; from representing that any imported handbag has a value which such handbag does not have; from representing that any domestic-made handbags are "copies," "reproductions" or "facsimiles" of imported handbags, unless such domestic-made handbags are true copies in all particulars, inclusive of design, style, material, ornament and workmanship, comparable and equal in quality to the imported handbags of which the domestic-made handbags are copies. It is further ordered that respondents cease and desist from distributing any advertising material which contains any of the aforesaid representations for use in connection with the promotion of the sale of any such article. (3269)

STIPULATIONS

The Commission has entered into the following stipulations:

Alliance Ribbon & Carbon Mfg. Company—Earl Herstam, trading as Alliance Ribbon and Carbon Manufacturing Company, 970 North 8th St., Philadelphia, in the sale of typewriter ribbons and carbon paper, will cease employing the word "Manufacturing" as part of his trade name or the words "Factory, New York", on letterheads or trade literature, when in fact he does not own or control a factory in which the articles he sells are made. Herstam also agreed to discontinue use of any feigned or fictitious designa-

tion like "Distributor" as descriptive of his business status, with a tendency to mislead buyers into believing that he is a duly appointed agent of some concern other than himself for the marketing of its merchandise, when such is not a fact. (2586)

Morris N. Beitman, 3727 West Thirteenth St., Chicago, according to his stipulation, compiles pamphlets containing technical reading matter prepared from material which he in part furnishes and which in part is taken from catalogs of manufacturers of various devices used in the air conditioning field. In the sale of his pamphlets, Beitman agrees to cease using the words "complete course" in a manner tending to convey the impression that they constitute a complete course in the technical science of air conditioning, heating or ventilating. Among other representations to be discontinued are: that the pamphlets were prepared by Beitman for the Chicago Technical Society and that "It's no trick to obtain work in air conditioning, the field with more jobs than available trained men." (2578)

Blue Ribbon Hatchery, Inc., New Knoxville, Ohio, is in the chick hatchery business, selling hatching eggs and also chicks incubated at its place of business from eggs purchased from poultry farmers. Under its stipulation, the respondent company agrees to desist from advertising or representing that its hatching eggs are from flocks that have been either culled or blood tested or otherwise treated for any disease, when such is not a fact, or when only a portion of the flocks supplying the eggs have been so treated or tested during the current season. The respondent also agrees to discontinue employing any disease control term such as "blood tested" in advertising in such a manner as to have the effect of misleading buyers into believing that officially approved methods have been used in making these tests, when such is not a fact. (2577)

Boyer Chemical Laboratory Company, 2700 Wabash Ave., Chicago, agrees to cease advertising generally or without proper qualification, that "Boyer's Zinc Soot Destroyer" burns up the soot in chimneys or that by use of this substance the chimney soot turns into a light, white, powdery ash, or that a chimney is made clean or given a perfect draft, or that the product may be relied upon to prevent chimney fires. The respondent also agrees to discontinue representing itself as "Exclusive Licensed Manufacturers". The stipulation points out that while a soot remover like the respondent's may reduce soot in a furnace and flue pipe, its efficacy does not usually extend to the chimney, and there is always a danger of the burning soot emitted from a chimney falling on inflammable materials. The respondent's product, according to the stipulation, is composed of zinc filings, a standard commodity on which there is no patent or exclusive right to manufacture. (2592)

Curtis A. Davis, 123 West Avenue 30, Los Angeles, Cal., agrees to cease advertising that "Jane Cook's Wonder Tissue Creme" will furnish nourishment to the tissues or cells or increase the size of the bust, or that a flat chest is due to a lack of nourishment in the tissue cells of the chest, or to the fact that in a case of flat chest the cells are shrunken or collapsed. The respondent agreed to cease representing that the product heretofore designated "Jane Cook's Wonder Tissue Creme" is in fact a "tissue" cream, either by inclusion of that word in the name for the product, or otherwise. (02462)

Dawe's Products Company, Inc., Chicago, Ill., manufactures products for use as ingredients in compounding poultry and other live stock feed and sells such preparations under the names "Vitamelk", "Dawe's Vitamelk", "D. V. Base", "Vitamelk Base", and "Vitamelk Concentrate". The respondent corporation agrees to cease representing that "Vitamelk" is nutritionally correct or that its use will achieve higher egg production, faster growth, earlier maturity, higher hatchability and reproduction, strong and bigger chicks, longer life of layers and breeders, improvement in quality of milk and flavor of meat, lower mortality, and other accomplishments, unless, in direct connection with each and every such representation, it is clearly stated that the benefits claimed will obtain only when there is a deficiency or sub-optimal supply of vitamins or other constituents of the product in the feed or ration ordinarily provided such poultry or animals. Among other representations

to be discontinued are that the respondent's product is scientifically balanced and united, and not merely mixed, or that it is a compound, and that "Vitamelk" is the one or only source offering vitamins in liberal amounts or rare minerals in necessary amounts. The respondent company also stipulates that it will not use the words "Guarantee" or "Guaranteed" in connection with the advertisement or sale of its products, unless clear and unequivocal disclosure is made of exactly what is offered by way of security, for example, refund of purchase price. (2581)

Great Lakes Optical Company—Harry Greenberg, sole trader as Great Lakes Optical Company, 160 North LaSalle St., Chicago, stipulates that he will cease representing that any optical goods bought and sold by him at a profit are available to the purchaser at "factory-to-you prices", or that such goods are delivered directly from "factory Great Lakes Optical Company", when there is no such factory. The respondent will also desist from misleading uses of the words "guaranteed" or "certified", and will cease misrepresenting the gold content of merchandise. (2591)

Hudson Bay Down Quilt Company, Inc., 330 South Wells St., Chicago, a corporation controlled by Isadore Buchman, agrees, in the sale and distribution of quilts or comforts and pillows, to desist from the use in its advertising, or from permitting the use by its salesmen or agents, of any fictitious figure purporting to be the regular sales price of its product, and to discontinue any representation that an offered price is an "Off-Season", "Special", "Introductory", or "Half" price, when such are not the facts. The corporation also agrees to cease employing the words "Satin" or "Taffeta", so as to imply that fabrics are composed of silk, when such is not a fact, and, if such words are used properly to describe the type of weave or construction of a rayon fabric, to immediately accompany them by the word "Rayon" in equally conspicuous type, indicating clearly that the product is rayon, as for example, "Rayon Satin" or "Rayon Taffeta". The corporation will also cease use of the words "Clairanese" or "Celanese", either alone or in connection with the words "Satin" or "Taffeta" as descriptive of rayon products, unless the term "Rayon" is set forth as part of and in immediate connection with such words and with equal conspicuousness. The corporation will also desist from representing quilt sizes which are not the true sizes of the finished product, and from use of the words "Hudson Bay", to imply that it has any connection with Hudson's Bay Company of Canada, or that it is selling the products of Hudson's Bay Company. (2583)

Kenton Pharmacal Company, 423-425 Greenup St., Covington, Ky., will discontinue advertising that the preparation now designated "A. M. Solution" is competent in treating ring worm, impetigo, eczema, insect bites or other skin irritations, unless the claim is limited to relief of itching and discomfort; that it is adequate for treating any condition of athlete's foot or similar ring worm condition, when such condition is refractory, that is, after the fungus has burrowed into the skin; and that years of research have been devoted to experiments with combinations of drugs to arrive at the formula of "A. M. Solution." (02463)

Lectrolite Corporation, Defiance, Ohio, manufacturer of wrenches and others tools, agrees to desist from advertising, branding or stamping tools, wrenches or other steel products as "chrome vanadium steel" or "chrome vanadium," when they do not actually meet the standard specifications entitling them to be properly so designated. (2584)

Piegras Light Company—S. Piegras, sole trader as Piegras Light Company, Tinley Park, Ill., distributor of lamps, lanterns and heaters, agrees to cease describing his "No. 18 Giant" gasoline lantern as a 300-candlepower light, when such is not a fact, or representing that such a lantern makes a chicken coop or other enclosure "light as daylight," or that such lamp is equal to 20 ordinary lamps, unless competent scientific tests support the latter claim. The respondent also agrees to discontinue misleading uses of the word "guaranteed." (2589)

Repeat Sales Company—Martin L. Bechtold and David Ginsberg, trading as Repeat Sales Company, 722 Fifteenth St., Denver, Colo., have agreed to cease the sale and distribution of sales pro-

motion cards so designed that their use by retail merchants constitutes the operation of a lottery, game of chance or gift enterprise. (2585)

Samarkand Rugs, Inc., 300 Fifth Ave., New York, importer of cotton rugs, agrees to abandon the unqualified designations "Oriental Replica," "Oriental Reproduction," "Chinese Replica," or "Chinese Reproduction" for rugs which are not actually Oriental or Chinese replicas or reproductions. The words "Oriental" or "Chinese" are not to be used in connection with rugs which do not contain all the inherent qualities of Oriental or Chinese rugs, unless, where properly used to describe the design or pattern, they are accompanied in conspicuous type by other words indicating that only the form delineated on the surface of the rugs is a likeness of an Oriental or Chinese type, as, for example, "Oriental Design" or "Oriental Pattern." (2593)

Samuel Schlossman & Sons, Inc., 41st St. & 6th Ave., New York, in the sale and distribution of furniture from its New York retail stores, stipulates that it will discontinue representing such products as being "Custom Made" or "Custom Grade," unless they are made on specific order of customers, and will cease advertising furniture as being made of "Mellow Maple," "Modern Walnut," "Inlaid Walnut," "Burl Walnut," "Rosewood" or other wood of recognized quality, when such is not a fact. The respondent agrees to cease representing gumwood as being a high quality wood or advertising or selling imitations of high quality woods without full disclosure of the simulation. (2588)

Standard Brief Case Company, 41 West 25th St., New York, agrees to discontinue use of the expression "Nu Leather" as a trade name, stamp or label for such of its products as are not composed of leather or hide, and to cease employing the statement "Will not crack—will not scuff—will not peel—is waterproof," in connection with products which are not proof against cracking, scuffing, peeling or water. The respondent also agrees to desist from use of the words "Genuine Cowhide" to imply that certain of its products are composed of leather made from the top or grain cut or layer of the cowhide. If they are composed of leather made from an inner or fresh cut of the hide, the word "Cowhide," if used as descriptive thereof, is to be immediately accompanied by language in conspicuous type indicating clearly that the products are not made of the top or grain cut or layer of the hide, according to the stipulation. (2582)

Sterling Cake Company, Inc., 62 Schenectady Ave., Brooklyn, agrees to desist from the use of the Seal of Holland in connection with the sale of its cookies and cakes, in any manner to imply to purchasers that the products are imported from Holland, and from use of the word "Holland" in connection with the word "Dammstagg," to imply to purchasers that a product is imported from Holland, when such is not the fact. The corporation agrees that if its products are the same type as a commodity produced in Holland and the words "Holland Style" are used as descriptive thereof, then the words "Holland Style" shall be accompanied by other words in type equally conspicuous to indicate clearly that the products are of domestic origin. The respondent also stipulates that it will desist from representing on cartons or in any other manner whatsoever that the products are home-made, when such is not the fact. (2579)

Oscar E. Swenson Company—Oscar E. Swenson and Harry R. Leahy, formerly trading as Oscar E. Swenson Company, 279 Washington Ave., Brooklyn, in the manufacture of a preparation for treating silk stockings, agree to desist from use of the term "Pre-Vent-A-Run" as a trade name or designation for the product, the effect of which usage may tend to convey the impression that employment of the treatment will do away with runs in silk hosiery, when in fact it would not achieve this result. (2590)

Whiting-Mead Company, 2260 East Vernon Ave., Los Angeles, owner of the registered trade name "Wonder Tile Company," and manufacturer of "Wonder-Tile" and other building materials, will discontinue representing by use of the words "Wonder-Tile" or "tile" that its products are "tile" as that word is understood

in the building trade and by the public, unless, in immediate conjunction with the words "Wonder-Tile" or "tile," there appear in equally conspicuous type other words designating the material or substance of which the products are made, such as "wood tile," "glass tile," "rubber tile," "asbestos tile," "copper tile," "cork tile," or "metal tile." (2587)

W. W. Von Todenwarth Company—W. W. Von Todenwarth, trading as W. W. Von Todenwarth Company, Tampa, Fla., in the sale of the medicine "Recto-Nol," agrees that he will discontinue representing it as a cure for piles; as eliminating all the suffering caused by piles, or the necessity of an operation; or as a new scientific or complete treatment the results of which are guaranteed. (02464)

FTC DISMISSES CASES

The Federal Trade Commission has closed its case in which International Radio Corporation, 559 Williams St., Ann Arbor, Mich.; Wieboldt Stores, Inc., 106 South Ashland Blvd., Chicago, and Davega-City Radio, Inc., 76 Ninth Ave., New York, were charged with misrepresentation in the sale of radio sets.

The three respondent companies have agreed to discontinue the unfair practices charged in the complaint and to accept and abide by the rules of fair trade practice for the radio receiving set manu-

facturing industry as promulgated by the Commission July 22, 1939.

The case was closed without prejudice to the Commission's right to reopen it, should future acts so warrant.

The Commission has also dismissed a complaint charging James S. Sutton, Inc., 717 Fifth Ave., New York, and James S. Sutton, individually, operators of linen shops, with violation of the Federal Trade Commission Act in the sale of their products.

A complaint has also been dismissed charging Schenley Distillers Corporation, New York, a holding company controlling subsidiary liquor companies in various parts of the country, with violation of Section 7 of the Clayton Act through purchase of the capital stock of the Bernheim Distilling Company, Louisville, Ky., a competitor.

The dismissal order recites that subsequent to the issuance of the complaint but prior to taking testimony, Bernheim Distilling Company, a Delaware corporation, transferred all of its assets to Schenley Distillers Corporation, which in turn transferred them to another subsidiary, the George T. Stagg Company, Frankfort, Ky., and Bernheim Distilling Company, the Delaware corporation, was dissolved.

The Commission has also dismissed a complaint charging James T. Jarrell, trading as Standard Business Training Institute, Genesee Building, Buffalo, with use of unfair methods of competition in the interstate sale of a correspondence course of instruction intended to prepare students for positions as traffic inspectors or checkers for transportation companies.

DISTRICT MEETINGS

Below is a revised list of coming district meetings. Be sure to attend. They are highly important. The fate of the copyright program is at stake. Be sure to notify non-members in your area that they should be there, too.

<i>District No.</i>	<i>City</i>	<i>Hotel</i>	<i>Date of meeting</i>
District 3—	.	.	—First week in January (*)
District 4—	Washington	Mayflower	—December 16
District 5—	Jacksonville	.	—January (*)
District 6—	.	.	—January 2 or 3 (*)
District 11—	Minneapolis	Radisson	—December 13
District 12—	Tulsa	Hotel Tulsa	—December 11
District 13—	Dallas	Baker	—January 5
District 14—	Denver	Albany	—December 9
District 15—	San Francisco	Palace	—January 10
District 16—	Los Angeles	Ambassador	—January 9
District 17—	Portland	New Heathman	—January 12

(*) Additional details will be sent to you as soon as possible.

New England Goes 100 Per cent for Broadcast Music

One hundred per cent support of Broadcast Music, Inc., was voiced by New England broadcasters at a District One meeting Wednesday in Boston.

Managers of 16 of the 29 stations represented pulled out their fountain pens and signed stock subscriptions after Paul W. Morency, WTIC, district director, and Sydney Kaye explained how Broadcast Music, Inc., should go a long way toward solving the industry's vital copyright problem.

With equal enthusiasm, the other 13 managers either pledged subscriptions within a few days or said they would recommend subscriptions to their station owners.

Those stations which subscribed:

WICC, WTIC, WATR, WAAB, WBZ-WBZA, WEEI, WMEX, WNAC, WSAR, WLLH, WBRK, WMAS, WTAG, WEAN, WJAR and WBNX.

Practically 100 per cent of the broadcasters at the combined meetings of Districts Eight and Nine at South Bend, Ind., on Wednesday also pledged their support of Broad-



The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NAational 2080

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

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

NEW ENGLAND GOES 100 PER CENT FOR BROADCAST MUSIC

(Continued from page 3881)

cast Music, Inc. Neville Miller joined the district directors, John Fetzer and William H. West, in explaining the plan.

Although stock subscriptions were not discussed at the District Seven meeting in Dayton, O., on Tuesday, Kentucky and Ohio broadcasters indicated that they would give undivided support to the NAB's copyright program. After Mr. Miller and J. H. Ryan, district director, had described the program in detail, it was endorsed by unanimous vote.

Present at the District One meeting:

P. W. Morency, WTIC; John Shepard, 3rd, WNAC-WAAB-WEAN-WICC; Joseph L. Miller, NAB; Sheldon B. Hickox, Jr., NBC; Earle B. Clement, WLNH; Mildred P. Stanton, WORC; Robert W. Booth, WTAG; John W. Haigis, Jr., and James L. Spates, WHAI; W. C. Gartland and Frank E. Chizzini, NBC; David M. Kimel and M. William Noble, WLAW; George Lasker and Ashley L. Robinson, WORL; Alfred J. Pote and William S. Pote, WMEX; E. E. Hill, WTAG; Quincy A. Brackett, WSPR; C. Glover DeLancy and Cedric W. Foster, WTHT; Walter Haase, WDRC; Edwin J. Morey, WNLC; S. P. Willis, WPRO; John J. Boyle, WJAR; Harold Thomas, WBRK-WATR; William T. Welch, WSAR; L. Thomas, WBRK; L. Travers, Yankee Network; George F. Kelley, Jr., WFEA-WRDO-WCSH; A. S. Moffat, WMAS-WLLH; K. F. Horton and L. G. del Costilla, WEEI; John Holman, WBZ; G. Harrison, Colonial Network; S. M. Kaye, NAB; and J. Arnold Farrer, W1XOJ.

Those attending the District Seven meeting:

Robert Mackenzie, WCMI; Gilmore N. Nunn, WLAP; James Cox and Nathan Lord, WAVE; W. Lee Coulson and Robert L. Kennett, WHAS; Mrs. Edythe F. Melrose, Harold Sutherland and Ted Winter, WJW; C. A. Rowley and R. B. Rowley, WICA; Felix Hinkle, WHBC; James Krautters, WCKY; N. A. Latham, WKRC; Jerry Branch, WLW; E. K. Bauer, WSAI; Carl Everson, WCLE-WHK-WHKC; Gene Carr, WGAR; Vernon Pribble, WTAM; Richard A. Borel and William Orr, WBNS; Kenneth Johnston and Neal Smith, WCOL; J. Leonard Reinsch and Dave Brown, WHIO; Ronald B. Woodyard, WING; Don Ioset, WLOK; Ralph Patt, WPAY; J. H. Ryan, E. Y. Flanigan and George L. Young, WSPD; Stanton P. Kettler, WALR; Neville Miller, NAB; M. M. Blink, Standard Radio; Maurice Wetzel, NBC Thesauris; and Manuel Rosenberg, The Advertiser.

At the District 8-9 meeting were:

J. H. Keene, and R. R. Baker, WTRC; Martin Leich, WGBF; W. C. Swartley, and Ford Billings, WOWO; C. F. McLaughlin, WIBC; R. E. Bausman, WIRE; W. W. Behrman, WBOW; J. F. Hopkins, WJBK; O. F. Uridge, WJR; Howard Loeb, WFDF; John E. Fetzer, WKZO; Grant Ashbacker, WKBZ; and Angus D. Pfaff, WHLS.

Ken Rice, WDWS; W. E. Hutchinson, WAAF; Marie Clifford, WHFC; William H. West, WTMV; Edgar L. Bill, WMBD; Walter Koessler, WROK; Charles C. Caley, WDZ; J. F. Kyler, WCLO; H. R. LePoidevin, WRJN; H. Born, WHBL; Joseph

A. McDonald, Donald Marcotte and Maurice Wetzel, NBC; and Milton Blink, Standard Radio.

CIRCUIT COURT REFUSES TO DISMISS WNEW APPEAL

The first step towards a reversal of the decision in *RCA v. Whiteman* was won by WBO Broadcasting Corporation, when the Circuit Court of Appeals on Wednesday, December 6, denied the motion made by RCA to dismiss the WNEW appeal. The motion was argued Monday, December 4, by Colonel Joseph M. Hartfield, of White & Case, co-counsel with Stuart Sprague, both retained by NAB for the broadcasters; and by David MacKay, for RCA. This clears the way for the printing of the record and briefs, and argument on the merits.

The lower court, among other things, had enjoined WNEW from broadcasting Victor records, principally on the ground that it constituted unfair competition with RCA. It is hoped that on appeal this decision may be reversed. The Circuit Court has now held that WNEW may appeal.

The members have been advised recently of the issues in the case and its ramifications through NAPA and the A. F. of M., in an exhaustive summary printed in NAB REPORTS, November 24, 1939. Their attention is drawn at this time to that summary as the most complete and illuminating statement of the controversy it is possible to provide.

Denial of RCA's motion to dismiss WNEW's appeal is a forward step in the broadcasters' campaign. The interests of the industry will continue to be protected in the fullest measure by the counsel retained. The NAB will promptly advise the members, either in NAB REPORTS or by special bulletin, of any significant developments in the situation.

Tax Bureau Revises Its Radio Depreciation Figures

A recent inquiry to Mr. Timothy C. Mooney, Deputy Commissioner of the Bureau of Internal Revenue, resulted in the following letter:

TREASURY DEPARTMENT
WASHINGTON

December 1, 1939

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

Attention: Mr. Spence

Sirs:

Reference is made to office letter of January 5, 1937, with respect to the average useful lives of depreciable property owned by radio broadcasting companies and to your verbal request that you be advised in connection with changes which may have been made in such lives since that letter was written. The in-

formation now available to this office indicates that the lives shown therein should be adjusted to those indicated below:

Group Lives:

Transmitter equipment	10 years
Studio control equipment	10 years
Speech input equipment	10 years
Antenna equipment	12 years
Towers	15 years
Buildings	20 years
Studio furniture and fixtures	7 years
Office furniture and fixtures	15 years
Pipe organs, pianos, etc.	10 years
Television equipment	4 years
Facsimile equipment	5 years

In this connection it should be kept in mind that the lives stated above are averages built up on the experience available for the equipment of all companies for which data could be obtained and may not be applicable to the assets of a particular company whose experience may indicate shorter or longer lives.

Respectfully,

TIMOTHY C. MOONEY,
Deputy Commissioner

By E. L. LINDSEY,
Assistant Head of Division.

It will be noted that allowance for depreciation cannot be predicted upon a general average. Each broadcaster should produce all the facts pertinent to his own case and press for a decision thereon without reliance upon general practices.

"Radio's Riches" In Mail

Sample copies of "Radio's Riches—How You May Bring Them to Your Home," a sixteen page booklet in rotogravure, will be mailed all stations on Monday, December 11.

Their low price of eleven dollars per thousand is possible because of paper contracts made prior to price increases and to the large printing which is expected to run into several million.

The booklet contains the dynamic story of American radio and is especially designed for mass circulation.

In a letter on December 7, captioned, "The Radio Industry's Next Selling Job," which announced the completion of "Radio's Riches," Ed Kirby, director of public relations, said: "The radio industry has sold millions of people millions of things. And, despite rumors to the contrary, it has sold itself to millions of listeners, even though the majority of listeners perhaps don't know it.

"After all, people are people, and think mostly in terms of favorite radio personalities and favorite programs when they think of radio. They do not think in terms of the American System of Broadcasting which makes it possible for them to hear these programs on schedule, around the clock, day after day.

"What radio needs to do is to re-awaken this sleeping loyalty of listeners for American radio is going through one of its most trying periods.

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"There is, at the moment, no need for undue alarm. But for a variety of reasons, there does exist an urgent need for the widest possible understanding of radio by the greatest number of listeners. While ignorance continues, those who wish to attack the industry for selfish reasons, find a juicy opportunity to do so, because of the condition of an uninformed public."

Labor Notes

Attorney General Frank Murphy has backed up the contention of his assistant, Thurman Arnold, that labor unions can be prosecuted under the anti-trust laws for illegal practices. In a letter to William Green, president of the American Federation of Labor, Mr. Murphy said the Justice Department was following court decisions in this matter.

Samuel R. Rosenbaum, WFIL, IRNA chairman, conferred with members of Mr. Arnold's staff last week about the current A. F. of M. situation. After the conference, Mr. Rosenbaum issued the following statement:

"By reason of the many inquiries received from affiliates regarding the effect of the Arnold letter on the current AFM-IRNA situation, a conference took place on Wednesday, November 29, between Samuel R. Rosenbaum, Chairman of IRNA, and members of Thurman Arnold's staff in the Department of Justice. No effort was made to bring the Department into the situation, but merely to learn what its attitude might be in the event the industry and AFM do not arrive at a satisfactory understanding. As expected, the Department declined at this time to express any views in advance of a specific case being brought before it."

The A. F. of L. is howling to high heaven that Mr. Arnold's policy is not only illegal but also a slap at labor from an administration that was supposed to be labor's friend. It is understood that William Green's talk with President Roosevelt on Wednesday dealt with this matter, although publicly Mr. Green said he had talked about "labor peace." The C. I. O. has kept quiet, but its leaders are as worried as are the A. F. of L. bigwigs.

Labor won an outstanding victory in the federal courts last week. A circuit court of appeals reversed a district court decision that the American Federation of Hosiery Workers (C. I. O.) had violated the anti-trust laws by a sit-down strike at the Apex hosiery mills in Philadelphia. The district court had awarded the company \$711,000 triple damages. But the circuit court held that the primary intention of the union, in the strike, had been to organize the workers. Restraint of trade was incidental and indirect. At any rate, it was not "unreasonable." Therefore, the place to sue for damages was a state court. This decision will be appealed to the Supreme Court.

Current labor negotiations:

WCAU and WDAS, Philadelphia, with the American Communications Association (C. I. O.). Contract renewal for technicians.

WCBM, Baltimore, with the American Communications Association. New contract for technicians.

Seattle stations, with the International Brotherhood of Electrical Workers (A. F. of L.). New contract for technicians.

WLLH, Lowell, Mass., with the I. B. E. W. New contract for technicians.

The Labor Department reports that the cost of living for wage earners and low salaried workers *increased* 1.2 per cent during the three months ended September 15. Detroit and Minneapolis were the only cities to report a *decrease*.

Between September 19 and October 17, retail food prices *dropped* 1.3 per cent.

A federal district judge in Chicago upheld the constitutionality of the Wage and Hour act last week, overruling motions to quash an indictment naming the Chicago Macaroni Company and three of its officers.

Colonel Philip Fleming, Wage and Hour Administration chief, advised the NAB this week that advertising on the air, in itself, did not subject the employees of the advertiser to the Wage and Hour act. The question was raised by a prospective advertiser.

"The Voice of Labor," controversial C. I. O. program in Akron, Ohio, is back on the air at Station WADC, a non-member. The program formerly was on Station WJW, a member.

FREQUENCY MONITORS

Federal Communications Commission is sending notice regarding the requirement of frequency monitors to all

December 8, 1939

licensees of relay, international, high frequency, noncommercial educational, facsimile, television and developmental broadcast stations. The announcement is as follows:

The attention of all licensees of relay, international, high frequency, noncommercial educational, facsimile, television and developmental broadcast stations is specifically called to the provisions of Section 4.2 (formerly Section 40.02) of the Rules Governing Broadcast Services Other Than Standard Broadcast. This section requires that each station, except relay broadcast, shall have installed at the transmitter and operate continuously a frequency monitor having an accuracy sufficient to determine that the operating frequency is within one-half of the allowed tolerance. This section became effective September 15, 1939, and any station not now having the required monitor shall not operate until such monitor is obtained and placed in operation.

A frequency monitor is defined as a device which will indicate automatically whether or not the operating frequency is within the allowed tolerance, as contrasted with "frequency meters" which require a certain amount of manipulation by a skilled person. A frequency monitor is required and a frequency meter is not acceptable.

Frequency monitors designed for amplitude modulation may be used in conjunction with stations employing frequency modulation, it being understood that these monitors will only give an indication of the center frequency on no modulation.

The frequency monitors used in compliance with this rule by all broadcast stations other than standard broadcast are ordinarily calibrated at the laboratory of the manufacturer. However, the maintenance of the constancy of calibration is the responsibility of the licensee. The licensees of all stations shall be prepared to demonstrate to a representative of the Commission that the frequency monitor has the required accuracy.

Licensees operating two or more stations at the same location coming within the purview of Section 4.1 (formerly 40.01) may operate one frequency monitor if arrangements are made to switch the monitor from one transmitter to another by a simple operation and no adjustments are required on each frequency.

Relay broadcast stations shall provide the necessary means for determining that the frequency of the station is within the allowed tolerance. The frequency measuring equipment used in compliance with this rule may be located at the relay station, at a central location or the receiving location. If the monitor is located at a distance from the station, provision shall be made to check the frequency in accordance with Section 4.2 (d). The equipment used to determine that the frequency at a station is within the allowed tolerance may be either a frequency monitor or a frequency meter (heterodyne frequency meter or equivalent). If commercial types of frequency monitors are used it may be necessary to use a radio frequency amplifier in order to provide sufficient signal to operate the device. Frequency meters, if used, shall be capable of required accuracy and shall be capable of being maintained in calibration by comparison with the signals of WWV or standard broadcast stations.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following arguments are scheduled before the Commission for Thursday, December 14. They are subject to change.

Thursday, December 14

Oral Argument Before the Commission

Report No. B-80:

KERN—McClatchy Broadcasting Co., Bakersfield, Calif.—C. P., 1380 kc., 1 KW, unlimited time. Present assignment: 1370 kc., 100 watts, unlimited time.

KOH—The Bee, Inc., Reno, Nev.—C. P., 630 kc., 1 KW, unlimited time. Present assignment: 1380 kc., 500 watts, unlimited time.

FUTURE HEARINGS

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

January 15

NEW—Joe W. Engel, Chattanooga, Tenn.—C. P., 1370 kc., 250 watts, unlimited time.

NEW—Lookout Mountain Company of Georgia, Lookout Mountain, Ga.—C. P., 1370 kc., 100 watts, 250 watts LS, unlimited time.

Hearing Before Commissioner Case

WHDH—Matheson Radio Co., Inc., Boston, Mass.—C. P., 830 kc., 5 KW, unlimited time (DA night). Present assignment: 830 kc., 1 KW, daytime (KOA).

January 16

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Renewal of license, 1210 kc., 100 watts, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KFSG—Echo Park Evangelistic Assn., Los Angeles, Calif.—Granted modification of license to increase night power from 500 watts to 1 KW.

KGKY—Hilliard Company, Inc., Scottsbluff, Nebr.—Granted voluntary assignment of license from Hilliard Company, Inc. (a corporation), to a partnership consisting of L. L. Hilliard, Ruth K. Hilliard, and R. M. Stewart, doing business as Hilliard Company.

WSMB—WSMB, Inc., New Orleans, La.—Granted modification of construction permit to make changes in directional antenna system, increase night power from 1 KW to 5 KW, and extend commencement date to 30 days after grant and completion date to 90 days thereafter.

WTOL—The Community Broadcasting Co., Toledo, Ohio.—Granted construction permit to make changes in equipment and increase power from 100 watts to 250 watts, unlimited time.

KWOC—Radio Station KWOC, Poplar Bluff, Mo.—Granted construction permit to make changes in equipment; increase power and time of operation from 100 watts, daytime, to 250 watts, unlimited; and move studio from 214 Poplar Street to North Main Street at city limits, Poplar Bluff, Mo.

WJPR—John R. Pepper, Greenville, Miss.—Granted modification of license to increase night power from 100 to 250 watts.

W2XR—Radio Pictures, Inc., Long Island City, N. Y.—Granted modification of license for facsimile broadcast station W2XR to authorize use of aural transmitter of television broadcast station W2XDR and to reduce operating power to 500 watts. The license is granted upon an experimental basis only, conditionally.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted construction permit to install directional antenna system and increase night power from 1 KW to 5 KW, employing directional antenna system for nighttime operation only.

WRC—National Broadcasting Co., Inc., Washington, D. C.—Granted amended application for construction permit to install directional antenna system and increase night power from 1 KW to 5 KW, employing directional antenna for nighttime operation.

KFWB—Warner Bros. Broadcasting Corp., Los Angeles, Calif.—Granted modification of license to increase night power from 1 KW to 5 KW.

WMSL—Tennessee Valley Broadcasting Co., Inc., Decatur, Ala.—Granted construction permit to move studio and transmitter site locally; install vertical radiator; make changes in equipment; and increase power and time of operation from 100 watts, daytime only, to 250 watts, unlimited time.

KDNT—Harwell V. Shepard, Denton, Tex.—Granted modification of license to change power and time of operation from 100 watts, daytime only, to 100 watts, unlimited time.

KVAK—Carl Latenser, Atchison, Kans.—Granted modification of license to change power and time of operation from 100 watts, daytime only, to 100 watts, unlimited time.

KRBM—KRBM Broadcasters, Bozeman, Mont.—Granted modification of license to increase night power from 100 watts to 250 watts.

WFMJ—William F. Maag, Jr., Youngstown, Ohio.—Granted construction permit to make changes in equipment and increase power from 100 watts to 250 watts.

KOVO—Clifton A. Tolboe, d/b as Citizens Voice and Air Show, Provo, Utah.—Granted modification of license to increase night power from 100 watts to 250 watts.

WCAE—WCAE, Inc., Pittsburgh, Pa.—Granted construction permit to install directional antenna system for night use, and increase power from 1 KW to 5 KW.

WDAE—Tampa Times Company, Tampa, Fla.—Granted construction permit to make changes in equipment, install directional antenna system, and increase night power from 1 KW to 5 KW, employing directional antenna system both day and night.

KWSC—State College of Washington, Pullman, Wash.—Granted modification of license to increase night power from 1 KW to 5 KW.

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Granted amended application for construction permit to install directional antenna system and increase night power from 1 KW to 5 KW, employing directional antenna system for night operation.

WDWS—The Champaign News-Gazette, Inc., Champaign, Ill.—Granted modification of license to increase night power from 100 watts to 250 watts.

RENEWAL OF LICENSES

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

KYSM, Mankato, Minn.; WABY, Albany, N. Y.; WAGM, Presque Isle, Maine; WATL, Atlanta, Ga.; WAZL, Hazleton, Pa.; WBTM, Danville, Va.; WDAN, Danville, Ill.; WDAS, Philadelphia; WDAS auxiliary; WDWS, Champaign, Ill.; WEED, near Rocky Mount, N. C.; WEOA, Evansville, Ind.; WGAL, Lancaster, Pa.; KBPS, Portland, Ore.; KBST, Big Spring, Tex.; KDB, Santa Barbara, Calif.; KGFF, Shawnee, Okla.; KICA, Clovis, N. Mex.; KLBM, La Grande, Ore.; KONO, San Antonio, Tex.; KORE, Eugene, Ore.; KOTN, Pine Bluff, Ark.; KPLC, Lake Charles, La.; KRMC, Jamestown, N. Dak.; KSAM, Huntsville, Tex.; KTOK, Oklahoma City, Okla.; KTRI, Sioux City, Iowa; KVOE, Santa Ana, Calif.; WGL, Fort Wayne, Ind.; WHFC, Cicero, Ill.; WIBM, Jackson, Mich.; WMBR, Jacksonville, Fla.; KABC, San Antonio, Tex.; KEUB, Price, Utah; KGKL, San Angelo, Tex.; KPQ, Wenatchee, Wash.

MISCELLANEOUS

WBRB—Monmouth Broadcasting Co., Red Bank, N. J.—Granted special temporary authority to remain silent from 9 to 11 a. m. and from 7 to 9 p. m., EST, on December 25, in order that WBRB's employees may observe the holiday.

WDWS—Champaign News-Gazette, Inc., Champaign, Ill.—Granted special temporary authority to operate with increased power of 250 watts from 7:30 to 9:30 p. m., CST, on December 1, in order to adequately service Mansfield and surrounding territory in connection with the broadcast of the dedication of the Mansfield gymnasium.

WCAP—Radio Industries Broadcast Co., Asbury Park, N. J.—Granted special temporary authority to remain silent from 11:30 a. m. to 2 p. m., EST, on December 25, in order that WCAP's employees may observe the holiday.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted special temporary authority to operate simultaneously with station KTHS on 1060 kc., on the night of December 24, to 2 a. m., EST, December 25, in order to broadcast a special midnight mass from St. Ignatius Church in Baltimore.

KVAK—Carl Latenser, Atchison, Kans.—Granted special temporary authority to operate from 7:45 to 9 p. m., CST, on December 13, 14, 15 and 22, in order to broadcast football games only.

WLAW—Hildreth and Rogers Co., Lawrence, Mass.—Granted special temporary authority to broadcast electrical transcriptions and live talent to fill intermissions between

- election return broadcasts on December 12, as authorized by grant of November 15.
- WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate from 9 to 11 a. m. and from 2 to 6 p. m., AST, on December 3, 10, 17, 24 and 31, in order to broadcast games of the Semi-pro series only; to operate from 10 p. m., December 24 to 1 a. m., December 25, and from 9 a. m. to 11 a. m., and from 2 to 6 p. m., on December 25 and 31, and from 10 p. m. to 1 a. m., on December 26 in order to broadcast festivities pertaining to Christmas.
- W2XQR—John V. L. Hogan, New York City.—Granted special temporary authority to conduct tests transmitting facsimile signals in connection with investigation of the characteristics of frequency modulated signals for the period ending no later than December 20, 1939.
- W2XVT—Allen B. DuMont Laboratories, Inc., Passaic, N. J.—Granted special temporary authority to operate experimental television broadcast station from 9:30 p. m. to 12 midnight, EST, on December 8, in order to conduct demonstration for the R. M. A. Committee on Television (provided W2XBS remains silent).
- WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Granted special temporary authority to operate new transmitter in accordance with modification of construction permit during daytime, using 1 KW directional, for the period ending no later than December 12, in order to complete proof of performance measurements.
- WKAQ—Radio Corporation of Puerto Rico, San Juan, P. R.—Granted extension of special temporary authority to re-broadcast sustaining programs to be received from International Broadcast Stations WCBX and WCAB over station WKAQ, on a non-commercial experimental basis only, for the period beginning November 30, and ending in no event later than December 29, 1939.
- W3XAD—RCA Manufacturing Co., Inc., New York City.—Granted special temporary authority to operate transmitter of television broadcast experimental station W3XAD on television bands 18 and 19, frequencies **282** and **294 mc.**, for the period ending no later than December 1, 1939.
- WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Granted extension of special temporary authority to operate from 9 to 10 a. m., EST, Monday, Tuesday, Wednesday, Thursday, Friday and Sunday mornings, for the period November 30 until said time is specifically authorized to be used by the Saginaw Broadcasting Co., but ending no later than December 29, 1939, in order to broadcast educational programs.
- KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Granted motion to accept amendment to application to change request for increase in power from 1 KW to 5 KW night, using directional antenna.
- Watertown Broadcasting Corp., Watertown, N. Y.—Granted petition for leave to amend application to change frequency from **1420 kc.** to **1210 kc.**
- WEJA—National Broadcasting Co., Inc., New York City.—Granted modification of relay station license to increase power to 100 watts.
- WEJC—National Broadcasting Co., Inc., Washington, D. C.—Granted modification of relay station license to increase power to 100 watts.
- WEJH—National Broadcasting Co., Inc., Chicago, Ill.—Granted modification of relay station license to increase power to 100 watts.
- WAXD—The Birmingham News Company, Portable-Mobile (area of Birmingham, Ala.)—Granted license for reinstatement of low frequency relay broadcast station, frequencies **1646, 2090, 2190** and **2830 kc.**, 20 watts.
- KEIM—KTAR Broadcasting Co., Portable-Mobile (area of KTAR, Phoenix, Ariz.)—Granted license to cover construction permit to make changes in equipment and increase power to 25 watts in relay broadcast station.
- WORL—Broadcasting Service Organization, Inc., Boston, Mass.—Granted authority to determine operating power by direct measurement of antenna input.
- WJBC—Arthur Malcolm McGregor & Dorothy Charlotte McGregor, Bloomington, Ill.—Granted authority to determine operating power by direct measurement of antenna input.
- WOMI—Owensboro Broadcasting Co., Owensboro, Ky.—Granted authority to determine operating power by direct measurement of antenna input.
- WRVA—Larus & Bros. Co., Inc., Richmond, Va.—Granted authority to determine operating power by direct measurement of antenna input.
- KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Granted authority to determine operating power by direct measurement of antenna input.
- WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Granted authority to determine operating power by direct measurement of antenna input.
- WFTC—Jonas Weiland, Kinston, N. C.—Granted authority to determine operating power by direct measurement of antenna input.
- KAST—Astoria Broadcasting Co., Astoria, Ore.—Granted authority to determine operating power by direct measurement of antenna input.
- WHLB—Head of the Lakes Broadcasting Co., Virginia, Minn.—Granted authority to determine operating power by direct measurement of antenna input.
- KEHI—WDAY, Inc., Fargo, N. Dak.—Granted construction permit to change location of high frequency relay broadcast station from portable-mobile to fixed at 118 Broadway, Fargo, N. Dak.
- WKBB—Sanders Bros. Radio Station, Dubuque, Ia.—Granted license to cover construction permit to increase night power to 250 watts, move transmitter and studio sites and install vertical radiator.
- WAZL—Hazleton Broadcasting Service, Inc., Hazleton, Pa.—Granted modification of construction permit to install new equipment.
- KGHI—Arkansas Broadcasting Co., Little Rock, Ark.—Granted authority to determine operating power by direct measurement of antenna input.
- WBAP—Carter Publications, Inc., Fort Worth, Texas.—Granted authority to determine operating power by direct measurement of antenna input.
- WPRO—Cherry & Webb Broadcasting Co., Providence, R. I.—Granted construction permit to move auxiliary transmitter to Wampanoag Trail, E. Providence, employing directional antenna system for night operation and increase power of auxiliary transmitter to 1 KW.
- W3XAD—RCA Mfg. Co., Inc., New York City.—Granted special temporary authority to operate television broadcast experimental station W3XAD on **336-342 mc.** and **342-348 mc.** channels, for the period December 1 to December 30, 1939.
- KSTP—National Battery Broadcasting Co., St. Paul, Minn.—Granted license to cover construction permit authorizing installation of auxiliary transmitter at present main transmitter site, using 1 KW power for auxiliary purposes only.
- WMFD—Richard Austin Dunlea, Wilmington, N. C.—Granted modification of construction permit approving transmitter site at Castle Hayne Road, New Hanover County, and installation of vertical radiator.
- KFJZ—Tarrant Broadcasting Co., Fort Worth, Texas.—Granted license to cover construction permit authorizing installation of new equipment.
- WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted license to cover construction permit authorizing installation of directional antenna for nighttime operation.
- WSOY—Commodore Broadcasting, Inc., Decatur, Ill.—Granted license to cover construction permit authorizing changes in equipment, increase in height of vertical radiator, change of frequency from **1200 kc.** to **1310 kc.**, and increase day power from 100 watts to 250 watts, and change time of operation from sharing WJBC to unlimited time.
- KSAL—KSAL, Inc., Salina, Kans.—Granted modification of construction permit to make changes in directional antenna system, install new equipment, and extend commencement date to 60 days after grant and completion date to 180 days thereafter.
- WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted modification of license authorizing move of studio location to 4th floor, Kentucky Home Life Bldg., 5th and Jefferson Street, Louisville, Ky.
- WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted authority to determine operating power by direct measurement of antenna input.
- WMFG—Head of the Lakes Broadcasting Co., Hibbing, Minn.—Granted authority to determine operating power by direct measurement of antenna input.
- WJMC—Walter H. McGenty, Rice Lake, Wis.—Granted authority to determine operating power by direct measurement of antenna input.
- WGTM—WGTM, Inc., Wilson, N. C.—Granted authority to determine operating power by direct measurement of antenna input.

WWRL—Long Island Broadcasting Corp., New York City.—Extended effective date of Provision (3) of the Commission's Order of December 5, 1938, in re WWRL and four other Brooklyn cases, for a period of 30 days from December 1, 1939.

Worcester County Broadcasting Corporation, Worcester, Mass.—Denied petition requesting that the Commission reconsider its action of October 21, 1939, which had the effect of denying to the petitioner intervention in re the application of C. T. Sherer Company, Inc., for a new station in Worcester, Mass., which had previously been permitted under orders of Commissioners Walker and Payne.

W8XK—Westinghouse Electric and Mfg. Co., Saxonburg, Pa.—Dismissed the protest of Westinghouse Electric and Manufacturing Company against the action of the Commission of May 11, 1938, in granting, without a hearing, the application of The Crosley Radio Corp. (W8XAL) for authority to use frequency **11870 kc.** on a time-sharing basis, under Rule 983, with international broadcast station W8XK.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 2 to 3 p. m., EST on December 9, 16, 23, 30 and January 6, 1940, in order to broadcast newscasts, musical programs and other features of public interest; to operate from 8:30 to 10 a. m. and from 2 to 3 p. m., on December 10, 17, 24, 31, 1939 and January 7, 1940, in order to broadcast religious services, newscasts and musical programs; to use all time not used by station WSVS between December 22 and January 1, in order to broadcast musical programs and newscasts.

WINS—Hearst Radio, Inc., New York City.—Granted special temporary authority to operate from 7 p. m. to midnight, EST, on December 11, in order to broadcast the Hearst Diamond Belt Boxing Finals only.

WJMC—Walter M. McGenty, Rice Lake, Wis.—Granted special temporary authority to operate from 7:45 to 9:45 p. m., CST, on December 21 (instead of December 22, as authorized by grant of November 25), in order to broadcast high school basketball games only.

WBAA—Purdue University, W. Lafayette, Ind.—Granted special temporary authority to operate from 7:15 to 10 p. m., CST, on December 7, 11, 13, 20, 21, 23, 27 and 28, in order to broadcast Purdue University basketball games only.

WAGM—Aroostook Broadcasting Corp., Presque Isle, Maine.—Granted special temporary authority to operate from 7 to 9 p. m., EST, on December 8, 14, 29, 1939, and January 1, 1940, in order to broadcast basketball games only.

WILL—University of Illinois, Urbana, Ill.—Granted special temporary authority to operate simultaneously with WIBW and WCHS with power of 1 KW, from 7:25 to 9:25 p. m., CST, on December 6, 15, 18, 27, and from 8:45 to 10:45 p. m., CST, on December 29, in order to broadcast University of Illinois basketball games only.

KEX—Oregonian Publishing Co., Portland, Ore.—Granted special temporary authority to operate a portable 100-watt transmitter on the frequency of **1190 kc.**, in the vicinity of Portland, for a period not to exceed 30 days, for the purpose of making tests for a suitable transmitter location.

WBCW—Banks of Wabash, Inc., Terre Haute, Ind.—Granted extension of special temporary authority to operate on the frequency **1200 kc.**, at present transmitter site, on December 12, in order to complete construction at approved site in accordance with permit.

WNEL—Juan Piza, San Juan, P. R.—Granted extension of special temporary authority to rebroadcast sustaining programs to be received from International Broadcast Stations WNBI and WRCA over station WNBI for the period December 6, 1939, to January 4, 1940.

WHBI—May Radio Broadcast Corp., Newark, N. J.—Granted special temporary authority to operate with power increased to 2500 watts from midnight EST to the conclusion of Station WHBI's 15th Annual Christmas Campaign only, on December 10, 1939.

WMRC—Martin R. O'Brien, Aurora, Ill.—Granted special temporary authority to operate with power of 100 watts from 7 p. m. to 10:30 p. m., CST, on December 9, 20, 29 and 30, in order to broadcast high school basketball games only.

APPLICATIONS FILED AT FCC

550 Kilocycles

KSD—The Pulitzer Publishing Company, St. Louis, Mo.—Construction permit for changes in directional antenna (day and

night use), and change frequency from **550 kc.** to **630 kc.**, time from shares KFUE to unlimited; move transmitter from northeast corner 12th and Olive Sts., St. Louis, Mo., to St. Clair and Warren Aves., Nameoki, Ill., contingent on KFRU and WGBF. Requesting the facilities of KXOK. Amended to make changes in antenna, increase night power from 1 KW to 5 KW, and give transmitter site as Chouteau Twp., 4 miles west of Mitchell, Ill.

570 Kilocycles

WWNC—Asheville Citizens-Times Co., Inc., Asheville, N. C.—Construction permit to install new transmitter, directional antenna for night use; increase power from 1 to 5 KW; and move transmitter from 20 Battery Park Place, Asheville, N. C., to Emma and Maple Crest Road, near Emma, N. C.

580 Kilocycles

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Construction permit to make changes in auxiliary transmitter.

680 Kilocycles

WPTF—WPTF Radio Co., Raleigh, N. C.—Extension of special experimental authority to operate from local sunset at KPO to 11 p. m., EST, using directional antenna, for period 2-1-40 to 2-1-41.

710 Kilocycles

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Extension of special experimental authority for transmission of facsimile signals from 1 a. m. to 6 a. m., EST, using 50 KW power, for period 2-1-40 to 2-1-41.

770 Kilocycles

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Extension of special experimental authority to operate synchronously with KFAB from local sunset (KFAB's LS at Lincoln, Nebr.) to midnight, CST, period 2-1-40 to 2-1-41.

810 Kilocycles

NEW—The Fort Industry Co., Toledo, Ohio.—Construction permit to erect a new broadcast station on **810 kc.**, 1 KW power, daytime operation.

850 Kilocycles

WKAR—Michigan State College, East Lansing, Mich.—Modification of construction permit (B2-P-1767) as modified for increase in power, new equipment, new antenna, and move of transmitter, further requesting authority to install new transmitter. Amended to request extension of completion date to 1-31-40.

980 Kilocycles

KDKA—Westinghouse Electric & Manufacturing Co., Pittsburgh, Pa.—License for auxiliary transmitter.

1000 Kilocycles

WHO—Central Broadcasting Co., Des Moines, Iowa.—Extension of special experimental authority for transmission of facsimile signals from midnight to 6 a. m., CST, using 50 KW power, for period from 2-1-40 to 2-1-41.

1010 Kilocycles

WNOX—Scripps-Howard Radio, Inc., Knoxville, Tenn.—Authority to determine operating power by direct measurement of antenna power.

1040 Kilocycles

KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Construction permit to install new transmitter, directional antenna for night use; change frequency from **1040 kc.** to **1060 kc.**; increase power from 10 to 50 KW, hours of operation from shares KRLD to unlimited time; and move transmitter from Hot Springs National Park, Ark., to Highway 67, Reyburn, Ark.

1060 Kilocycles

KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—Extension of special experimental authority to operate on **1060 kc.**, simultaneously with WBAL, from 6 a. m. to local sunset daily, suspend until 8 p. m., and unlimited then to midnight, period beginning 2-1-40.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Extension of special experimental authority to operate simultaneously with KTHS on **1060 kc.** from 6 a. m. to local sunset at Hot Springs, and operate from local sunset at Hot Springs to 9 p. m., EST, on **1060 kc.** and operate synchronously with WJZ on **760 kc.**, with power of $2\frac{1}{2}$ KW, using directional antenna, from 9 p. m., EST, period 2-1-40 to 2-1-41.

1080 Kilocycles

WCBD—WCBD, Inc., Chicago, Ill.—Modification of license to change frequency from **1080 kc.** to **830 kc.**, and hours of operation from unlimited, share WMBI, to daytime only, using 5 KW.

1160 Kilocycles

WOWO—Westinghouse Radio Stations, Inc., Fort Wayne, Ind.—Construction permit to make changes in equipment, install directional antenna for day and night use, increase power from 10 to 50 KW, and change hours of operation from simultaneous day and shares night with WWVA to unlimited time.

1200 Kilocycles

KADA—C. C. Morris, Ada, Okla.—Modification of license to move main studio from 115½ South Rennie St., Ada, Okla., to Highway No. 48, 1 mile north of Ada, Okla.

NEW—Hazlewood, Inc., Orlando, Fla.—Construction permit for a new broadcast station to be operated on **1390 kc.**, 500 watts, 1 KW day power, unlimited time. Amended to request **1200 kc.**, 250 watts power, make changes in equipment, and antenna and transmitter site to be determined, Orlando, Fla.

WMOB—S. B. Quigley, Mobile, Ala.—License to cover construction permit B3-P-1983 as modified for a new station.

WMOB—S. B. Quigley, Mobile, Ala.—Authority to determine operating power by direct measurement of antenna power.

KADA—C. C. Morris, Ada, Okla.—Construction permit to make changes in equipment, increase power from 100 to 250 watts.

NEW—J. Winfield Crew, Jr., Roanoke Rapids, N. C.—Construction permit for a new broadcast station to be operated on **1200 kc.**, 250 watts power, unlimited time.

1210 Kilocycles

KLAH—Barney Hubbs, A. J. Crawford, Jack Hawkins, Harold Miller, d/b as Carlsbad Broadcasting Co., a partnership, Carlsbad, N. Mex.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Construction permit to make changes in equipment and increase power from 100 to 250 watts.

WFTM—Fort Myers Broadcasting Co., Fort Myers, Fla.—Modification of construction permit B3-P-2444 for a new station, requesting approval of antenna and approval of studio and transmitter site at 51 East First St., Fort Myers, Fla., and increase in night power from 100 to 250 watts. Amended to make changes in antenna.

KFPW—Southwestern Hotel Co., Fort Smith, Ark.—Modification of construction permit B3-P-2419 for change in frequency, increase in power, new transmitter and antenna, move of transmitter, requesting approval of antenna and approval of transmitter site at Albert Pike, 0.6 mile north of O St., Fort Smith, Ark., and install new transmitter.

KOCA—Oil Capitol Broadcasting Assn., Kilgore, Tex.—Construction permit to move transmitter locally and make changes in antenna.

WHIZ—WALR Broadcasting Corp., Zanesville, Ohio.—License to cover B2-P-2420 for new antenna and move of transmitter.

NEW—Watertown Broadcasting Corporation, Watertown, N. Y.—Construction permit for a new broadcast station to be operated on **1420 kc.**, 100 watts night and 250 watts day power, unlimited time. Amended to change requested frequency from **1420 kc.** to **1210 kc.**, power to 250 watts, make changes in antenna and change type of transmitting equipment, and give transmitter site as Hoard St. and Starbuck Ave., Watertown, N. Y.

WOCB—Harriett M. Alleman and Helen W. MacLellan, d/b as Cape Cod Broadcasting Co., near Hyannis, Mass.—Modification of construction permit B1-P-1140 as modified for, a new station, requesting extension of completion date from 1-1-40 to 5-1-40.

1240 Kilocycles

WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—License to cover construction permit B2-P-2424 for new transmitter, changes in antenna, move of transmitter, and increase in daytime power. Amended re Section 5.

1260 Kilocycles

WTOC—Savannah Broadcasting Co., Savannah, Ga.—Authority to determine operating power by direct measurement of antenna power.

KOIL—Central States Broadcasting Co., Omaha, Nebr.—Authority to transfer control of corporation from Sidles Company, to Star Printing Co., 1 share common stock.

WTOC—Savannah Broadcasting Co., Savannah, Ga.—License to cover construction permit B3-P-1764 as modified, for move, new equipment, antenna and increase in daytime power.

1280 Kilocycles

WDOD—WDOD Broadcasting Corp., Chattanooga, Tenn.—Construction permit to install directional antenna for night use, increase power from 1 KW; 5 KW day to 5 KW day and night, and move transmitter from Brainerd Community, Hamilton County, Tenn., to 2 miles from city limits, S. Westerly direction, Dixie Highway, State 27, Chattanooga, Tenn.

1310 Kilocycles

WCLS—WCLS, Inc., Joliet Twp., Ill.—License to cover construction permit B4-P-2404, for move of transmitter, changes in transmitting equipment, and changes in antenna.

WCLS—WCLS, Inc., Joliet, Ill.—Authority to determine operating power by direct measurement of antenna power.

KRMD—Radio Station KRMD, Inc.—Shreveport, La.—Authority to determine operating power by direct measurement of antenna power.

WDMJ—The Lake Superior Broadcasting Co., Marquette, Mich.—Modification of license to change hours of operation from specified hours to unlimited time.

1370 Kilocycles

WTSP—Pinellas Broadcasting Co., St. Petersburg, Fla.—License to cover construction permit B3-P-1954, as modified, for a new broadcast station.

WTSP—Pinellas Broadcasting Co., St. Petersburg, Fla.—Authority to determine operating power by direct measurement of antenna power.

WTSP—Pinellas Broadcasting Co., St. Petersburg, Fla.—Modification of license to increase power from 100 watts; 250 watts day to 250 watts power day and night.

KTUC—Tucson Motor Service Co., Tucson, Ariz.—Modification of license to increase power from 100 watts; 250 watts day to 250 watts day and night.

KICA—Western Broadcasters, Inc., Clovis, N. Mex.—Modification of license to change hours of operation from unlimited day, specified hours night, to unlimited (simultaneous with KGFL from local sunset to 7:30 p. m., MST).

WMGA—Frank R. Pidcock, Sr., Moultrie, Ga.—Authority to determine operating power by direct measurement of antenna power.

WMGA—Frank R. Pidcock, Sr., Moultrie, Ga.—License to cover construction permit (B3-P-2390) as modified for a new station.

WGBR—Eastern Carolina Broadcasting Co., Goldsboro, N. C.—License to cover construction permit B3-P-2567, for equipment changes and increase in power.

NEW—C. P. Edwards, Jr., & Howard Long, d/b as Kingsport Broadcasting Co., Kingsport, Tenn.—Construction permit to erect a new broadcast station to be operated on **1370 kc.**, 250 watts power, unlimited time.

1420 Kilocycles

WGPC—Albany Broadcasting Co., Inc., Albany, Ga.—Construction permit for equipment changes and increase in power from 100 to 250 watts.

NEW—Richard T. Sampson, Riverside, Calif.—Construction permit for a new broadcast station to be operated on 1420 kc., 250 watts power, unlimited time.

1430 Kilocycles

WMPS—Memphis Broadcasting Co., Memphis, Tenn.—Construction permit for changes in equipment.

1440 Kilocycles

WCBA—Lehigh Valley Broadcasting Co., Allentown, Pa.—Construction permit to install new transmitter, install directional antenna for day and night use, increase power from 500 watts to 5 KW.

WSAN—Lehigh Valley Broadcasting Co., Allentown, Pa.—Construction permit for a new transmitter, directional antenna for day and night use, and increase in power from 500 watts to 5 KW.

1490 Kilocycles

KFBK—McClatchy Broadcasting Co., Sacramento, Calif.—Extension of special experimental authorization for transmission of facsimile signals from midnight to 6 a. m., PST, using 10 KW power, period 2-1-40 to 2-1-41.

1500 Kilocycles

WCNW—Arthur Faske, Brooklyn, N. Y.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

NEW—Albert Joseph Meyer, Powell, Wyo.—Construction permit to erect a new broadcast station to be operated on 1500 kc., 250 watts power, unlimited time.

NEW—J. Leslie Doss, Bessemer, Ala.—Construction permit to erect a new broadcast station to be operated on 1500 kc., 250 watts power, unlimited time.

KNOW—Frontier Broadcasting Co., Inc., Fort Worth, Tex.—License to cover construction permit B3-P-2436 as modified for increase in power, move of transmitter, and installation of new equipment.

KPLT—The North Texas Broadcasting Co., Paris, Tex.—Authority to transfer control of corporation from A. G. Mayse to Mary Jo Mayse, 45 shares common stock.

MISCELLANEOUS

NEW—Central New York Broadcasting Corporation, Syracuse, N. Y.—Construction permit for a new high frequency broadcast station to be operated on 43200 kc., 1 KW power, unlimited time, special emission. To be located in or near Syracuse, N. Y.

WENP—WSOC, Inc., Portable-Mobile.—Construction permit to make changes in equipment.

W9XYH—Head of the Lakes Broadcasting Co., Superior, Wis.—Modification of construction permit B4-PHB-75 as modified for changes in equipment.

WEKQ—Allen T. Simmons, Akron, Ohio.—Modification of license to increase power from 25 watts to 100 watts.

W2XQR—John V. L. Hogan, Long Island, N. Y.—License to cover construction permit, B1-PHB-66, as modified, for a new high frequency broadcast station.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

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

Continental Baking Company—A complaint has been issued charging Continental Baking Company, New York, which operates

plants in 28 States, with price discriminations in violation of the Robinson-Patman Act.

In certain trade areas the respondent company is alleged to sell its bread of like grade and quality and of a definite weight at one price, while at the same time in another trade area served from the same plant, it sells the same type of bread and of the same weight at a lower price. And, the complaint continues, in certain trade areas the respondent sells bread of the same grade and quality and of a definite weight at one price, while, at the same time, in another trade area served from the same plant, it sells bread of the same grade and quality, but greater in weight, for the same price as the bread of less weight.

Illustrating these practices, the complaint alleges that the respondent company, serving its Louisiana and Texas retail customers from its plant in Shreveport, La., charged 10 cents for 24 ounces of bread prior to February, 1939, but that subsequent to that time, while still charging its Shreveport area customers 10 cents for its 24-ounce loaf, from the same plant delivered the 24-ounce loaf to customers in the Marshall, Tex., area for 8 cents a loaf.

From its plant in Kansas City, Mo., the complaint continues in another illustration, the respondent served its Missouri and Kansas retail customers, the prevailing price prior to December, 1938, having been 8 cents for a 20-ounce loaf. It is alleged that subsequent to that time the respondent continued to sell the 20-ounce loaf for 8 cents in the Kansas City area while from the same plant it sold a 24-ounce loaf of the same quality bread for 8 cents to customers in the Leavenworth and Osawatomie, Kans., areas.

This type of discrimination, it is alleged, may result in a substantial lessening of competition and tend to create a monopoly in the Continental Baking Company. (3962)

Fellom Publishing Company—A complaint has been issued against Roy Fellom, trading as Fellom Publishing Company, San Francisco, alleging misleading representations in the sale of advertising space in the "Pacific Road Builder and Engineering Review."

The respondent is alleged to have represented to prospective buyers of advertising space, including manufacturers and others selling equipment materials and commodities, that the "Pacific Road Builder and Engineering Review" is circulated only to equipment buyers and has no circulation to non-buyers; that a survey has been made of the equipment buyers in the eleven Western States in which the magazine is principally circulated; that the magazine goes to 93 per cent of the equipment buyers in those States and that it is circulated to 93 per cent of heavy construction equipment buyers based on the number of such buyers and to 98 per cent thereof based on volume of purchases in the eleven states.

Among other representations alleged to have been made by the respondent were that the magazine had a total average monthly net paid circulation of 5,129 and a total average monthly distribution of 6,289 for the last six months of 1937, and a total average monthly net paid circulation of 4,583 and a total average monthly distribution of 5,625 for the first six months of 1938.

The statistics furnished are alleged to be misleading in that they overstate the volume of circulation and give an erroneous idea of the value of the magazine as an advertising medium based on possible results and also of the correctness of the prices charged for advertising space therein based on the represented extent of such circulation.

The complaint alleges that the circulation of the respondent's magazine is not restricted exclusively to buyers of equipment; that no accurate and dependable survey has been made by or for the respondent as the basis for the figures given in regard to coverage of equipment buyers, and that his statements with respect to circulation among equipment buyers in eleven Western States and other circulation statistics as given are inaccurate and exaggerated. (3960)

M. Seidel & Son—Alleging misrepresentation and the use of lottery methods in the sale of furs and fur garments, a complaint has been issued against Maurice and Charles Seidel, trading as M. Seidel & Son, 243 West 30th St., New York.

The respondents are alleged to have sold women's articles of apparel made from rabbit peltries so dressed and dyed as to resemble fur products made from the peltries of seal, beaver, leopard, ermine, mink, squirrel, sable or karakul sheep. It is alleged that the respondents failed to disclose the true zoological names of such furs and fur products so sold but instead misrepresented them by means of misleading and deceptive designations

such as "Black Seal," "Mendoza Beaver," "Leopardine," "Erminette," "Squirrelette," and other names.

The respondents are also charged with disseminating advertisements suggesting that salesmen selling their products can earn \$1300 a week or more, and that an investment of \$12 would bring \$1300. Use of a push card lottery plan to promote the sale of fur products to ultimate consumers, also is alleged. (3961)

CEASE AND DESIST ORDER

The Commission has issued the following cease and desist order:

Diamond Knitting Mills, Inc.—Prohibiting misleading representations in the sale of knitted wearing apparel an order has been issued to cease and desist against Diamond Knitting Mills, Inc., 7th and Green Sts., Philadelphia.

Among representations found to have been made by the respondent corporation were that certain of its products were composed entirely of unweighted silk, that is, silk which had not been subjected to a metallic bath, when in fact these articles were made of weighted silk.

On cloth tags or labels the respondent was found to have printed the following language: "Genuine * * * All Silk," and in a diamond figure the words "Diamond Knit," the diamond having been inserted between the words "Genuine" and "All Silk."

The order directs the respondent to cease using the term "All Silk" or the unqualified word "Silk" to designate fabrics not made wholly from unweighted silk.

The respondent is prohibited from representing that fabrics composed wholly or partly of weighted silk are composed of unweighted silk, through failure to disclose the presence and percentage of weighted silk and the percentage of weighting in such weighted silk. The order provides that the word "Silk" may be used to refer to the silk content of such fabrics when the disclosures mentioned above are clearly and conspicuously made in connection with that word. (3877)

STIPULATIONS

The Commission entered into the following stipulations:

Vincent Christina, Inc., 215 East 22d St., New York, manufacturer of a pharmaceutical product designated "Thiosol," agrees to desist from describing or referring to its product "Thiosol," or any product of similar composition, as being a chemically true solution of colloidal sulphur, or from implying that the product contains colloidal sulphur only, when any other ingredient not true colloidal sulphur is present. (2596)

Merchandising Associates, Inc., 322 East Colfax Ave., South Bend, Ind., manufacturers of "Karmalax," a compound used in the making of bread, has agreed to cease advertising or representing its product, through use of the trade name "Karmalax" or the letters "lax," or in other ways, to be a laxative or as having laxative qualities. The corporation also agrees to cease represent-

ing that "Honey-Krushed Bread" relieves constipation or possesses qualities that will relieve or cure constipation. (2594)

Midland Television, Inc., Kansas City, Mo., conducting residence and correspondence courses in radio, television and airline radio operation, entered into a stipulation to discontinue misleading representations.

In its advertising matter, according to the stipulation, the respondent corporation published composite illustrations of the Kansas City Power and Light Building, in which the school occupies several of the upper floors, and the KMBC broadcasting tower, so arranged in some instances as to create the illusion that the buildings are contiguous to each other, when in fact they are some five miles apart; and letterheads featured a similar picture with the conspicuously printed corporate name "Midland Television, Inc."

This illustrated matter was misleading insofar as it tended to convey the impression to prospective pupils that the entire building was occupied by the respondent corporation and that the tower belonged to the school, according to the stipulation.

The respondent corporation agreed to cease making such representations and to discontinue disseminating advertising matter which tends to convey the impression that students are virtually assured of employment upon completing their radio work at the school. The respondent also stipulated that it would desist from the representation that any person connected with the school's "technical staff" is a "member of the Institute of Radio Engineers," when such is not a fact, and from representing that the sole purpose of "Midland Training" is to help students make more money. (2597)

Universal Art Association—Rodney R. Williams, sole trader as Universal Art Association, 102 South Jefferson St., Chicago, in connection with the sale and distribution of tinted photographs, agrees to cease use of the word "Association" or any similar term to imply or cause the belief that a personal business enterprise is a voluntary association of individuals or organized for the prosecution of some purpose. He will cease representing that colored or tinted photographs or photographic enlargements are paintings, oil paintings, or "finely finished paintings"; that a drawing for a "lucky" certificate or other similar devices used in the sale of his products, is for the purpose of introducing a new type of painting or to advertise his business, or that such drawings, coupons, special discount checks or similar devices entitle customers to receive pictures free or at a substantial reduction; that funds collected through the sale of such pictures are to be used for the purchase of brushes and paints for college students, or any other purpose other than the personal aggrandizement of the respondent; and will discontinue use of coercive methods to induce purchase of special frames, through refusal to deliver paid-for pictures or original photographs loaned to him for reproduction. (2595)

FTC DISMISSES COMPLAINT

The Federal Trade Commission has ordered that the complaint against W. W. Kimball Co., 306 South Wabash Ave., Chicago, its sales manager, Ben F. Duvall, and George H. Kranz, one of its employees, and Victor G. Williams, trading as Williams Music Store, 30 East Broad St., Columbus, Ohio, charging misrepresentation in the sale of pianos, be dismissed.

MERRY CHRISTMAS

More Broadcast Music, Inc., Pledges As Miller Continues Trip

Continuing the drive to free the industry from the strangle hold of the ASCAP monopoly, Neville Miller, president of the NAB, held district meetings in Omaha, Denver, Minneapolis and Tulsa in the past week, following those held in Dayton and South Bend, to acquaint NAB members and non-member stations with the prospectus of Broadcast Music, Inc., and to receive stock subscriptions in the new corporation being set up to develop sources of usable music independent of ASCAP.

In Tulsa, 21 out of 18 stations present subscribed. In Denver the 14th NAB District passed the following resolution:

“Resolved that the membership of the 14th District adopt and approve the plan for the subscription of stock in Broadcast Music, Inc., as presented by President Neville Miller, and sign up immediately the agreements for the purchase of stock and license contracts submitted to stations.”

Of the 23 stations present, 21 approved the resolution and signed the subscription. Ed Craney, KGIR and KPFA, did not vote on the resolution and voiced objections to the plan. He also spoke against the plan in Omaha, where 16 out of 27 present signed. In

(Continued on page 3892)

AN IMPORTANT NOTICE

In order to expedite the subscriptions to Broadcast Music, Inc., the following three important points are called to the attention of all stations in those districts where meetings have been held:

1. Sign one copy of the stock agreement, giving the figure which represents 10% of your 1937 ASCAP payment. This is important as stock is sold in \$5.00 per share units.
2. Make checks for the above stock subscription payable to Broadcast Music, Inc., and mail in to NAB Headquarters in Washington, D. C.
3. Sign two copies of the license agreement. Under paragraph two thereof, the figure should be 40% of your 1937 payments to ASCAP. This figure constitutes the license fee, no part of which is due at the present time.



The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NATIONAL 2080

Neville Miller, *President*

Edwin M. Spence, *Secretary-Treasurer*

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

MORE BROADCAST MUSIC, INC., PLEDGES AS MILLER CONTINUES TRIP

(Continued from page 3891)

Minneapolis 16 station out of 21 present signed the agreement at the meeting.

In the columns below is printed a list of those stations which have already bought the stock or which have actually committed themselves to do so. Because every mail brings in more signed subscriptions, it is impossible to give a complete list in this week's bulletin. The list published, however, is complete up until noon, Thursday, December 14.

In Omaha, Rev. W. A. Burk, manager of WEW, vigorously attacked the NAB Code. Don Searle, KOIL, Omaha, a member of the Code Compliance Committee, replied. In a show of hands the members present voted their approval of the Code, four to one.

Mr. Miller's trip to the south, southwest, the Pacific Coast and the northwest will be resumed immediately after the Christmas holidays.

Stations which have already signed stock subscriptions or which have actually committed themselves to sign:

- KABR—Aberdeen, South Dakota
- KADA—Ada, Oklahoma
- KANS—Wichita, Kansas
- KATE—Albert Lea, Minnesota
- KCRC—Enid, Oklahoma
- KDAL—Duluth, Minnesota
- KDFN—Casper, Wyoming
- KDYL—Salt Lake City, Utah
- KELO—Sioux Falls, South Dakota
- KFAM—St. Cloud, Minnesota
- KFBI—Wichita, Kansas
- KFEL—Denver, Colorado
- KFEQ—St. Joseph, Missouri
- KFH—Wichita, Kansas
- KFXD—Nampa, Idaho
- KFXJ—Grand Junction, Colorado
- KFYR—Bismarck, North Dakota
- KGCU—Mandan, North Dakota
- KGFF—Shawnee, Oklahoma
- KGFW—Kearney, Nebraska
- KGGF—Coffeyville, Kansas
- KGHF—Pueblo, Colorado
- KGHL—Billings, Montana
- KGKY—Scottsbluff, Nebraska
- KGLO—Mason City, Iowa
- KGNF—North Platte, Nebraska
- KGNO—Dodge City, Kansas
- KGVO—Missoula, Montana
- KHAS—Hastings, Nebraska
- KHBG—Okmulgee, Oklahoma
- KIUL—Garden City, Kansas
- KIUP—Durango, Colorado

- KLO—Ogden, Utah
- KLZ—Denver, Colorado
- KMA—Shenandoah, Iowa
- KMOX—St. Louis, Missouri
- KOA—Denver, Colorado
- KOBH—Rapid City, South Dakota
- KOCY—Oklahoma City, Oklahoma
- KOMA—Oklahoma City, Oklahoma
- KORN—Fremont, Nebraska
- KOVO—Provo, Utah
- KROC—Rochester, Minnesota
- KSEI—Pocatello, Idaho
- KSL—Salt Lake City, Utah
- KSO—Des Moines, Iowa
- KSOO—Sioux Falls, South Dakota
- KTFI—Twin Falls, Idaho
- KTOK—Oklahoma City, Oklahoma
- KTSW—Emporia, Kansas
- KTUL—Tulsa, Oklahoma
- KUTA—Salt Lake City, Utah
- KVOD—Denver, Colorado
- KVOO—Tulsa, Oklahoma
- KVOR—Colorado Springs, Colorado
- KVRS—Rock Springs, Wyoming
- KWYO—Sheridan, Wyoming
- KYSM—Mankato, Minnesota
- WAAB—Boston, Massachusetts
- WAAF—Chicago, Illinois
- WABC—New York, New York
- WATR—Waterbury, Connecticut
- WAVE—Louisville, Kentucky
- WBIM—Chicago, Illinois
- WBEN—Buffalo, New York
- WBNS—Columbus, Ohio
- WBNX—New York, New York
- WBOW—Terre Haute, Indiana
- WBRK—Pittsfield, Massachusetts
- WBZ-WBZA—Boston, Massachusetts
- WCCO—Minneapolis, Minnesota
- WCKY—Cincinnati, Ohio
- WCLO—Janesville, Wisconsin
- WCMI—Ashland, Kentucky
- WCOL—Columbus, Ohio
- WDAY—Fargo, North Dakota
- WDGY—Minneapolis, Minnesota
- WDZ—Tuscola, Illinois
- WEAF—New York, New York
- WEAN—Providence, Rhode Island
- WEBQ—Harrisburg, Illinois
- WEEI—Boston, Massachusetts
- WENR—Chicago, Illinois
- WEOA—Evansville, Indiana
- WFAM—South Bend, Indiana
- WFBL—Syracuse, New York
- WFDF—Flint, Michigan
- WGAR—Cleveland, Ohio
- WGBF—Evansville, Indiana
- WGL—Fort Wayne, Indiana
- WGY—Schenectady, New York
- WHAS—Louisville, Kentucky
- WHB—Kansas City, Missouri
- WHBC—Canton, Ohio
- WHBF—Rock Island, Illinois
- WHBL—Sheboygan, Wisconsin
- WHEC—Rochester, New York
- WHFC—Cicero, Illinois
- WHIO—Dayton, Ohio
- WHIZ—Zanesville, Ohio
- WHKC—Columbus, Ohio
- WHLS—Port Huron, Michigan
- WHO—Des Moines, Iowa
- WIBC—Indianapolis, Indiana
- WIBW—Topeka, Kansas
- WICA—Ashtabula, Ohio
- WICC—Bridgeport, Connecticut
- WIL—St. Louis, Missouri
- WING—Dayton, Ohio
- WJAG—Norfolk, Nebraska
- WJAR—Providence, Rhode Island
- WJBK—Detroit, Michigan
- WJR—Detroit, Michigan
- WJW—Akron, Ohio

WJZ—New York, New York
WKBZ—Muskegon, Michigan
WKRC—Cincinnati, Ohio
WKY—Oklahoma City, Oklahoma
WKZO—Kalamazoo, Michigan
WLAP—Lexington, Kentucky
WLLH—Lowell, Massachusetts
WLOK—Lima, Ohio
WLS—Chicago, Illinois
WMAQ—Chicago, Illinois
WNAS—Springfield, Massachusetts
WMBD—Peoria, Illinois
WMEX—Boston, Massachusetts
WNAC—Boston, Massachusetts
WNAX—Yankton, South Dakota
WOC—Davenport, Iowa
WOWO—Fort Wayne, Indiana
WPAY—Portsmouth, Ohio
WQXR—New York, New York
WRJN—Racine, Wisconsin
WROK—Rockford, Illinois
WSAR—Fall River, Massachusetts
WSBT—South Bend, Indiana
WSPD—Toledo, Ohio
WSYR—Syracuse, New York
WTAG—Worcester, Massachusetts
WTAM—Cleveland, Ohio
WTCN—Minneapolis, Minnesota
WTIC—Hartford, Connecticut
WTMJ—Milwaukee, Wisconsin
WTMV—East St. Louis, Illinois
WTRC—Elkhart, Indiana

SUPREME COURT GRANTS WRIT

Supreme Court of the United States this week granted a writ of certiorari to the Federal Communications Commission in the case of Sanders Brothers Radio Station against the Commission.

The Communications Commission on July 2, 1937, entered an order granting the application of the Telegraph Herald (call letters KDTH) for a new broadcast station at **Dubuque, Iowa**, to operate on **1340 kilocycles**, 500 watts, daytime.

Sanders Brothers, licensee of Station WKBB, **East Dubuque, Illinois**, in appealing the decision to the Court of Appeals of the District of Columbia claimed expected economic injury from the grant to the Telegraph Herald, which contention was sustained by the Court of Appeals. The Communications Commission asked for review of the lower court's decision which has just been granted by the Supreme Court.

COURT DISMISSES APPEALS AGAINST FCC DECISIONS

The Court of Appeals of the District of Columbia on Monday dismissed the appeals of WOKO and Adirondack Broadcasting Co. from the decision of the Federal Communications Commission granting the application of Troy Broadcasting Co. for a permit to construct a broadcast station at Troy, N. Y.

The reason assigned for appeal was that: "The Commission in erroneously granting the application of the Troy Broadcasting Company, Incorporated, illegally deprives appellant of a large portion of its listening audience, talent, program material and advertising revenue, with resultant deterioration of program service now rendered

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by appellant's station." The Court held that this was not sufficient to bring appellants within the terms of section 402 (b) (2) of the Communications Act, as persons aggrieved, or whose interests are adversely affected by the Commission's decision. In its opinion the Court laid down the rule that no showing of injury, suffered or threatened, would be sufficient unless it also appeared that, as a result of such injury, the public interest, convenience or necessity would suffer.

The Court cited as authority, *Yankee Network v. Federal Communications Comm.* (decided August 14, 1939, NAB REPORTS, August 25, 1939), wherein the Court was able to spell out a sufficient statement of reasons for appeal to present the issue. It distinguished *Tri-State Broadcasting Co. v. Federal Communications Comm.*, (decided November 13, 1939, NAB REPORTS, November 17, 1939) where it did not appear that the expected competition would immediately or ultimately result in such a reduction of income to Tri-State as to require deterioration of its service to the listening public, saying that "it by no means follows that an appealable interest is necessarily shown even though an existing licensee may suffer such a reduction in income as will cause deterioration of its service. The question in each case is one of public interest . . . It is quite possible that the public interest may be better served by the coming of a new broadcasting station into the community, even though the result may be some reduction in income and some deterioration in the service of the appellants' stations."

In *Florida Broadcasting Co. v. Federal Communications Comm.*; *The Metropolis Company*, intervener, decided the same day, the Court denied the Commission's motion to dismiss Florida Broadcasting Co.'s appeal on the ground that the statement of reasons for appeal was sufficient, denying the Commission's argument that the statement of reasons for appeal must be in the nature of a bill of particulars.

FCC CONCLUSIONS CHANGED IN PHOENIX CASE

The Federal Communications Commission has ordered that the Proposed Finding of Fact and Conclusions issued

December 1 in the application of M. C. Reese for a construction permit for a new broadcast station at Phoenix, Arizona, to operate on 1200 kilocycles, 100 watts night, 250 watts until local sunset, unlimited time, be recalled and set aside and that new Proposed Findings of Fact and Conclusions be issued.

FREE OFFERS

All members are asked to read carefully the Bureau of Radio Advertising bulletin dated December 12, covering the recent "free offer" activities of the American Express Company and Macfadden Publications.

Other free offers reported by member stations during the past two weeks include:

- The American Booksellers Association.
- The American Bible Society.

COST-PER-INQUIRY

The following agencies have recently sought to place radio advertising with member stations on a percentage basis:

- Harry M. Miller, Inc.
- Weill & Wilkins (on behalf of Air Conditioning Training Corporation).

The Bureau of Radio Advertising has advised the above firms that NAB stations consider acceptance of their propositions bad business practice, and has invited their use of radio on a regular basis. The advertisers, the Bureau stated, will then find that stations are willing to cooperate 100% and that the improved results will more than justify the expenditure.

812 STATIONS

The Federal Communications Commission issued operating licenses to five stations during the month of November, 1939. One operating station was deleted and four construction permits were issued for the construction of new stations. A comparative table by months, giving the number of operating stations and number of construction permits issued, follows:

	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Operating	722	727	729	732	734	735	735	738	739	743	751	755
Construction	42	39	37	37	38	38	43	56	59	57	58	57
	764	766	766	769	772	773	778	794	798	800	809	812

LABOR NOTES

The Labor Relations Board has ordered an election among the technicians of Station WQXR, New York City, to determine whether they wish to be represented by the International Brotherhood of Electrical Workers (A. F. of L.) or the American Communications Association (C. I. O.)

Broadcasters negotiating labor contracts for the first time, as well as veteran negotiators, could read with profit "The Collective Labor Agreement" by Elias Leiberman. (Harper and Brothers, \$3.) Although the author is counsel for the International Ladies Garment Workers Union and the book must be read in that light, there are many valuable suggestions, especially in Chapter IV. The "sample clause" section is an invaluable aid.

NAB BUREAU OF ADVERTISING'S THIRD SUCCESS STORY

Vol. 1, No. 3 of "Results from Radio" has been released to NAB members by the Bureau of Radio Advertising. This is the third in the series of success stories and trade studies planned by the Bureau for local sales and promotion use.

The 4-page folder outlines the case history of Burt's, in Cleveland, Ohio, who have employed radio advertising extensively for 9 years to build a unique business consisting of jewelry and optical department, furniture shop, and men's and women's clothing. Mr. L. O. Klivans, President of Burt's, documents the story with the statement that "Radio has built Burt's into the only store of its kind in the world." Extra copies of the first three studies in the "Results from Radio" series are available to members at cost, on request to the Bureau of Radio Advertising. Previous releases covered department stores and laundries.

Radio Christmas Promotion Successful in All Sections

The radio industry's Christmas promotion has caught on in every section of the country with many station managers resorting to additional exploitation measures.

The last of the extra supply of scripts for the three 15-minute NAB Christmas programs were exhausted last Wednesday when WGAR, Cleveland, wired for additional copies.

The Christmas promotion in Syracuse over WSyr is proving highly satisfactory to station and public, according to Arnold Schoen, service director. Everyday for the three weeks preceding Christmas the station is using part of its space in the Syracuse Herald to plug "Give a Radio This Year." The campaign is supported with an ample announcement schedule over the air.

Major Edney Ridge of WBIG, Greensboro, gladdened the hearts of radio dealers throughout the area served by his station by furnishing huge Window displays on which were displayed large photographs of twenty-four artists.

Ellis Atteberry, general manager, KCKN, struck gold in Kansas City, Kans., and Kansas City, Mo. He scheduled all three Christmas scripts and additionally a mini-

mum of four 1-minute daily announcements for the three weeks preceding Christmas.

A letter to every radio distributor and dealer in the two cities asked only that they exert every effort to sell the maximum number of radio sets during December.

Four network shows per week over National Broadcasting Company—Red and Blue stations are carrying the story of Radio Christmas to millions of people. Dr. O. H. Caldwell, editor, RADIO TODAY, who is featured on NBC Red, Friday evenings, at 7:45, began his discussion of radios as Christmas gifts as early as December 1 and plans to continue this discussion right through the December 22 broadcast.

In a number of cities member stations and local chapters of the Radio Servicemen of America are engaged in a joint endeavor to provide radio sets for the unfortunate. Parts and tubes needed to put the used sets into operating condition are contributed by the local jobbers.

In Cleveland according to Carl George, WGAR program director, the sets after being repaired by the servicemen are distributed through the Cleveland Welfare Federation to institutions and shut-ins.

A similar campaign is in progress in Minneapolis. Initial announcements soliciting new sets for listeners began December 1, according to C. T. Hagman, of WTCN.

Additional impetus to the December promotion was given by public utilities which included in their December bills a stuffer suggesting that radio sets be purchased as Christmas gifts.

With all of the varied and diverse promotions that are being carried on to increase radio listening, it is certain that radio is scoring a sharp advance over the preceding year.

With judicious exploitation on portable sets and automobile radios during early 1940 and assuming good programs, it would seem that the summertime radio audience would closely coincide with the winter audience.

"RADIO'S RICHES" ENTHUSIASTICALLY RECEIVED

As the spear-head of the industry's 1940 public relations campaign, the sixteen-page rotogravure booklet "Radio's Riches" has been enthusiastically received by stations throughout the country.

Members who contemplate an early New Year use of the booklet are requested to send in their orders as quickly as possible in order to be included in the first printing run.

The booklet is billed at \$11 per thousand, and individual changes of copy for station promotion and advertising may be secured at the following price: Your individual copy imprinted over tint block on back cover with copy equivalent to name and address—base price \$11 per thousand—plus \$1.50 per order for composition and lockup—plus \$1.25 per thousand for running. For

your own copy on entire back cover, base price of \$11 per thousand—plus \$5.50 per order for composition and lockup—plus \$1.25 per thousand for running. If half-tones are used, supply 85-line screen.

BROWN REPORTS ON GREAT LAKES RADIO NEEDS

Present radio communication facilities of shipping on the Great Lakes and coastal waters do not adequately protect life and property, Commissioner Thad H. Brown reported to the FCC this week in recommending legislation and other regulation to insure better safeguards.

For ships on the Great Lakes, a uniform system of radiotelephony is proposed. This would be established by formal agreement between the United States and Canada, supplemented by legislation of the respective countries, to take effect for the 1942 navigation season.

George Harm

George Harm, owner of Station KARM, died suddenly at his home in Fresno, California, on Monday, December 11. Mr. Harm was well known in the broadcasting industry on the Pacific Coast and his sudden death was a great shock to his many friends.

CLEVELAND TO GET FCC FIELD OFFICE

Establishment of a permanent field office at Cleveland, Ohio, effective January 1, has been ordered by the Federal Communications Commission. It will be located in quarters used for the Commission's Great Lakes and Inland Waters Survey, now completed. This office will be a sub-office of the main district headquarters office at Detroit, and will be manned by one inspector and an assistant to be transferred there.

The Cleveland office is made necessary by the fact that in the past fiscal year inspectors from the Detroit office, besides making regular inspections of broadcast, police, aeronautical, and other radio stations in the Cleveland area, made regular trips to Cleveland to examine 734 applicants for radio operator licenses.

JAMES C. YOUNG

Information is desired concerning the present whereabouts of James C. Young. Mr. Young was formerly connected with WSAL, Salisbury, Maryland. Any one having information, please communicate with Headquarters Office.

MECHANICAL REPRODUCTIONS

Radio Transcription Producers Association of Hollywood, Inc., has filed a petition with the Federal Communications Commission to amend Rule 3.93, dealing with mechanical reproductions. The petition signed by Gerald King, president of the association is as follows:

"Comes now, Radio Transcription Producers Association of Hollywood, Inc., by their attorney, and respectfully petitions

the Commission to amend Rule 3.93 by: (1) eliminating the said rule entirely or (2) amend the same as follows:

3.93 (a) Eliminate therefrom the following words, "At the beginning of the program, at each 15 minute interval and"

3.93 (b) Eliminate therefrom the following words, "Beginning and"

3.93 (c) Eliminate therefrom the following word, "Preceding" and substitute in its place, "Following"

In support of this petition, it is respectfully submitted that this section has grown obsolete and is of no value to the listening public and should be entirely eliminated.

The public is only interested in the substance and quality of the program broadcast and whether it comes from a transcription made by live talent or comes by means of mechanical devices such as a transmitter and wire line of live talent, makes no difference to the listening public.

The more recent perfection of mechanical transcriptions tended to make the quality of both types of programs similar and the effect upon the listening public would be almost indistinguishable.

In event the Commission feels that the entire elimination of Rule 3.93 would be inadvisable at this time, then the aforesaid amendment should be adopted, thereby giving the public notice of the type of program which it has just received. There appears to be no good reason at this time to continue to notify the public in the beginning of all transcriptions to the effect that the following program is a transcribed program.

This places a handicap upon the transcription that is unfair and unnecessary and works to the disadvantage of transcription over live talent programs for which there is no sound reason.

The public has the privilege of listening to the program of its choice and whether it be live talent or transcription, the latter should not be penalized by reason of the fact that the broadcasting station has chosen this type of program as being superior to live talent. This amendment, if adopted, would also inform the public as to speeches and other spot announcements of important events which were taken at one time and broadcast at a later date.

It is, therefore, respectfully requested that the Commission give serious consideration to these amendments in their coming report on the monopoly hearing (Order No. 37, Docket No. 5060) and that the said Rule 3.93 be entirely eliminated or amended as proposed hereinbefore."

FCC APPROPRIATIONS

Federal Communications Commission officials appeared before the House of Representatives' Appropriations Committee in Executive Session on Wednesday in connection with appropriations for the coming fiscal year beginning July 1, 1940.

The Commission asked the Bureau of Budget for \$3,115,000 for the new fiscal year but was allowed only \$2,100,000, which is \$300,000 more than the current appropriation. Of the \$300,000 additional \$150,000 will be for personnel and the other \$150,000 for modernizing its monitoring system.

FCC RULES AND REGULATIONS

Parts of Federal Communications Commission Rules and Regulations are now available in printed form at the Superintendent of Documents, Government Printing office, Washington, D. C.

Only certain parts have been printed and when the other parts will be available is not yet known. Part 1, dealing with Rules and Practice and Procedure, and part 61, Tariff—Rules Governing the Construction, Filing and Posting of Schedules of Charges for Interstate and Foreign Commerce, are available at 10 cents each, and the following parts are available at 5 cents each: part 3, Rules

December 15, 1939

Governing Standard Broadcast Stations; part 10, Rules Governing Emergency Radio Services; part 11, Rules Governing Miscellaneous Radio Services; part 14, Rules Governing Radio Stations in Alaska (Other than Amateur and Broadcast); and part 41, Telegraph and Telephone Franks.

FEDERAL COMMUNICATIONS COMMISSION

FINAL ORDER

The Federal Communications Commission has announced a final order denying the application of KROC, Rochester, Minnesota, to change its operating assignment from 1310 kc. to 920 kc., and increasing its power from 250 watts day, 100 watts night, to 1,000 watts day, 500 watts night, unlimited time, using a directional antenna at night. The Commission found that the granting of the application would not serve public interest.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearing is scheduled before the Commission in a broadcast case for the week beginning Monday, December 18. It is subject to change.

Monday, December 18

To Be Heard Before Commissioner Thad H. Brown

WSAL—Frank M. Stearns, Salisbury, Md.—In re: Revocation of station license of WSAL.

FUTURE HEARING

During the week the Commission has announced the following tentative date for a broadcast hearing. It is subject to change.

February 12

NEW—L. J. Duncan, Leila A. Duncan, Josephine A. Keith, Effie H. Allen, Aubrey Gay, d/b as Valley Broadcasting Co., West Point, Ga.—C. P., 1310 kc., 250 watts, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KGMB—Honolulu Broadcasting Co., Ltd., Honolulu, Hawaii.—Granted modification of construction permit to change name of station from Honolulu Broadcasting Co., Ltd., to Hawaiian Broadcasting System, Ltd., and increase in night power from 1 KW to 5 KW.

WMFJ—W. Wright Esch, Daytona Beach, Fla.—Granted construction permit to install new equipment and increase power from 100 watts to 250 watts.

WRPM—Radio Air Service Corporation (Cleveland, Ohio—WHK area), Portable-Mobile.—Granted voluntary assignment of construction permit for relay broadcast station WRPM from the Radio Air Service Corp. to the United Broadcasting Company.

KHBG—Okmulgee Broadcasting Corporation, Okmulgee, Okla.—Granted construction permit to make changes in equipment and increase in power and time of operation from 100 watts, daytime only, to 250 watts, unlimited time.

KVCV—Golden Empire Broadcasting Co., Redding, Calif.—Granted construction permit to install new equipment and increase power from 100 watts to 250 watts.

WBOS—Westinghouse Electric and Manufacturing Co., Millis, Mass.—Granted modification of license of international broadcast station WBOS for additional frequencies 6140, 15210, and 21540 kc., sharing time on all frequencies with WPIT.

WSB & WEGG—The Atlanta Journal Co., Atlanta, Ga.—Granted authority to transfer control of the Atlanta Journal Company, licensee of broadcast station WSB (operating on 740 kc., with 50 KW, unlimited time), and relay broadcast station WEGG, from 29 stockholders who now own all of the common voting stock, to (1) James M. Cox, (2) Springfield Newspapers, Inc., and (3) The Evening News Publishing Co., for a total consideration of \$1,826,125. (In addition Mr. Cox also agrees to purchase 100% of the preferred non-voting stock—1,175.6 shares of \$100 par value per share now held by 36 stockholders, for a consideration of \$117,560.)

KOIN—KOIN, Inc., Portland, Ore.—Granted construction permit to install directional antenna system and increase night power from 1 KW to 5 KW, employing directional antenna for night operation.

KTUC—Tucson Motor Service Co., Tucson, Ariz.—Granted modification of license to increase night power from 100 watts to 250 watts.

KSLM—Oregon Radio, Inc., Salem, Ore.—Granted modification of license to increase day power from 500 watts to 1 KW.

WDAF—The Kansas City Star Co., Kansas City, Mo.—Granted modification of license to increase night power from 1 KW to 5 KW.

RENEWAL OF LICENSES

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

KERN, Bakersfield, Cal.; KFIZ, Fond du Lac, Wis.; KIDW, Lamar, Colo.; KIUN, Pecos, Texas; KOKO, La Junta, Colo.; KUJ, Walla Walla, Wash.; KQRS, Rock Springs, Wyo.; KWYO, Sheridan, Wyo.; KPLT, Paris, Tex.; KVGB, Great Bend, Kans.; WACO, Waco, Texas; WDNC, Durham, N. C.; WLEU, Erie, Pa.; WMBS, Uniontown, Pa.; KCMC, Texarkana, Tex.; KFAM, St. Cloud, Minn.; KNEL, Brady, Texas; KWEW, Hobbs, N. Mex.; WNLC, New London, Conn.; WOC, Davenport, Ia.; WOMI, Owensboro, Ky.; WOPI, Bristol, Tenn.; WRDW, Augusta, Ga.; WSAU, Wausau, Wis.; and WWSW, Pittsburgh, Pa.

KFXD—Frank E. Hurt, Nampa, Idaho.—Granted renewal of license for the period ending October 1, 1940.

KOME—Oil Capital Sales Corp., Tulsa, Okla.—Granted renewal of license for the period ending October 1, 1940.

WJHL—WJHL, Inc., Johnson City, Tenn.—Granted renewal of license for the period ending October 1, 1940.

WBRY—American Republican, Inc., Waterbury, Conn.—Granted renewal of license for the period ending August 1, 1940.

DESIGNATED FOR HEARING

The following application has been designated for hearing by the Commission. Date for the hearing has not yet been set.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Application for construction permit to install new equipment and increase power from 250 watts daytime only to 1 KW, on 780 kc.

MISCELLANEOUS

WPAD—Paducah Broadcasting Co., Paducah, Ky.—Granted construction permit to install a new transmitter.

WBZ—Westinghouse Electric and Manufacturing Co., Boston, Mass.—Granted modification of construction permit to make changes in equipment.

WKAR—Michigan State College, East Lansing, Mich.—Granted modification of construction permit to extend completion date to January 30, 1940.

WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Granted license to cover construction permit authorizing move of auxiliary transmitter from present main transmitter site to studio location and installation of new antenna for auxiliary purposes only.

KDKA—Westinghouse Electric and Manufacturing Co., Pittsburgh, Pa.—Granted license to cover construction permit authorizing move of transmitter site locally.

KXOK—Sweetwater Radio, Inc., Sweetwater, Tex.—Granted license to cover construction permit authorizing erection of a new station to operate on 1210 kc., 250 watts, daytime only. Also granted authority to determine operating power by direct measurement of antenna input.

KFDA—Amarillo Broadcasting Corp., Amarillo, Texas.—Granted license to cover construction permit authorizing installation of new equipment and increase in power to 250 watts. Also granted authority to determine operating power by direct measurement of antenna input.

WKST—Keystone Broadcasting Co., New Castle, Pa.—Granted modification of license to change corporate name from Keystone Broadcasting Company to: WKST, Inc.

KVGB—Helen Townsley, Great Bend, Kans.—Granted authority to determine operating power by direct measurement of antenna input.

Station KFI, and others referred to as "Clear Channel Group"—Dismissed without prejudice the petition and supplemental petition to intervene (in the matter of the application of WHDH to increase power to 5 KW on its present frequency 830 kc.), the motion to dismiss the application or eliminate Issue No. 3 filed by such Group, and the motion to dismiss application filed by the National Broadcasting Co., Inc. (Station KOA).

WHDH—Matheson Radio Co., Inc., Boston, Mass.—Directed that the hearing previously designated for December 11, 1939, will be held in the offices of the Commission, Washington, D. C., on January 15, 1940, at 10 a. m., in re application for construction permit to increase power from 1 KW to 5 KW and operate unlimited time instead of daytime (KOA), on frequency 830 kc.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted authority to determine operating power by direct measurement of antenna input.

KFAM—The Times Publishing Co., St. Cloud, Minn.—Granted authority to determine operating power by direct measurement of antenna input.

KEIL—KMTR Radio Corp., Hollywood, Calif.—Granted construction permit for relay broadcast station to be used with applicant's standard broadcast station KMTR, frequencies 30820, 33740, 35820 and 37980 kc., 25 watts; 50 watts on 33740 kc. for the transmission of orders only.

WENX—Brown Radio Service and Laboratory, Rochester, N. Y.—Granted reinstatement of construction permit for high frequency relay broadcast station, using new equipment and increase in power to 50 watts; to be used with applicant's standard broadcast station WSAY.

WEHX—United Broadcasting Co., Cleveland, Ohio.—Granted modification of relay broadcast station license to increase power to 100 watts.

Ralph M. Lambeth, Greensboro, N. C.—Granted petition to accept amendment to application for construction permit to change frequency to 1380 kc. and power to 500 watts, day only.

WFLA—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—Granted petition to intervene in the hearing on the application of WROL, Knoxville, Tenn., to change frequency and power, install new transmitter and use directional antenna at night.

KTEM—Bell Broadcasting Co., Temple, Texas.—Granted petition to intervene in the hearing on the application of Chilton Radio Corporation for a new station in Dallas, Texas.

KTEM—Bell Broadcasting Co., Temple, Texas.—Granted petition to intervene in the hearing on the application of V. O. Stamps, for a new station in Dallas, Texas.

V. O. Stamps, Dallas, Texas.—Granted motion for order to take depositions in re application for new station.

K. E. Schonert & Oscar L. Turner, d/b as Olney Broadcasting Co., Olney, Ill.—Granted motion to withdraw and dismiss without prejudice the application for a new station.

- KORN—Nebraska Broadcasting Corp. Fremont, Nebr.—Granted modification of construction permit for approval of transmitter site at East Sixteenth St., Fremont, Nebr., and studio site at 6th and Broad Streets, Fremont, Nebr.; installation of vertical radiator and new equipment.
- Monocacy Broadcasting Co., Portable-Mobile (area of WFMD, Frederick, Md.)—Granted construction permit for new low frequency relay broadcast station, to relay programs where wire facilities are not available, to operate on **1622, 2058, 2150, 2790 kc.**, power 40 watts.
- KWHB—WHB Broadcasting Co., Portable-Mobile (area of WHB, Kansas City, Mo.)—Granted license to cover construction permit for new relay broadcast station; frequencies **1622, 2058, 2150, 2790 kc.**, power 100 watts.
- KEJJ—National Broadcasting Co., Inc., Portable-Mobile (area of KOA, Denver, Colo.)—Granted license to cover construction permit for high frequency relay broadcast station KEJJ, for changes in equipment and addition of A1 and A2 type of emission.
- KEJK—National Broadcasting Co., Inc., Portable-Mobile (area of San Francisco, Calif.)—Granted license to cover construction permit for high frequency relay broadcast station KEJK for changes in equipment.
- KEJL—National Broadcasting Co., Inc., Portable-Mobile (area of San Francisco, Calif.)—Granted license to cover construction permit for high frequency relay broadcast station KEJL for changes in equipment.
- WEJN—National Broadcasting Co., Inc., Portable-Mobile (area of WJZ and WEA, N. Y.)—Granted license to cover construction permit for high frequency relay broadcast station WEJN for changes in equipment and addition of A1 and A2 emission.
- WEJQ—National Broadcasting Co., Inc., Portable-Mobile (area of WTAM, Cleveland, Ohio)—Granted license to cover construction permit for high frequency relay broadcast station WEJQ for changes in equipment.
- WEJW—National Broadcasting Co., Inc., Portable-Mobile (area of New York, N. Y.)—Granted license to cover construction permit for high frequency relay broadcast station WEJW for changes in equipment.
- WTAW—Agricultural and Mechanical College of Texas, College Station, Tex.—Granted special temporary authority to operate simultaneously with Station WJBO from 7:30 p. m. to 10:30 p. m., CST, on December 12, 1939, in order to broadcast the Houston Symphony Orchestra concert.
- WLOK—The Fort Industry Company, Lima, Ohio.—Granted special temporary authority to operate from 5:15 p. m. to 10:30 p. m., EST, on December 8, 1939, in order to broadcast speeches in connection with annual football dinner and a basketball game only; to operate from 8:00 p. m. to 10:30 p. m., EST, on December 9, 16, 21, 29, 1939, and January 4, 5, and 6, 1940, in order to broadcast basketball games only.
- KWFC—Clyde E. Wilson and Howard A. Shuman, d/b as Hot Springs Broadcasting Co., Hot Springs, Ark.—Granted modification of construction permit for approval of transmitter and studio site, installation of new equipment and vertical radiator, upon express condition that said grant is not to be construed as a finding in the appeal proceedings filed by C. E. Palmer in the United States Court of Appeals for the District of Columbia, Cause No. 7542 from the grant of the application of KWFC (B3-P-2380) nor upon any of the issues involved therein, nor that the Commission has found that the operation of this station is or will be in the public interest beyond the express terms hereof.
- WSYB—Philip Weiss, tr/ as Philip Weiss Music Co., Rutland, Vt.—Granted license to cover construction permit for changes in equipment and increase in power to 250 watts, unlimited time.
- WLTH—Voice of Brooklyn, Inc., New York, N. Y.—Granted license to cover construction permit to move transmitter site locally and install vertical radiator, upon express condition that this grant shall not be construed as a finding by the Commission in the matter of the Order to Show Cause issued to Voice of Brooklyn, Inc. (WLTH), Brooklyn, N. Y., on July 26, 1939, Docket No. 5711, nor upon the application for renewal of license of Station WLTH, nor upon the application of Station WBBC (File No. 1-MLB-1095A), nor upon any of the issues involved therein; nor that the Commission has found that the operation of this station is, or will be, in the public interest beyond the express terms hereof.
- WENY—Elmira Star Gazette, Inc., Elmira, N. Y.—Granted license to cover construction permit and modification thereof, for erection of new station to operate on **1200 kc.**, 250 watts, unlimited time.
- WENY—Elmira Star Gazette, Inc., Elmira, N. Y.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54 with certain additional power specifications.
- WTAR—WTAR Radio Corp., Norfolk, Va.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54 with certain additional power specifications.
- WEOC—South Carolina Broadcasting Co., Inc., Portable-Mobile (area of Charleston, S. C.)—Granted license to cover construction permit, as modified, for new high frequency relay broadcast station to relay programs where wire facilities are not available to be broadcast over applicant's standard broadcast station WCSC, to operate on frequencies **30820, 33740, 35820, 37980 kc.**, with 10 watts power.
- Valley Broadcasting Co., West Point, Ga.—Granted motion for continuance of hearing now scheduled for January 9, 1940, new date to be fixed by office of the Secretary.
- WBOW—Banks of Wabash, Inc., Terre Haute, Ind.—Granted extension of special temporary authority to operate on frequency **1200 kc.** at present transmitter site for the period December 13, 1939, to not later than December 21, 1939, in order to complete construction at approved site.
- WILL—University of Illinois, Urbana, Ill.—Granted special temporary authority to remain silent on Christmas Day, December 25, 1939, and New Year's Day, January 1, 1940, in order to observe holidays.
- WPRO—Cherry and WEBB Broadcasting Co., Providence, R. I.—Granted extension of special temporary authority to operate new transmitter in accordance with modification of construction permit during daytime, using 1 kw directional, for the period December 13, 1939, to not later than December 22, 1939, in order to complete proof of performance measurements.
- WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to operate from local sunset (December 4:45 p. m., EST) to the conclusion of the football game between the New York Giants and the Green Bay Packers on December 10, 1939, in order to broadcast football game only.
- WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Granted special temporary authority to conduct field test measurements for new transmitter site with equipment described in letter dated November 25, 1939, on frequency **900 kc.**, between the hours 1:00 a. m. to 6:00 a. m., for a period not to exceed 10 days.
- W2XWI—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted modification of construction permit for high frequency broadcast station W2XWI for approval of transmitter site.
- W8XVB—Stromberg-Carlson Telephone Mfg. Co., Rochester, N. Y.—Granted license to cover construction permit for high frequency broadcast station for assignment of frequency **43200 kc.**, on an experimental basis only, conditionally, power 1000 watts.
- KDKA—Westinghouse Electric and Manufacturing Co., Pittsburgh, Penn.—Granted license for auxiliary transmitter to be located at approximately 1.2 miles south of Saxonburg, Saxonburg-Culmerville Road, Bulter County, Pa.; frequency **980 kc.**, 50 KW, auxiliary purposes only.
- KNOW—Frontier Broadcasting Co., Inc., Austin, Texas.—Granted license to cover construction permit, as modified; frequency **1500 kc.**, power 250 watts, unlimited.
- WMPS—Memphis Broadcasting Co., Memphis, Tenn.—Granted construction permit to make changes in transmitting equipment.
- KALE—KALE, Incorporated, Portland, Ore.—Granted modification of construction permit for changes in antenna and make changes in transmitting equipment and extend completion date from February 20, 1940 to 90 days after grant.
- WKAR—Michigan State College, East Lansing, Mich.—Granted modification of construction permit to install new transmitter and extend completion date to January 31, 1940.
- WTSP—Pinellas Broadcasting Co., St. Petersburg, Fla.—Granted license to cover construction permit and modification thereof; frequency **1370 kc.**, 100 watts night, 250 watts daytime, unlimited time.

WTSP—Pinellas Broadcasting Co., St. Petersburg, Fla.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Sec. 3.54.

W2XBT—National Broadcasting Co., Inc., New York, N. Y.—Granted extension of special temporary authority to operate Television Broadcast Station (experimental) W2XBT on frequency band 156-162 mc., for the period December 11, 1939, to not later than January 9, 1940, pending adjustment of the license to conform with the provisions of Section 4.74.

WOLF—Civic Broadcasting Corp., Syracuse, N. Y.—Granted special temporary authority to perform site survey tests from sunrise to sunset on frequency 1500 kc., with a portable crystal controlled transmitter as described in letters dated December 6 and 9, 1939, for the period December 11, 1939, to not later than December 20, 1939, in accordance with construction permit.

KADA—C. C. Morris, Ada, Okla.—Granted modification of license to change location of main studio from 115½ South Rennie St., Ada, Okla., to Highway No. 48, 1 mile north of Ada, Okla.

KNOX—Scripps-Howard Radio, Inc., Knoxville, Tenn.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

Portorican American Broadcasting Co., Inc., Ponce, P. R.—Granted supplement to petition for reconsideration and grant of application for new station, which was designated for hearing on June 20, 1939. The application for construction permit to erect a new station in Ponce, P. R., to operate on 1340 kc., with 1 KW, unlimited time was granted, subject to condition that permittee shall file application for modification of construction permit specifying transmitter location and antenna system within two months after effective date of order.

KIRO—Queen City Broadcasting Co., Inc., Seattle, Wash.—Dismissed petition for rehearing in re application of KMPC, Beverly Hills, Cal., for construction permit to change site locally and operate with power of 1 KW night, 5 KW day, on 710 kc., which was granted by the Commission, without a hearing, on November 14, 1939.

KFBI—Farmers & Bankers Broadcasting Corp., Wichita, Kans.—Granted modification of construction permit approving transmitter and studio sites and installation of vertical radiator.

WDLP—Panama City Broadcasting Co., Panama City, Fla.—Granted modification of construction permit approving studio and transmitter sites, and installation of vertical radiator.

W9XBA—WHB Broadcasting Co., Kansas City, Mo.—Granted license to cover construction permit, as modified, for new high frequency broadcast station to operate on 26100 kc., 100 watts, to be located at 9th and Grand Ave., Kansas City, Mo.

W2XQR—John V. L. Hogan, Long Island City, N. Y.—Granted license to cover construction permit, as modified, for high frequency broadcast station to operate on 43200 kc., 1 KW, to be located at 3104 Northern Blvd., Long Island City.

W9XYH—Head of the Lakes Broadcasting Co., Superior, Wis.—Granted modification of construction permit as modified, to make changes in equipment of high frequency broadcast station.

WMGA—Frank R. Pidock, Sr., Moultrie, Ga.—Granted license to cover construction permit authorizing a new station to operate on frequency 1370 kc., 250 watts, unlimited time. Also granted authority to determine operating power by direct measurement of antenna input.

WSPR—WSPR, Inc., Springfield, Mass.—Granted special temporary authority to operate from 5:45 to 6 p. m., EST, on December 17, 24 and 31, in order to broadcast to its conclusion the Rosary Hour. Station operates on 1140 k., 500 watts, limited time.

Hampden-Hampshire Corp., Holyoke, Mass.—Set aside its decision of December 23, 1938, in so far as it denies the application of Hampden-Hampshire Corp., for the use of frequency 1240 kc., with power output of 1 KW day, 500 watts night, with directive antenna; dismissed petition for rehearing in re this application, and granted petition only in so far as it requests the Commission to accept amendment of application B1-P-1701 so as to seek the use of the frequency 1370 kc., with 250 watts power, unlimited time, non-directive antenna, instead of the frequency 1240 kc., with power output of 1 KW day, 500 watts night, with directive antenna.

KYUM—Yuma Broadcasting Co., Yuma, Ariz.—Granted modification of construction permit approving transmitter and studio site in Yuma, and installation of vertical radiator.

WCAT—South Dakota State School of Mines, Rapid City, So. Dak.—Granted special temporary authority to remain silent for the period beginning December 21, 1939 and ending no later than January 3, 1940, in order to observe Christmas vacation.

APPLICATIONS FILED AT FCC

700 Kilocycles

WLW—The Crosley Corp., Cincinnati, Ohio.—Extension of special experimental authority for transmission of facsimile signals from 12 midnight to 6 a. m., EST, using 50 KW power, for period 2-1-40 to 2-1-41.

710 Kilocycles

KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, Calif.—Modification of construction permit, B5-P-2388, for changes in hours of operation, increase in power, new equipment, antenna, and move of transmitter, further requesting authority to use antenna and transmitter formerly used by station KECA and move transmitter from Moynier Lane, between Adams Blvd. and Higuerra St., Culver City, Calif., to 1418 East 81st St., Los Angeles, Calif., KECA's former site.

720 Kilocycles

WGN—WGN, Inc., Chicago, Ill.—Extension of special experimental authority for transmission of facsimile signals from 1 a. m. to 6 a. m., CST, using 50 KW power, for period 2-1-40 to 2-1-41.

740 Kilocycles

WSB & WEGG—Atlanta Journal Co., Atlanta, Ga.—Authority to transfer control of corporation from James R. Gray, Inman Gray, Mrs. James R. Gray, Cordelia Gray Brumby, Frances Gray Yankey, Mary Inman Pearce Smylie, Jennie Gray Pearce, John A. Brice, J. L. Williford, John Morton Smith, to James M. Cox, Springfield Newspapers, Inc., and The Evening News Publishing Co.

770 Kilocycles

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Authority to transfer control of corporation from Sidles Company to Star Printing Company, 1 share common stock.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Extension of special experimental authority to operate synchronously with WBBM from local sunset at Lincoln, Nebr., to midnight, CST, period 2-1-40 to 2-1-41.

850 Kilocycles

WWL—Loyola University, New Orleans, La.—Extension of special experimental authority for unlimited time for period 2-1-40 to 2-1-41.

KWKH—International Broadcasting Corp., Shreveport, La.—Extension of special experimental authority to operate on 1100 kc., 50 KW power, directional antenna for night use, unlimited time, for period 2-1-40 to 2-1-41.

920 Kilocycles

WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Construction permit to install new transmitter and increase power from 1 to 5 KW, using directional antenna at night.

930 Kilocycles

NEW—The Valley Broadcasting Co., Steubenville, Ohio.—Construction permit for a new broadcasting station on 930 kc., 1 KW power, daytime. Amended: Re corporate structure.

WELI—City Broadcasting Corp., New Haven, Conn.—Modification of license to increase power from 250 watts, 500 watts day, to 250 watts, 1 KW day. Amended to request power of 500 watts, 1 KW day, and make changes in directional antenna (no construction necessary).

1040 Kilocycles

KRLD—KRLD Radio Corp., Dallas, Tex.—Extension of special experimental authority to operate simultaneous with WTIC unlimited time for period from 2-1-40 to 2-1-41.

1060 Kilocycles

WTIC—The Travelers Broadcasting Service Corp., Hartford, Conn.—Extension of special experimental authority to operate simultaneous with KRLD, unlimited time on **1040 kc.**, directional antenna at night, for period 2-1-40 to 2-1-41.

1120 Kilocycles

WDEL—WDEL, Inc., Wilmington, Del.—Modification of license to increase power from 250 watts, 1 KW day, to 500 watts, 1 KW day.

1140 Kilocycles

WAPI—Alabama Polytechnic Institute, University of Alabama and Alabama College (Board of Control of Radio Station WAPI), Birmingham, Ala.—Extension of special experimental authority to operate unlimited time, using directional antenna after sunset at Tulsa, Okla., for period 2-1-40 to 2-1-41.

1200 Kilocycles

WJHL—WJHL, Inc., Johnson City, Tenn.—Construction permit to make changes in transmitting equipment, install directional antenna for night use, increase power from 250 watts to 1 KW, change frequency from **1200 kc.** to **880 kc.**, and move transmitter 500 feet east of present location, from Kingsport Highway (3 miles north) to Kingsport Highway 11 E, 3 miles from Johnson City, Tenn.

WMOB—S. B. Quigley, Mobile, Ala.—License to cover construction permit (B3-P-1983) as modified for a new station. Amended: Hours of operation.

1210 Kilocycles

KFOR—Cornbelt Broadcasting Corp., Lincoln, Nebr.—Authority to transfer control of corporation from Sidles Company to Star Printing Company, 1 share common stock.

NEW—Van Curler Broadcasting Corporation, Schenectady, N. Y.—Construction permit for a new broadcast station to be operated on **1210 kc.**, 250 watts power, unlimited time.

1240 Kilocycles

KGCU—Mandan Radio Assn., Mandan, N. Dak.—Construction permit to install new transmitter, make changes in antenna, increase power from 250 watts to 500 watts night, 1 KW day.

WKAQ—Radio Corporation of Porto Rico, San Juan, P. R.—Authority to determine operating power by direct measurement of antenna power.

KFJZ—Tarrant Broadcasting Co., Fort Worth, Tex.—Construction permit to install new transmitter, increase power from 1 to 5 KW. Amended to install directional antenna for day and night use.

1310 Kilocycles

KARM—George Harm, Fresno, Calif.—License to cover construction permit (File No. B5-P-2542) for changes in equipment and increase in power.

NEW—Oscar Kronenberg, Steubenville, Ohio.—Construction permit to erect new broadcast station on **1310 kc.**, 250 watts power, unlimited time.

NEW—John B. Bedingfield and Parker Bedingfield, d/b as Dublin Radio Broadcasting Co., Dublin, Ga.—Construction permit for a new station to be operated on **1310 kc.**, 250 watts power, unlimited time.

1320 Kilocycles

WSMB—WSMB, Inc., New Orleans, La.—License to cover construction permit B3-P-2398 to replace tower demolished by hurricane, and make changes in antenna.

1350 Kilocycles

WMBG—Havens & Martin, Inc., Richmond, Va.—Modification of construction permit (B2-P-1912) for increase in power, equipment changes, and change in directional antenna, requesting further authority to install new transmitter.

1360 Kilocycles

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Construction permit to install new transmitter and vertical

antenna; increase power from 500 watts to 500 watts night, 1 KW day; change hours of operation from share with WSBT to unlimited time; and move transmitter from 128 North Pulaski Rd., Chicago, Ill., to site to be determined. Contingent on WSBT going to **930 kc.**

WFBL—Onondaga Radio Broadcasting Corporation, Syracuse, N. Y.—Construction permit to install directional antenna for night use; increase power from 1 KW, 5 KW day, to 5 KW day and night.

1370 Kilocycles

WMAN—Richland, Inc., Mansfield, Ohio.—License to cover construction permit (B2-P-2121) as modified for a new station.

WFTL—Tom M. Bryan, Fort Lauderdale, Fla.—Authority to determine operating power by direct measurement of antenna power.

WFTL—Tom M. Bryan, Fort Lauderdale, Fla.—License to cover construction permit (B3-P-2330) as modified for a new station. Amended: Section 5.

KELD—Radio Enterprises, Inc., El Dorado, Ark.—License to cover construction permit (B3-P-2562) for equipment changes and increase in power.

KVFD—Northwest Broadcasting Co., Fort Dodge, Iowa.—Modification of construction permit, B4-P-2042, as modified, for a new station, requesting increase in power from 100, 250 watts day, to 250 watts day and night.

KLUF—The KLUF Broadcasting Co., Inc., Galveston, Tex.—Authority to determine operating power by direct measurement of antenna power.

NEW—Ralph M. Lambeth, Greensboro, N. C.—Construction permit for a new station on **1370 kc.**, 250 watts, unlimited time. Amended to request **1380 kc.** 500 watts power, daytime operation; equipment changes.

1420 Kilocycles

WSPB—WSPB, Inc., Sarasota, Fla.—License to cover construction permit B3-P-2416, as modified, for a new station.

1450 Kilocycles

WHOM—New Jersey Broadcasting Corporation, Jersey City, N. J.—Construction permit to install new transmitter and increase power from 250 watts to 250 watts, 1 KW day. Amended to make changes in antenna and request power of 500 watts, 1 KW day.

1500 Kilocycles

KROD—Dorrance D. Roderick, El Paso, Tex.—Modification of construction permit (B3-P-947) for a new station, requesting authority to change site from 900 Hammett Blvd. to 2,250 feet south of Spruce St., on line of Boone St., extended southward, El Paso, Tex. Amended: Antenna changes, new transmitter, increase power from 100 to 250 watts, move studio from 200 San Francisco St. to Mesa and Mills Sts., El Paso, Tex., and move transmitter .5 mile (same address), extend commencement and completion dates 30 and 180 days respectively.

WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Construction permit to use old RCA 250-watt transmitter as auxiliary transmitter for auxiliary purposes only, at new site, 341 Rising Main St., Pittsburgh, Pa.

KWEW—W. E. Whitmore, Hobbs, N. Mex.—Modification of license to change hours of operation from daytime to unlimited time, using 100 watts power.

WRTD—Times Dispatch Radio Corporation, Richmond, Va.—Authority to determine operating power by direct measurement of antenna power.

KAWM—A. W. Mills, Gallup, N. Mex.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

WKNY—Kingston Broadcasting Corp., Kingston, N. Y.—Construction permit to make changes in equipment and increase power from 100 watts to 250 watts, and change hours of operation from daytime to unlimited time.

KBKR—Louis P. Thornton, Baker, Ore.—License to cover construction permit (B5-P-1841) as modified for a new station.

MISCELLANEOUS

Don Lee Broadcasting System, Portable-Mobile.—License for new special relay broadcast station to be used in connection with

television station W6XAO, Los Angeles, Calif., and television relay station W6XDU; frequencies 1646, 2090, 2190, 2830 kc., 100 watts, unlimited time, in accordance with Section 4.24, A3 emission, equipment of station KABB.

Don Lee Broadcasting System, Portable-Mobile.—License for new special relay broadcast station to be used in connection with television station W6XAO, Los Angeles, Calif., and television relay station W6XDU; frequencies 1646, 2090, 2190, 2830 kc., 100 watts, unlimited time, in accordance with Section 4.24, A3 emission, equipment of station KABD.

Don Lee Broadcasting System, Portable-Mobile.—License for new special relay broadcast station to be used in connection with television station W6XAO, Los Angeles, Calif., and television relay station W6XDU; frequencies 1646, 2090, 2190, 2830 kc., 100 watts, unlimited time, in accordance with Section 4.24, A3 emission, equipment of station KAOG; 8 watts.

Don Lee Broadcasting System, Portable-Mobile.—License for new special relay broadcast station to be used in connection with television station W6XAO, Los Angeles, Calif., and television relay station W6XDU; frequencies 31620, 35260, 37340, 39620 kc., 10 watts, and equipment of station KEGQ.

Don Lee Broadcasting System, Portable-Mobile.—License for new special relay broadcast station to be used in connection with television station W6XAO, Los Angeles, Calif., and television relay station W6XDU; frequencies 31620, 35260, 37340, 39620 kc., 2 watts, and equipment of station KEGO.

NEW—Columbia Broadcasting System, Inc., area of New York, N. Y.—Construction permit for a new television station for portable-mobile operation in area of New York, N. Y., to be operated on 336000-348000 kc., 25 watts visual, 5 watts aural, special and A-5 emission, unlimited time. Amended: To request 10 watts aural instead of 5 watts.

WLWH—The Crosley Corp., Portable.—License to cover construction permit B2-PRE-323, to install new transmitter.

WLWI—The Crosley Corp., Portable-Mobile.—License to cover construction permit B2-PRE-324, to increase power to 15 watts, install new transmitter.

WLWC—The Crosley Corp., Mobile.—Modification of license for Order Relay station, using 25 watts for relaying programs and orders concerning such programs and on 33740 kc., using 50 watts for transmission orders only. Amended: To request increase in power to 50 watts (programs and orders).

WELV—West Virginia Broadcasting Corp., Mobile, Wheeling, W. Va.—Modification of license to increase power from 25 to 50 watts.

WLWD—The Crosley Corp., Mobile.—Modification of license to increase power from 25 to 50 watts.

NEW—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Construction permit for a new high frequency broadcast station to be operated on 42600 kc., 250 watts power, unlimited time, special emission. Transmitter to be located at Jefferson Standard Life Ins. Bldg., Elm and Market Sts., Greensboro, N. C.

NEW—Star-Times Publishing Co., St. Louis, Mo.—Construction permit for a new high frequency broadcast station to be located at 3615 Olive St., St. Louis, Mo.; 43000 kc., 250 watts power, special emission.

WNEI—WFBM, Inc., Indianapolis, Ind.—License to cover construction permit B4-PRY-157, as modified, to make changes in equipment, and reduce power to 0.15 watts.

NEW—The Outlet Co., Providence, R. I.—Construction permit for a new high frequency broadcast station to be operated on 43400 kc., 1 KW power, special emission. Transmitter to be located at Providence, Rhode Island, exact site to be determined.

KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Modification of license to request classification of station as Class III-A.

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

Kant-Slip Manufacturing Company—Charges that instead of preserving the life of leather as advertised, "Kant-Slip" dressing causes leather to become dry and brittle, are made in a complaint against Samuel Benensohn and L. Benensohn, trading as Kant-Slip Manufacturing Company, 451 East 63d St., Chicago.

The respondents' product allegedly is described in pamphlets and other printed matter as follows: "Kant-Slip Dressing is a positive preservative! Prolongs the life of leather, canvas and fiber belts making and keeping the belt soft and pliable. Water and oil proof."

The complaint charges that the dressing consists principally of rosin and denatured alcohol, neither of which is a preservative, and which have a solvent action on the oils and greases in leather, tending to remove them and cause the leather to become dry and brittle. (3963)

Lowe Brothers Company—See Sherwin-Williams Company.

John Lucas & Company, Inc.—See Sherwin-Williams Company.

Plat-Num Perl Laboratories—See A. Sartorius & Company, Inc.

A. Sartorius & Company, Inc., trading as Plat-Num Perl Laboratories, 80 Fifth Ave., New York, is charged in a complaint with misrepresentation in the sale and distribution of manicure products.

Compounds distributed by the respondent are "Plat-Num Nail Protector" which is advertised to "encourage growth" and "strengthen nails," and "Plat-Num Olive Oil Compound Nail Polish Remover for dry brittle nails."

A further practice of the respondent in connection with the sale of its products, the complaint continues, is the use of the legend "Manufacturing Chemists," which appears on business stationery and other printed and written matter distributed by the respondent to prospective purchasers. Through use of such legend, the complaint charges, respondent represents that it is the manufacturer of the commodities distributed by it.

The quantity of olive oil contained in the polish remover, the complaint alleges, is so small as to be incapable of relieving or improving, to any appreciable extent, the condition of dry, brittle nails. The complaint also charges that use of the nail protector does not stimulate or encourage the growth of nails, nor does it strengthen them. (3966)

Fong Wan—Fong Poy, also known as Fong Wan, Fong Kwongii, Yee Nun Yet, Chan Woon Sheuno, and Lee Bing Lim, copartners trading as Fong Wan, 576 Tenth St., Oakland, Calif., are charged in a complaint with misrepresentation in advertising matter in newspapers and periodicals, and in a booklet designated "Herb Lore," concerning the remedial benefits of Chinese herbs sold and distributed by them.

The complaint charges that in advertising matter the respondents represented that the herbs sold by them are a remedy, cure and effective treatment for heart trouble, high blood pressure, colds, influenza, asthma, pyorrhea, blood disorders, crosseyes and other eye troubles, cancer, stomach troubles, dysentery, pains, dizziness, hardening of the arteries, goiter, bronchial trouble, coughs, sinus trouble, liver and gall bladder troubles, diabetes and other disorders of the kidneys and bladder, nervous attacks and disorders, arthritis, obesity, headaches, neuritis and piles, and that they stop pain and give permanent relief from asthma and other disorders.

Among advertisements distributed the respondents allege: "In a condition of this sort (gallstones), five or six kinds of herbs must be compounded for the Liver and Gall; auxiliary herbs must be added to cleanse the blood and rid it of the fire element (inflammation); some herbs must be put in to cause the air and the blood to circulate properly; other varieties must be used to take away the swelling; and still other herbs must be added for Nerves of the Shoulder Blade."

The complaint alleges that in truth and in fact the respondents' Chinese herbs are not a remedy or cure for any of the ailments

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

or diseases named; that they do not and cannot wash away any diseases from the human body; that Fong Poy or Fong Wan is not able to diagnose or heal diseases or ailments, nor has he restored the health of any persons by the use of Chinese herbs. (3964)

Sherwin-Williams Co., Cleveland, paint and paint products manufacturer, and two of its subsidiaries, The Lowe Brothers Company, Dayton, and John Lucas & Company, Inc., Philadelphia, have been served with a complaint charging price discriminations in the sale of their products in violation of the Robinson-Patman Act.

With annual net sales of over \$17,000,000 the parent company alone distributes its products through 6300 authorized dealers, more than 80 chain lumber yards, approximately 120 wholly owned retail stores and other miscellaneous mediums and controls either directly or through its subsidiaries a number of large paint manufacturing companies operating and distributing in various parts of the country.

Price discriminations are alleged to have resulted from certain practices engaged in by the respondents in connection with the granting of functional discounts and in connection with the granting of per order or volume discounts under their 1938 and 1939 discount plans.

For the purpose of granting and allowing quantity discounts under their respective 1938 plans, the three organizations, particularly Sherwin-Williams and Lowe Brothers, allegedly permitted the main offices of some chain lumber yard buyers to pool the orders of their unit stores and granted to such buyers the quantity discounts applicable to the gallonage represented by the pooled orders. For example, it is alleged, if a pooled order totaled more than 84 gallons, each unit store, through its main office, received a flat 10 per cent off dealers' list prices even though no one unit store may have ordered a sufficient quantity to qualify for any discount.

With respect to other chain lumber yard buyers, the respondent manufacturers, particularly Sherwin-Williams, allegedly granted a flat 10 per cent discount off dealers' list prices, irrespective of the size of the order or whether it represented the pooled requirements of all unit stores of the chain lumber yard or the individual requirements of only one unit store. In either case, it is alleged, the manufacturer granting the pooling privilege or the discount did not customarily make shipment of the full order to the main office of the lumber yard, but shipped to the various units.

It is alleged that the chain lumber yards receiving the flat 10 per cent discount from dealers' list prices were, in certain cases, in competition with other chain lumber yards purchasing from the respondent manufacturers and not receiving the flat 10 per cent discount. In other cases, independent dealers purchasing from the respondents but not receiving either the pooling privileges or such discount allegedly were in competition with chain store lumber yard units getting such privilege or discount. (3965)

STIPULATIONS

The Commission entered into no stipulations during the past week.

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Arvil Company—Stafford T. Mitchell, Janet M. Mitchell and Otis S. Mitchell, trading as The Arvil Company, 1700 Wilson Ave., Chicago, have been ordered to cease misrepresentations of the efficacy of their hair preparations designated "Arvil" and "Dawn Shampoo".

In publications and advertising matter, the Commission finds, respondents represented that application of their hair restorer, "Arvil", to the skin, is always safe, that it replaces missing pigment in the hair shaft proper, and that both "Arvil" and "Dawn Shampoo" will give permanent relief from dandruff. Both products were represented as competent remedies for conditions responsible for hair falling out, and as encouraging hair growth, and

"Arvil" was represented as having an antiseptic effect on hair and scalp and as causing hair to assume a natural and youthful color.

Findings of the Commission are that the preparation "Arvil" contains lead acetate in an amount which may be injurious when applied to the skin, that use of the preparation over a period of time may result in lead poisoning, and that it does not restore pigment in the hair shaft but acts as a dye to color the surface of the hair.

The respondents are ordered to cease and desist from representations that "Arvil" restores pigment in the hair shaft or causes the hair to assume a natural or youthful color, that it is effective as an antiseptic or astringent when applied to the hair or scalp, and that either "Arvil" or "Dawn Shampoo" is a cure or remedy for baldness or an effective treatment for falling hair or the causes thereof. They also are ordered to discontinue representing (through failure to reveal that the use of "Arvil" on the skin is not wholly safe, particularly if there is any injury, abrasion or inflammatory or eczematous condition thereon) that "Arvil" contains no harmful or dangerous drugs or that the use of it will have no ill effects on the human body. (3472)

Berkeley Studios International Press Service, Inc.—See International Press Service, Inc.

Ford Motor Company—See General Motors Corporation.

General Motors Acceptance Corporation—See General Motors Corporation.

General Motors Corporation—Orders to cease and desist from use of the words "six per cent" or the symbol "6%" in connection with the installment payment plan of purchasing automobiles have been issued against General Motors Corporation, Detroit, and its subsidiaries, including General Motors Acceptance Corporation, and against Ford Motor Company, Dearborn, Mich. (3001 and 3005)

Globe Clock Company—See Sales Stimulators.

International Press Service, Inc., formerly trading as Berkeley Studios International Press Service, Inc., and Fred Friewald, photographers, 36 Newbury St., Boston, have been ordered to cease and desist from representing that they have any connection with International News Service or International News Photos, or that they operate or have any connection with a press photographic service. Fred Friewald is president and treasurer of the organization.

Findings of the Commission are that the corporation has a library of about 12,000 photographs, 97 per cent of which are photographs of residents of Boston. The corporation has no direct connection with any news service or publication. Through "bookers" or salesmen the findings continue, respondents contact by telephone members of the public, soliciting appointments for the taking of their photographs. Usually the persons selected are those who have received publicity by reason of their business, professional or other activities of news interest.

Respondents' employees, in telephone conversations, sometimes state that they are representatives of "International Press Service", "Press Service", or the "International". Persons so solicited are asked to make an appointment for the taking of their photographs which, it is stated, would be without expense to them, the photographs to be filed in respondents' press library for release to newspapers or other news publications desiring photographs. After photographs were taken, the person solicited was told that within two or three days proofs would be submitted for approval. Respondents enclosed a card with the proofs which stated "Enclosed are proofs of the negatives for which you recently posed. Will you kindly approve one for press release and return it to our representative, who will call within the next few days." The respondents' representative, when he called, endeavored to sell prospects quantities of the finished photograph.

Findings are that the respondents have no interest in and take no steps to cause the publication of the photographs taken by them. Whenever a photograph is solicited by a news service such as the International News Service or the Associated Press,

the purpose is primarily to cause the photograph to be published. (3618)

National Employees Training Service—W. R. Young, trading as National Employees Training Service, Detroit, has been ordered to cease and desist from representing that correspondence school instruction conducted by him will guarantee students positions in the United States Government or that he has any connection with the Government or the United States Civil Service Commission.

It was found that as a means of contacting prospective purchasers of his course of instruction, the respondent mailed to numerous boxholders on Rural Free Delivery routes in various States, postal cards on which were printed statements that due to death, retirement and normal Government expansion, many thousands of Government positions are open for trained men or women each year; that American citizens of good health and character could qualify for Government positions; and the request was made that the attached reply card be mailed for free samples of actual questions given in recent Civil Service examinations. Attached to the cards were business reply cards which were to be detached and mailed under the provisions of the United States postal laws, and which were addressed to the National Employees Training Service. On the cards was printed "Government positions \$105 to \$175 per month."

The statement that no postage stamp was necessary, and the address "National Employees Training Service" upon them, the Commission finds, caused many recipients to believe that the respondent was in some way connected with the United States Government.

Concerning the home study course conducted by correspondence, which was sold to applicants, the respondent is found to have made representations to the effect that he and his agents were employed by the United States Government and were representatives of the United States Civil Service Commission; that the business was an old, established one; that students solicited would have to enroll immediately in order to get within the quota of Government positions allotted to the respondent, which quota was practically filled; that jobs with the Government would be secured for students taking the course of instruction, or that money paid for the course would be refunded; that respondent was able to advance information concerning examinations to be conducted by the United States Civil Service Commission, and that students taking the course have preference over other applicants for a position in the classified Civil Service of the United States.

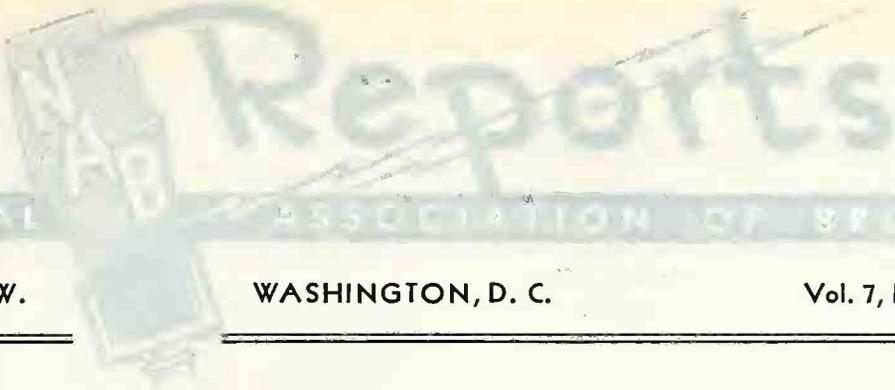
The Commission finds that these representations were false and misleading. With few exceptions, the respondent did not refund the price of tuition after being unable to secure positions for students completing the course.

The respondent is ordered to cease and desist from representing, through use of the word "National," or similar words, that he has any connection with the United States Government; that his business had been in existence for many years; that the enrollment of students is limited by a definite quota, or that only persons with high scholastic attainments are accepted by him as prospective students; that Civil Service positions in the United States Government are guaranteed to students who have completed respondent's course of instruction; that respondent has any advance information with respect to available positions in the Civil Service, which information cannot be secured from the United States Civil Service Commission, or has any additional or confidential information which is not available to the public, or that respondent has any control of positions available in the Civil Service, or that his students are preferred by the United States Civil Service Commission over other students who have not taken respondent's course of instruction. (3331)

Sales Stimulators—Ben Braude, trading as Sales Stimulators and as Globe Clock Company, 337 West Madison St., Chicago, has been ordered to cease and desist from misrepresentations as to possible earnings of agents or salesmen representing him, and from misrepresentation of the value of premiums distributed by him.

The respondent, who is engaged in the sale and distribution of a sales stimulator plan, and of tableware, electric shavers, clocks and other merchandise in connection therewith, represented through advertisements in periodicals and other publications, the Commission finds, that salesmen for his products made up to \$32 daily and approximately \$350 a month in the ordinary course of their business, and that premiums distributed by him had a higher retail value than they actually possessed.

The Commission orders that the respondent cease and desist from representing any specified sum of money as possible earnings or profits of agents, salesmen or distributors, which is not a true representation of average net earnings consistently made by active, full-time agents or representatives under normal conditions, or representing as the customary or regular prices for premiums used by him in connection with any sales stimulator plan, prices or values which are in fact substantially in excess of the actual values of such premiums. (3873)



HAPPY NEW YEAR

A. F. of M.

In view of developments in the A. F. of M. situation, many affiliates have believed it wise to write to their musicians' locals to this effect:

The current agreement between Station — and Local — of the American Federation of Musicians expires January 17, 1940. At the local officers' earliest convenience, representatives of the station would like to meet with them to negotiate a new agreement to succeed the expiring one.

STUDEBAKER-FREC REPORT COMMENDS AMERICAN SYSTEM

Declaring that "there is, and there can be no basic conflict between educators and broadcasters within the proper concept of the American way," Dr. John W. Studebaker, U. S. Commissioner of Education, yesterday submitted his report, covering the activities of the Federal Radio Education Committee, of which he is the chairman, to James L. Fly, the Chairman of the Federal Communications Commission.

The report, covering the chronological development of the FREC (which is jointly financed by two foundations and the broadcasting industry) gives a comprehensive review of educational and public service aspects of broadcasting. Throughout the report there is a reflection of the improving relations between educators and broadcasters.

(Continued on page 3906)

33 More Stations Subscribe to Broadcast Music Inc.

With one of the best showings of any District to date, 33 stations out of the 36 represented at the Fourth District meeting, subscribed to Broadcast Music, Inc. The District embraces stations in Virginia, West Virginia, South and North Carolina, Maryland and the District of Columbia. In this District are 59 operating stations.

Those subscribing:

- WBIG, Greensboro, North Carolina; WBLK, Clarksburg, West Virginia; WBT, Charlotte, North Carolina; WCAO, Baltimore, Maryland; WCBM, Baltimore, Maryland; WCHS, Charleston, West Virginia; WCSC, Charleston, South Carolina; WDBJ, Roanoke, Virginia; WDNC, Durham, North Carolina; WFBR, Baltimore, Maryland; WGBR, Goldsboro, North Carolina; WGH, Newport News, Virginia; WGTM, Wilson, North Carolina; WHIS, Bluefield, West Virginia; WIS, Columbia, South Carolina; WJLS, Beckley, West Virginia; WJSV, Washington, D. C.; WMAL, Washington, D. C.; WMBG, Richmond, Virginia; WMMN, Fairmont, West Virginia; WOL, Washington, D. C.; WPAR, Parkersburg, West Virginia; WPTF, Raleigh, North Carolina; WRC, Washington, D. C.; WRTD, Richmond, Virginia; WRVA, Richmond, Virginia; WSAZ, Huntington, West Virginia; WSJS, Winston-Salem, North Carolina; WSOC, Charlotte, North Carolina; WTAR, Norfolk, Virginia; WTBO, Cumberland, Maryland; WWNC, Asheville, North Carolina; WWVA, Wheeling, West Virginia.

Highlights in B. M. I. Subscriptions to Date

A study of the results of figures received from the first ten District Meetings held in behalf of Broadcast Music, Inc., indicates a more than gratifying acceptance of the plan throughout the industry.

District 12 is highest in the percentage of subscriptions

(Continued on page 3906)

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

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

STUDEBAKER-FREC REPORT COMMENDS AMERICAN SYSTEM

(Continued from page 3905)

In his conclusions Dr. Studebaker said in part:

"The private ownership of property and its administration in the interests of the owner, so long as that administration is not inimical to the public welfare, is a root principle of the American philosophy. It is in this respect that the American philosophy differs most sharply from the ideologies of some other nations.

"The American system of education reflects this basic philosophy. It proceeds upon the premise that, under the American form of government, the individual should be encouraged toward the fullest self-expression, and it endeavors not only to equip the individual to achieve that self-expression, but also to guide him toward a type of self-expression which will be constructive and in the best interests of the whole body of citizens.

"Broadcasters represent that small group of body politic which has sought and found self-expression through the development and administration of radio. According to their lights they have administered this public trust in the public interest, and there is no principle in the American philosophy which forbids that they should receive rewards of the kind which accrue to other citizens who find opportunities for self-expression through other commercial or industrial channels. This is basic and undeniable if we are to adhere to the American system of living.

"The maintenance of this system—a system of freedom of expression which demands free communication, is more closely identified with the responsibility of maintaining the American system of freedom in education than with any other force in our scheme of living. Public education is supported and controlled by the public; yet education must make possible freedom to learn if democracy is to be nurtured and developed. Radio, by its nature, must be regulated by the Government, but radio must provide freedom of communication if it, as a powerful instrument of influence, is to strengthen and not stifle the processes of democracy.

"In the kindergarten, the elementary school, the secondary school, the college, the university—from the rostrum, the forum platform, and at the table around which a discussion group may gather, educators are today, and for years have been upholding and inculcating an appreciation of the American way of life and especially of the basic necessity of freedom to learn. In doing so they have increased the understanding of the need for a system of broadcasting free from the compulsions of censorship.

"We have indicated that broadcasters administer a public trust

—free to derive profit from that administration if they choose, but enjoined to operate in the public interest; to assume responsibility which is always a concomitant of privilege. All through the American system these two factors will be found ranged side by side—privilege, and responsibility—*noblesse oblige*.

"As this report is written we cannot offer all of the answers to these and other equally basic questions. *But we are steadily moving* toward solutions, and the Federal Radio Education Committee, representing the cooperative effort and will of broadcasters and educators toward true public service, is a very proper vehicle for seeking answers to these questions which must eventually be satisfactorily answered. There is, and there can be, no basic conflict between educators and broadcasters within the proper concept of the American way. Broadcasters enjoy the privileges of broadcasting only because the American people are abidingly devoted to the perpetuation of a system of life under which the individual may enjoy the fullest freedom as a concomitant of his actions in the commonweal. The American system of education is the strongest bulwark for the continuation and perpetuation of that system in this country today. Therefore it is a mutual necessity that broadcasters and educators shall work together for the solution of the problems of education through radio in the truly democratic manner represented by the Federal Radio Education Committee."

HIGHLIGHTS IN B. M. I. SUBSCRIPTIONS TO DATE

(Continued from page 3905)

with a figure of 85%; though Districts 14, 4 and 1 are close behind with better than 80% subscribed.

Districts 2, 9 and 11 show better than 60% already signed up, and Districts 8 and 10 are in excess of 50%.

Despite the fact that when the meeting of District 7 was held in Dayton, Ohio, no solicitation for stock subscriptions could be made at the time, this District now shows a large subscription list with more coming in every day.

Below is published a list of the district meetings scheduled for 1940.

CORRECTION

In last weeks NAB REPORTS it was stated that in the Omaha meeting a vote of the members present showed their approval of the NAB Code "four to one".

Headquarters has been informed by Don Searle, KOIL, that this was an incomplete statement and did not reflect the whole aspect of the vote. The "four to one" vote was one favoring a "liberal interpretation" of the Code in contrast to that "of a strict enforcement," Mr. Searle stated.

1940 DISTRICT MEETINGS

District 3	Camden, New Jersey	Walt Whitman Hotel	January 4, 1940
District 5	Alabama } — Columbus, Ga.		January 18, 1940
	Georgia }		
	Florida — Orlando, Fla.	Fort Catlin Hotel	January 19, 1940
District 6	New Orleans, La.	Roosevelt Hotel	January 3, 1940
District 13	Dallas, Texas	Baker Hotel	January 5, 1940
District 15	San Francisco, Calif.	Palace Hotel	January 10, 1940
District 16	Los Angeles, Calif.	Ambassador Hotel	January 9, 1940
District 17	Portland, Oregon	New Heathman Hotel	January 12, 1940

TO STUDY POSSIBILITIES OF AURAL BROADCASTING ON HIGH FREQUENCIES

In view of the growing interest in frequency modulation and filing of applications to begin regular broadcast service as distinguished from experimental service on frequencies above 25,000 kilocycles, the Federal Communications Commission announced Tuesday that it will inquire fully into the possibilities of this system of modulation as well as amplitude modulation for aural broadcasting. Accordingly, an informal engineering hearing will be held before the full Commission beginning at 10 a. m. February 28, 1940, the Commission announced.

Pending the outcome of this hearing, it was decided to grant the following classes of applications:

(a) Applications for permission to carry out programs of fundamental research not authorized in the past and which show satisfactory promise of being able to contribute substantially toward the development of aural broadcasting service, and

(b) Applications filed by existing licensees to experiment with aural broadcasting on frequencies above 25,000 kilocycles, provided the request to operate additional stations involves a program of experimentation directly related to the existing station.

About 20 applications are pending action by the Commission for new stations desiring to use frequency modulation. There are now 34 amplitude modulated stations and 20 frequency modulated stations authorized by the Commission.

Before a permanent policy can be established with respect to either or both systems of modulation on frequencies above 25,000 kilocycles for regular broadcasting service, studies and investigations must be made regarding the relative values of the two systems, the patent situation, the frequency needs of all radio services, and whether amplitude or frequency modulation, or both systems, should be recognized for other services as well as broadcasting. It is also necessary to consider the possible future effect that broadcasting on ultra high frequencies may ultimately have upon standard broadcasting in the band 550 to 1600 kilocycles.

The frequency bands above approximately 25,000 kilocycles are sometimes referred to as "very high frequencies", "ultra high frequencies", or "ultra short waves". These frequencies possess relatively short distance characteristics as compared with the lower frequency bands. The signals are subject to rather wide diurnal and seasonal variations in signal strength at distances beyond the horizon; therefore, as a practical matter, these frequencies may be said to be useful for broadcast service up to about 100 miles only.

Major E. H. Armstrong, professor of electrical engineering at Columbia University, appeared as a witness in behalf of frequency modulation at the Federal Communications Commission engineering hearing in June, 1936. On the basis of testimony of experts who testified at this hearing, and after studies had been made jointly by the Commission's Engineering Department and the Interdepartment Radio Advisory Committee, the Commission and the President adopted permanent allocations above 25,000 kilocycles for the various government and non-government radio services.

Amplitude modulation has long been used as the standard system for transmitting speech and music by radio. It is the only system of modulation which is used by the existing services operating on conventional frequencies, i. e., below 25,000 kilocycles.

The claimed chief advantages of the two methods are set forth briefly as follows:

Amplitude Modulation

1. Amplitude modulation utilizes a much narrower band of frequencies, i. e., about one-fifth of the frequency band required for wide band frequency modulated signals of equal fidelity.

2. Amplitude modulation may be used on all frequencies throughout the radio spectrum, whereas frequency modulation has proven useful only in the very high frequency bands.

3. Amplitude modulation is the only system which has been used successfully for television on the frequencies allocated by the Commission for television service.

Frequency Modulation

1. Frequency modulation possesses characteristics whereby it is possible to reduce the effects of all kinds of disturbances including

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atmospheric static, electrical noises, and background signal interference.

2. A frequency modulated broadcast station employing low power will provide greater service than a similar station using amplitude modulation. However, if the power of the two stations is substantially increased the percentage increase in service area of the frequency modulated signal will be materially reduced.

3. A frequency modulated receiver will accept only the strongest signal or noise as the case may be when the ratio of the desired to undesired signal strength is approximately 2 to 1. In the case of amplitude modulation, the ratio must be at least 20 to 1 for good broadcast service. Consequently, it is possible to operate frequency modulated stations at relatively close geographical locations without interference.

4. Frequency modulation has definite advantages over amplitude modulation in operating the low power services such as forestry, police, aircraft, etc. In such cases, each system is under the control of one licensee who can plan for the purchase, installation and operation of the entire transmitting and receiving system.

Radio Council on Children's Programs Formed to Aid Code

Following a luncheon meeting at Town Hall Club last Monday in New York between members of the Radio Council on Children's Programs, with Ed Kirby and Paul Peter of the National Association of Broadcasters, Margaret Cuthbert of the National Broadcasting Company, Gilson Gray of the Columbia Broadcasting System, and Joseph Creamer and Jules Seebach of the Mutual Broadcasting System, Mrs. Harold V. Milligan, chairman of the Council, made public a list of eight attributes which children's radio programs should have in order to be included in the recommended lists which the Council will distribute to members of affiliated organizations.

"The Council has agreed," declared Mrs. Milligan, "that children's radio programs should:

- "1. Be entertaining.
- "2. Be dramatic, with reasonable suspense.
- "3. Be of high artistic quality and integrity.
- "4. Be expressed in correct English and diction.
- "5. Appeal to the child's sense of humor.
- "6. Be within the scope of the child's imagination.
- "7. Stress human relations for cooperative living.
- "8. Stress intercultural understanding and appreciation."

In a brief statement telling of the origin and development of the Radio Council on Children's Programs, Mrs. Milligan, who is Radio Chairman of the General Fed-

eration of Women's Clubs, explained that initiators of the Council's movement to bring about better radio programs for children are: representatives of the General Federation of Women's Clubs, United Parents' Associations, American Library Association, National Society of New England Women, and Junior Programs, Inc. Since the Council began its activities about a year ago, other groups have become affiliated, and in order to broaden the scope of its activities and coordinate all efforts for improving children's radio programs, in line with the policy set forth in the NAB Code, the following representatives have been appointed Vice-Chairmen: Mrs. Dorothy Lewis, New England Colony of Women, patriotic women's organizations; Mrs. Nathaniel Singer, United Parents' Associations, parents' groups; Mrs. Harold V. Milligan, General Federation of Women's Clubs, women's clubs; Miss Rita Hochheimer, National Education Association, schools; Dr. Alice V. Keliher, Progressive Education Association, teachers' organizations; Mary Gould Davis, American Library Association, public libraries and librarians; and Mrs. Dorothy L. McFadden, founder-director of Junior Programs, Inc., children's program producers.

The NAB Headquarters Staff and the Code Compliance Committee will work in close cooperation with the Radio Council on Children's Programs.

FREE OFFERS

In deference to this season of giving, the Bureau of Radio Advertising suspends the publication of the current crop of "free offers" in this week's REPORTS.

The latest list of time-chiselers will be fully reported in a latter issue, however.

DONALD KAGY

Anyone knowing of the whereabouts of Donald Kagy is asked to communicate with Eugene Carr, Assistant Manager of WGAR, Cleveland, Ohio.

BROADCAST MEASUREMENTS

During November, Federal Communications Commission officials measured 713 broadcast stations, with 90 not measured.

Of these, 637 stations showed a maximum deviation within 0-10 cycles; 70 stations a deviation within 11-25 cycles; 5 stations a deviation within 26-50 cycles; and 1 station showing a maximum deviation of over 50 cycles.

EXPERIMENTAL AUTHORIZATION CHANGE

The effective date of application of paragraph 3(b) of Section 3.32 of the Rules Governing Standard Broadcast Stations, insofar as it pertains to existing experimental stations, was postponed from January 1, 1940, to May 1, 1940, by action of the Federal Communications Commission.

This particular provision reads:

"In case a special experimental authorization permits additional hours of operation, no licensee shall transmit any commercial or sponsored program or make any commercial announcements during such time of operation. In case of other additional facilities, no additional charge shall be made by reason of transmission with such facilities."

SPECIAL AUTHORIZATIONS FOR HOLIDAY RADIO PROGRAMS

The Federal Communications Commission has announced that from December 20 through December 30, it will entertain on 48 hours notice and may grant, through the usual officials, applications for individually designated programs of a religious, ceremonial, or other nature having to do with the celebration of Christmas and the New Year.

FEDERAL COMMUNICATIONS COMMISSION

FINDING OF FACT

The Federal Communications Commission has granted a proposed finding of fact proposing to grant the application of WRD, **Richmond, Virginia**, to change its operating assignment from **1500 kilocycles**, 100 watts, unlimited time, to **590 kilocycles**, 1,000 watts, unlimited time, using a directional antenna at night.

The Commission found that the applicant is financially qualified to install the equipment and to operate the station as proposed. Also, the directional antenna will comply with the Commission's Rules and will render proper service.

FINAL ORDER

The Commission has adopted a final order granting the application of KOH, **Reno, Nevada**, and KERN, **Bakersfield, California**. KOH was granted permission to move its transmitter locally, install new equipment and change its frequency from **1380 kc.**, 500 watts, unlimited time, to **630 kc.**, 1000 watts, unlimited time, using directional antenna at night. KERN was granted authority to change its frequency from **1370 kc.** to **1380 kc.**, increase its power from 100 watts to 1000 watts, to change its transmitter site and install new equipment.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

No broadcast hearings or oral arguments are scheduled before the Commission during the week beginning Monday, December 25.

There will be no regular meetings of the Commission during the week of December 25. The next regular meetings of the Commission will be on January 4 and 5.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

- WMBC**—E. J. Hunt, Detroit, Mich.—Granted authority to transfer control of Michigan Broadcasting Co., licensee of station WMBC (representing 1,643 shares, or 62%, of issued and outstanding capital stock of licensee corporation), from E. J. Hunt to John L. Booth, for a consideration of \$125,000. (Station operates on **1420 kc.**, 250 watts day, 100 watts night, unlimited time.)
- WHK**—The United Broadcasting Co., Cleveland, Ohio.—Granted extension of special temporary authority to transmit facsimile signals between the hours of 1 and 6 a. m., using 1 KW power, for the period ending August 1, 1940. (The present assignment of WHK is **1390 kc.**, 1 KW, 5 KW LS, unlimited time.)
- W8XE**—The United Broadcasting Co., Cleveland, Ohio.—Granted license for replacement of transmitter, using the transmitter constructed under authority for relay broadcast station WRPM, and increase power of facsimile station W8XE from 50 to 100 watts.
- WTIC**—Travelers Broadcasting Service Corp., Hartford, Conn.—Granted modification of special authority to use directional antenna for night operation.
- WFTM**—Fort Meyers Broadcasting Co., Fort Meyers, Fla.—Granted modification of construction permit for approval of studio and transmitter sites, installation of vertical radiator, and increase in night power from 100 to 250 watts, operating on **1210 kc.**, 250 watts day, unlimited time.
- KUTA**—Utah Broadcasting Co., Salt Lake City, Utah.—Granted modification of construction permit to increase power from 100 to 250 watts, operating unlimited time on **1500 kc.**
- KLAH**—Carlsbad Broadcasting Co., Carlsbad, N. Mex.—Granted modification of license to increase night power from 100 to 250 watts, on **1210 kc.**, unlimited time.
- WTSP**—Pinellas Broadcasting Co., St. Petersburg, Fla.—Granted modification of license to increase night power from 100 to 250 watts, **1370 kc.**, unlimited time.
- WISE**—Harold H. Thoms, Asheville, N. C.—Granted modification of license to increase night and day power from 100 to 250 watts, operating unlimited time on **1370 kc.**
- KWJB**—Sims Broadcasting Co., Globe, Ariz.—Present license extended on a temporary basis only, for a period of 3 months.
- WAXG**—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Renewal of relay broadcast station license extended on a temporary basis only, and application for renewal designated for hearing to be heard in connection with application of broadcast station WTAL for transfer of control.
- KXO**—E. R. Irely, F. M. Bowles, El Centro, Calif.—Present license extended on a temporary basis only, for a period of 3 months, subject to whatever action may be taken upon pending application for renewal.

The Commission granted an amended application of Station WEEL, The Columbia Broadcasting System, Inc., Boston, Mass., for a construction permit to employ present daytime directional antenna pattern for both day and nighttime operation and increase night power from 1 KW to 5 KW, on **590 kc.**, unlimited time.

RENEWAL OF LICENSES

The following relay broadcast stations were granted renewal of licenses for the period ending December 1, 1940:

WEGQ, area of Boston; WEHA, area of New York City; KEIM, area of Phoenix, Ariz.; WEKA, area of East Lansing, Mich.; WEHB, WEHD, WEHU, WEHV, WEHX, area of Cleveland, Ohio; WENK, area of Erie City, Pa.; WEHF, area of Cleveland, Ohio; WEKF, area of Paducah, Ky.

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

KAWM, Gallup, N. Mex.; KDAL, Duluth, Minn.; KDNT, Denton, Tex.; KFGQ, Boone, Iowa; KGFL, Roswell, N. Mex.; KMAC, San Antonio, Tex.; KOBH, Rapid City, S. Dak.; KOVC, Valley City, North Dakota; KSAL, Salina, Kans.; KSAN, San Francisco, Calif.; KTUC, Tucson, Ariz.; KTSW, Emporia, Kans.; WAPO, Chattanooga, Tenn.; WBTH, Williamson, W. Va.; WCBS, Springfield, Ill.; WELL, Battle Creek, Mich.; WGNC, Gastonia, N. C.; WGRC, New Albany, Ind.; WHDF, Calumet, Mich.; WHBB, Selma, Ala.; WKBB, Dubuque, Iowa; WHBQ, Memphis, Tenn.; WHLB, Virginia, Minn.; WHLS, Port Huron, Mich.; WILM, Wilmington, Del.; WKBZ, Muskegon, Mich.; WKEU, Griffin, Ga.; WJAC, Johnstown, Pa.; WLAP, Lexington, Ky.; WMAS, Springfield, Mass.; WMBC, Detroit, Mich.; WMBH, Joplin, Mo.; WMEX, Boston, Mass.; WNBK, Binghamton, N. Y.; WMFD, Wilmington, N. C.; WPAY, Portsmouth, Ohio; WRAK, Williamsport, Pa.; WRJN, Racine, Wis.; WBNY, Buffalo, N. Y.; KGKB, Tyler, Tex.; KUTA, Salt Lake City, Utah; KATE, Albert Lea, Minn.; KELD, El Dorado, Ark.; KGLU, Safford, Ariz.; KIUP, Durango, Colo.; KLUF, Galveston, Tex.; KRIC, Beaumont, Tex.; KRLH, Midland, Tex.; KRNR, Roseburg, Ore.; KWBG, Hutchinson, Kans.; KVVC, Vernon, Tex.; KXL, Portland, Ore.; WCHV, Charlottesville, Va.; WGPC, Albany, Ga.; WJMS, Ironwood, Mich.; KNET, Palestine, Tex.; WJBK, Detroit, Mich.; WMSL, Decatur, Ala.; WNOE, New Orleans, La.; WPAD, Paducah, Ky.; WGRA, Rome, Ga.; WRTD, Richmond, Va.; WSLI, Jackson, Miss.; WSTP, Salisbury, N. C.; WSYB, Rutland, Vt.

The following station was granted renewal of license for the period ending October 1, 1940: KFPW, Fort Smith, Ark.

The following stations were granted extension of licenses upon a temporary basis only, pending receipt of and determination upon application for renewal of license, in no event later than February 1, 1940:

KGKY, Scottsbluff, Nebr.; WFOR, Hattiesburg, Miss.; WMFJ, Daytona Beach, Fla.

The following stations were granted extension of licenses upon a temporary basis only, pending determination upon application for renewal of license, in no event later than February 1, 1940:

KCRJ, Jerome, Ariz.; WMFR, High Point, N. C.

KRKO—Lee E. Mudgett, Everett, Wash.—Granted renewal of license on a temporary basis only, for the period ending December 1, 1940, subject to whatever action may be taken upon the pending applications of KRKO for renewal of license, construction permit and assignment of license, and the application of Cascade Broadcasting Co., Inc., for construction permit.

WCNW—Arthur Faske, Brooklyn, N. Y.—Granted renewal of license on a temporary basis only, for the period ending December 1, 1940, subject to whatever action may be taken upon pending application for renewal of license.

WRDO—WRDO, Inc., Augusta, Ga.—Granted renewal of license on a temporary basis only, for the period ending December 1, 1940, subject to whatever action may be taken upon pending application for renewal of license.

WWRL—Long Island Broadcasting Corp., Woodside, L. I.—Granted renewal of license on a temporary basis only, for the period ending December 1, 1940, subject to whatever action may be taken by the Commission upon the application of WWRL for renewal of license pending before it.

KGBU—Alaska Radio & Service Co., Inc., Ketchikan, Alaska.—Present license further extended upon a temporary basis only, for the period ending February 1, 1940, pending determination upon application for renewal of license.

KFQD—Anchorage Radio Club, Inc., Anchorage, Alaska.—Present license further extended upon a temporary basis only, for the period ending February 1, 1940, pending determination upon application for renewal of license.

WLLH—Merrimac Broadcasting Co., Inc., Lowell, Mass.—Present license extended upon a temporary basis only, for the period ending February 1, 1940, pending determination upon application for renewal of license.

WLLH—Merrimac Broadcasting Co., Inc., Lowell, Mass.—Special experimental authorization to operate a "Satellite" station on **1370 kc.**, 10 to 100 watts power, unlimited time, in addition to WLLH, was extended for a period of one month ending February 1, 1940.

KSUB—Leland M. Perry, Cedar City, Utah.—Extended special temporary authorization to Leland M. Perry, surviving

partner of Johnson & Perry, a partnership, to operate station KSUB for a period of one month, from January 1 to February 1, 1940, upon a temporary basis only, subject to whatever action may be taken upon any formal application for regular authorization that may be submitted with respect to station KSUB, and that nothing contained in said special temporary authority shall be construed as a finding by the Commission that the operation of the station is or will be in the public interest beyond the express terms thereof.

WAXG—Florida Capitol Broadcasters, Inc., area of Tallahassee, Fla.—Extended relay broadcast station license further upon a temporary basis only, for the period January 1 to February 1, 1940, pending determination upon application for renewal.

KEIO—KUBA, Inc., area of Siloam Springs, Ark.—Extended relay broadcast station license further upon a temporary basis only, for the period January 1, to February 1, 1940, pending determination upon application for renewal.

MISCELLANEOUS

KELD—Radio Enterprises, Inc., El Dorado, Ark.—Granted license to cover construction permit for change in equipment and increase in power to 250 watts; 1370 kc., unlimited time; formerly operated with 100 watts.

WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—Granted license to cover construction permit for new transmitter, changes in antenna, local move of transmitter, and increase in day power; 1240 kc., 1 KW night, 5 KW day, unlimited time.

WGBR—Eastern Carolina Broadcasting Co., Goldsboro, N. C.—Granted license to cover construction permit for changes in transmitter and increase in power from 100 watts to 250 watts, 1370 kc., unlimited time.

WKRK—Radio Station WSOC, Inc., Portable-Mobile (area of Charlotte, N. C.).—Granted construction permit to make change in transmitter in portable-mobile station.

WMOB—S. B. Quigley, Mobile, Ala.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WMOB—S. B. Quigley, Mobile, Ala.—Granted license to cover construction permit and modification thereof for new broadcast station, 1200 kc., 100 watts power, daytime only.

WFTL—Tom M. Bryan, Fort Lauderdale, Fla.—Granted license to cover construction permit and modification thereof for new broadcast station, 1370 kc., 100 watts power, 250 watts day, unlimited time.

WFTL—Tom M. Bryan, Fort Lauderdale, Fla.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WTOC—Savannah Broadcasting Co., Savannah, Ga.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WTOC—Savannah Broadcasting Co., Savannah, Ga.—Granted license to cover construction permit and modification thereof for increase in day power from 1 KW day to 5 KW day; new transmitter, local move of transmitter and new antenna; 1260 kc., 1 KW night and 5 KW day, unlimited time.

Springfield Radio Service, Inc., Springfield, Ohio.—Granted petition to accept appearance filed late in re application for new station to operate on 780 kc., 250 watts, daytime.

Hobart Stephenson, Milton Edge, Edgar J. Korsmeyer, d/b as Stephenson, Edge & Korsmeyer, Jacksonville, Ill.—Granted motion for leave to amend application for new station to change frequency from 1370 kc. to 1150 kc., and operate 250 watts, daytime only.

WRNL—Richmond Radio Corp., Richmond, Va.—Granted special temporary authority to operate from 6:00 p. m. to 6:45 p. m., EST, on December 24, 1939, in order to broadcast Richmond's Christmas Mother Pageant.

Chilton Radio Corp., Dallas, Tex.—Granted petition to consolidate application for new station to operate on 1370 kc., 250 watts, unlimited time, with that of V. O. Stamps for a new station in Dallas, requesting the same facilities.

Dixie Broadcasting Corp., La Grange, Ga.—Passed nisi petition for enlargement of issues and consolidation with the application of Valley Broadcasting Co., West Point, Ga., for a new station to operate on 1310 kc., 250 watts, unlimited time.

WAAB—The Yankee Network, Inc., Boston, Mass.—Granted petition to extend time for filing findings to be proposed by the parties to February 14, 1940, in re application of The Mayflower Broadcasting Corp., Boston, for a new station to

operate on 1410 kc., 500 watts, 1 KW LS, unlimited time (facilities of station WAAB), and the application for renewal of license of station WAAB.

Chilton Radio Corp., Dallas, Tex.—Granted authority to take depositions in re application for new station to operate on 1370 kc., 250 watts, unlimited time.

KRMD—Radio Station KRMD, Inc., Shreveport, La.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54.

WEKQ—Allen T. Simmons (Area of Tallmadge, Ohio), Portable-mobile.—Granted modification of license of portable mobile relay broadcast station to increase power from 25 watts to 100 watts.

WEIK—WFBM, Inc., Portable-Mobile (area of Indianapolis, Ind.).—Granted modification of license of portable-mobile relay broadcast station to use 40 watts power on 31220 kc. for the transmission of orders only.

KBKR—Louis P. Thornton, Baker, Ore.—Granted license to cover construction permit and modification thereof, for new broadcast station to operate on 1500 kc., 100 watts, 250 watts day, unlimited time.

KARM—George Harm, Fresno, Calif.—Granted license to cover construction permit for changes in equipment and increase in power; 1310 kc., 250 watts power, unlimited time.

WHIZ—WALR Broadcasting Corp., Zanesville, Ohio.—Granted license to cover construction permit for local move and new antenna; 1210 kc., 100 watts, unlimited time.

W1XOJ—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to test the high frequency broadcast equipment of station W1XOJ, authorized by modification of construction permit, on frequency 43000 kc., with power not to exceed 2000 watts, for the period beginning December 16, 1939, and ending not later than January 14, 1940, and to make adjustments on equipment installed and for tuning and adjustments of the antenna elements which are now assembled for erection atop 400-foot mast.

KGCA—Charles Walter Greenley, Decorah, Iowa.—Granted extension of special temporary authority to remain silent for the period December 20, 1939, to not later than January 18, 1940, pending the filing of modification of license and completion of arrangements with Station KWLC.

WCLS—WCLS, Incorporated, Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m. to 10:45 p. m., CST, on January 6, 16, and 23, 1940, in order to broadcast basketball games only.

Bamberger Broadcasting Service, Inc., Portable-Mobile, Newark, N. J.—Granted construction permits for two new high frequency relay broadcast stations to be used to relay programs where wire facilities are not available, to be broadcast over applicant's standard broadcast station, frequencies 31620, 35260, 37340 and 39620 kc., 0.2 watt power.

KCRJ—Central Arizona Broadcasting Co., Jerome, Ariz.—Granted license to cover construction permit for move of transmitter and studio sites locally, and changes in antenna system; 1310 kc., 250 watts, unlimited time.

WKNY—Kingston Broadcasting Corp., Kingston, N. Y.—Granted special temporary authority to operate from 8:00 p. m. to 10:30 p. m., EST, on December 16, 1939, in order to broadcast Dedication of Radio Station WKNY, provided station authorized to conduct program tests.

WKNY—Kingston Broadcasting Corp., Kingston, N. Y.—Granted special temporary authority to use studios in the Governor Clinton Hotel, Kingston, N. Y., as main studios during the period authorized for program tests, pending action on formal application to change location of main studio.

WHB—WHB Broadcasting Co., Kansas City, Mo.—Denied special temporary authority to operate from 5:15 p. m., CST, to the conclusion of the Rose Bowl football game on January 1, 1940, in order to broadcast the football game only.

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted construction permit to make changes in auxiliary transmitter for auxiliary purposes only; 580 kc., 1 KW night and day.

KTOH—Garden Island Publishing Co., Ltd., Lihue, Hawaii.—Granted modification of construction permit for new broadcast station, to move transmitter site to approximately one mile north of previously approved site, and extend commencement date from August 20, 1939, to 60 days after grant and completion date 180 days thereafter; 1500 kc., 100 watts night, 250 watts day, unlimited.

WHLD—The Niagara Falls Gazette Publishing Co., Niagara Falls, N. Y.—Granted modification of construction permit for new broadcast station, for approval of transmitter site,

- installation of new equipment and vertical radiator. Transmitter site to be located at Niagara, N. Y.; 1260 kc., 1 KW, daytime.
- WOCB—Harriett M. Alleman and Helen W. MacLellan, d/b as Cape Cod Broadcasting Company, Yarmouth, Mass.—Granted modification of construction permit to increase night power to 250 watts, for extension of completion date from January 1, 1940, to May 1, 1940; 1210 kc., 250 watts, unlimited.
- WRNL—Richmond Radio Corp., Richmond, Va.—Granted license to cover construction permit for auxiliary transmitter to operate on 880 kc., 500 watts, for emergency use only.
- WCPO—Scripps-Howard Radio, Inc., Cincinnati, Ohio.—Granted authority to determine operating power by direct measurement of antenna input in compliance with the terms of Section 3.54, with certain additional power specifications.
- WEMA—Westinghouse Electric & Manufacturing Co., Portable-mobile (area of Boston, Mass.).—Granted modification of license to increase power of relay broadcast station on all four licensed frequencies to 50 watts.
- WEMB—Westinghouse Electric & Manufacturing Co., Portable-mobile (area of Boston, Mass.).—Granted modification of license to increase power of relay broadcast station on all four licensed frequencies to 50 watts.
- WEMN—Westinghouse Electric & Manufacturing Co., Portable-mobile (area of Philadelphia, Pa.).—Granted modification of license to increase power of relay broadcast station on all four licensed frequencies to 50 watts.
- WEMO—Westinghouse Electric & Manufacturing Co., Portable-mobile (area of Pittsburgh, Pa.).—Granted modification of license to increase power of relay broadcast station on all four licensed frequencies to 50 watts.
- WEHG—Columbia Broadcasting System, Inc., Portable-mobile (area of WABC, New York, N. Y.).—Granted modification of license to increase power of portable-mobile station to 2.0 watts.
- WSPB—WSPB, Inc., Sarasota, Fla.—Granted license to cover construction permit for new broadcast station, and modification thereof; 1420 kc., 100 watts night, 250 watts day, unlimited time.
- KINY—Edwin A. Kraft, Juneau, Alaska.—Granted license to cover construction permit, and modification thereof, for changes in equipment and increase in power to 1 KW; 1430 kc., unlimited time.
- WRTD—Times Dispatch Radio Corp., Richmond, Va.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54, with additional power specifications.
- WKAQ—Radio Corp. of Porto Rico, San Juan, Puerto Rico.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Section 3.54, with additional power specifications.
- WLWC—The Crosley Corp., Portable-mobile (area of Cincinnati, Ohio.).—Granted modification of license of relay broadcast station to increase power to 50 watts.
- WLWD—The Crosley Corp., Portable-mobile (area of Cincinnati, Ohio.).—Granted modification of license of relay broadcast station to increase power to 50 watts.
- WLWG—The Crosley Corp., Portable-mobile (area of Cincinnati, Ohio.).—Granted license to cover construction permit to increase power to 2 watts and install new transmitter in relay broadcast station.
- WLWH—The Crosley Corp., Portable-mobile (area of Cincinnati, Ohio.).—Granted license to cover construction permit to install new transmitter in relay broadcast station.
- WLWI—The Crosley Corp., Portable-mobile (area of Cincinnati, Ohio.).—Granted license to cover construction permit to increase power to 15 watts and install new transmitter in relay broadcast station.
- WELV—West Virginia Broadcasting Corporation, Portable-mobile (area of Wheeling, W. Va.).—Granted modification of license to increase operating power of relay broadcast station to 50 watts.
- WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted special temporary authority to operate from 5:00 p. m. to 8:00 p. m., EST, on December 24, 1939, and from 10:30 p. m., December 24, 1939 to 1:00 p. m., EST, December 25, 1939, in order to broadcast non-commercial public service broadcasts as described in letter dated December 11, 1939.
- WPRR—Puerto Rico Advertising Co., Inc., Mayaguez, Puerto Rico.—Granted special temporary authority to operate from 10:00 p. m. to 12:00 p. m., AST, on December 29, 1939, in order to broadcast holiday programs.
- The WGAR Broadcasting Co., Portable Mobile (area of WGAR, Cleveland, Ohio).—Granted construction permit for new high frequency relay broadcast station to operate on 132260, 134080, 135480 and 135760 kc., power 100 watts.
- WLWO—The Crosley Corporation, Cincinnati, Ohio.—Granted modification of construction permit for new equipment and increased power, for extension of completion date from January 1, 1940 to July 1, 1940.
- WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Granted special temporary authority to operate with power of 250 watts from 8:00 p. m. to 9:30 p. m., CST, on December 16, 27, 1939 and January 1, 1940, and from 7:00 p. m. to 8:30 p. m., CST, on December 21, 1939 and January 6, 1940, during the broadcasts of basketball games only.
- WSBT—South Bend Tribune, South Bend, Ind.—Granted petition insofar as it requests acceptance of amendment to application seeking a change in directional antenna structure described in pending application requesting use of frequency 930 kc., with 500 watts power, unlimited time.
- WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Granted renewal of license for the regular period. The application for renewal of license for WMAQ was designated for hearing because of the request of WHA, Madison, Wisconsin, for its facilities. On October 27, 1939, the Commission dismissed without prejudice the application of WHA and the hearing was cancelled.
- RCA Communications, Inc., New York City.—Dismissed the matter in re informal application for authority under Sec. 325(b) of the Communications Act, to maintain apparatus to be used in connection with program transmissions, and closed the files insofar as it relates to this application.
- The St. Louis University, St. Louis, Mo.—Granted special temporary authority to operate from 4:45 p. m. to 5:00 p. m., CST, on December 31, 1939, in order to broadcast Holy Service.
- KFRU—KFRU, Inc., Columbia, Mo.—Granted special temporary authority to operate simultaneously with Station WGBF, with reduced power of 250 watts, from 8:00 p. m., CST, to the conclusion of the basketball games on December 28, 1939, January 18 and 25, 1940, in order to permit WGBF to broadcast basketball games only.
- WGBF—Evansville on the Air, Evansville, Ind.—Granted special temporary authority to operate simultaneously with Station KFRU as above in order to broadcast basketball games only.
- WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Granted construction permit to use old RCA 250-W, transmitter as an auxiliary transmitter at new site, 341 Rising Main St., Pittsburgh, Pa.; 1500 kc., 250 watts, auxiliary purposes only.
- WMBG—Havens & Martin, Inc., Richmond, Va.—Granted modification of construction permit for authority to install new transmitter; 1350 kc., 1 KW night, 5 KW day, unlimited, directional antenna.

APPLICATIONS FILED AT FCC

560 Kilocycles

- KFDM—Beaumont Broadcasting Corp., Beaumont, Texas.—Modification of license to request classification of station as Class III-A.
- WIS—The Liberty Life Insurance Co., Columbia, S. C.—Authority to determine operating power by direct measurement of antenna power.

570 Kilocycles

- WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y.—Construction permit to install new transmitter, make changes in directional antenna, increase power from 1 KW to 5 KW, move transmitter from College Point Causeway, Flushing, N. Y., to Belleville, Turnpike, Kearny, N. J. Amended: to request 1 KW-5 KW day power and make equipment changes.

620 Kilocycles

- KWFT—Wichita Broadcasting Co., Wichita Falls, Texas.—Construction permit to install new transmitter, directional

antenna day and night use, increase power from 250 watts; 1 KW day, to 5 KW. Amended to request 1 KW, 5 KW day power (use directional antenna day and night).

630 Kilocycles

KVOD—Colorado Radio Corp., Denver, Colo.—Construction permit to install new transmitter and increase power from 1 to 5 KW (directional antenna for night use).

880 Kilocycles

KVAN—Vancouver Radio Corp., Vancouver, Wash.—Modification of license to increase power from 250 watts to 500 watts.

920 Kilocycles

WAAF—Drovers Journal Publishing Co., Chicago, Ill.—Authority to determine operating power by direct measurement of antenna power.

940 Kilocycles

WAVE—WAVE, Inc., Louisville, Ky.—Construction permit to increase power from 1 to 5 KW, install new transmitter and directional antenna for day and night use. Amended antenna changes, and move transmitted from 675 S. Fourth St., Louisville, Ky., to Hamburg Pike, 2 miles N. of Jeffersonville, Ind.

970 Kilocycles

WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Construction permit to install new transmitter, increase power from 100 watts to 1 KW, change hours of operation from day to limited. Amended equipment.

1050 Kilocycles

KFBI—The Farmers and Bankers Broadcasting Corp., Wichita, Kans.—Modification of construction permit (B4-P-1865) as modified, for new transmitter, antenna and move of transmitter and studio, further requesting authority to install directional antenna for night use, and change power and hours of operation from 5 KW, limited, to 5 KW to sunset at KNX (P.S.T.) and 1 KW thereafter, unlimited time, extend commencement date 30 days after grant and completion date 90 days thereafter.

1080 Kilocycles

WMBI—The Moody Bible Institute of Chicago, Chicago, Ill.—Modification of license to change hours of operation from limited, shares with WCB, to limited time only. Contingent on WCB going to new frequency.

1120 Kilocycles

WISN—Hearst Radio, Inc., Milwaukee, Wis.—Construction permit to install new transmitter, directional antenna for day and night use; increase power from 250 watts night and 1 KW day, to 5 KW day and night; and move transmitter from 231 West Michigan St., Milwaukee, Wis., to near Milwaukee, Wis. Amended to request 1 KW, 5 KW day power.

WCOP—Massachusetts Broadcasting Corp., Boston, Mass.—Modified license to change hours of operation from daytime to unlimited, using 500 watts.

NEW—Willard Carver, Thomas B. Williams, and Byrne Ross, Lawton, Okla.—Construction permit for a new broadcast station to be operated on 1120 kc., 250 watts, daytime.

1140 Kilocycles

KVOO—Southwestern Sales Corp., Tulsa, Okla.—Extension of special experimental authority for unlimited time, using directional antenna for night use, for period 2-1-40 to 2-1-41.

1200 Kilocycles

WJHL—WJHL, Inc., Johnson City, Tenn.—Construction permit to make changes in transmitting equipment; install directional antenna for night use; increase power from 250 watts to 1 KW; change frequency from 1200 kc. to 880 kc.; move transmitter 500 feet east of present location, from Kingsport Highway (3 miles north) to Kingsport Highway

11E, 3 miles from Johnson City, Tenn. Amended re stock ownership.

WTHH—The Hartford Times, Inc., Hartford, Conn.—Modification of construction permit (B1-P-2240) for increase in power; move of transmitter to site to be determined, Hartford, Conn.; install new transmitter; changes in antenna, further requesting approval of antenna; change type of transmitter; increase in power from 100 watts, 250 watts day, to 250 watts day and night; and approval of transmitter site at northeast corner of Talcott Road and South Quaker Lane, West Hartford, Conn.

WESX—North Shore Broadcasting Company, Salem, Mass.—License to cover construction permit (B1-P-2332) for a new broadcast station.

WESX—North Shore Broadcasting Company, Salem, Mass.—Authority to determine operating power by direct measurement of antenna power.

KVOS—KVOS, Inc., Bellingham, Wash.—Authority to determine operating power by direct measurement of antenna power.

KVOS—KVOS, Inc., Bellingham, Wash.—License to cover construction permit (B5-P-2456) for changes in transmitting equipment and increase in power.

KBTM—Jay P. Beard, tr/as Regional Broadcasting Co., Jonesboro, Ark.—License to cover construction permit (B3-P-2516) for changes in equipment, increase power, and change hours of operation. Amended re section 5c.

NEW—Tri-County Broadcasting Co., DuBois, Pa.—Construction permit for a new broadcast station to be operated on 1200 kc., 250 watts, unlimited time.

1210 Kilocycles

KANS—The KANS Broadcasting Co., Wichita, Kans.—License to cover construction permit (B4-P-2479) as modified for changes in equipment and increase in power.

KANS—The KANS Broadcasting Co., Wichita, Kans.—Authority to determine operating power by direct measurement of antenna power.

KXOX—Sweetwater Radio, Inc., Sweetwater, Tex.—Modification of license to change hours of operation from daytime to unlimited, using 250 watts power.

1220 Kilocycles

KTMS—News-Press Publishing Co., Santa Barbara, Calif.—Construction permit to make changes in transmitting equipment and increase power from 500 watts to 1 KW, directional antenna for day and night use.

1240 Kilocycles

WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—Authority to determine operating power by direct measurement of antenna power.

1280 Kilocycles

KLS—S. W. Warner and E. N. Warner, d/b as Warner Bros., Oakland, Calif.—Authority to determine operating power by direct measurement of antenna power.

1310 Kilocycles

WTEL—Foulkrod Radio Engineering Company, Philadelphia, Pa.—Modification of license to change frequency from 1310 kc. to 1500 kc., and hours of operation from shares with WHAT to unlimited time, using 100 watts power.

KARM—George Harm, Fresno, Calif.—Authority to determine operating power by direct measurement.

WSGN—The Birmingham News Co., Birmingham, Ala.—Construction permit to install new antenna; increase power from 100 watts night, 250 watts day, to 250 watts day and night; and move transmitter from 1627 N. 20 Way, to 2200 Fourth Ave., N., Birmingham, Ala. Amended re antenna.

1330 Kilocycles

KMC—Carl E. Haymond, Tacoma, Wash.—Authority to determine operating power by direct measurement of antenna power.

1360 Kilocycles

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Construction permit to install new transmitter and vertical antenna; increase power from 500 watts to 500 watts night,

1 KW day; change in hours of operation from shares WSBT to unlimited; and move transmitter (contingent on WSBT going to 930 kc.). Amended: Site to be determined in or near Chicago, Ill.

WCSC—South Carolina Broadcasting Company, Inc., Charleston, S. C.—Authority to determine operating power by direct measurement of antenna power. Amended re sections 4 (a) and 7.

1390 Kilocycles

KLRA—Arkansas Broadcasting Co., Little Rock, Ark.—Construction permit to install directional antenna for night use; increase power from 1 KW night and 5 KW day, to 5 KW day and night. Amended re antenna.

1400 Kilocycles

WHDL—WHDL, Inc., Olean, N. Y.—Modification of license to increase hours of operation from daytime to unlimited time, using 250 watts power day and night.

1420 Kilocycles

WCBS—WCBS, Inc., Springfield, Ill.—Authority to determine operating power by direct measurement of antenna power.

WELL—Enquirer-News Co., Battle Creek, Mich.—Construction permit to install new transmitter, make antenna changes, and increase power from 100 watts to 250 watts.

NEW—Chattanoga Broadcasting Corporation, Chattanooga, Tenn.—Construction permit for new broadcast station to be operated on 1420 kc., 250 watts power, unlimited time. Contingent on B3-P-1939, Docket 4909, requests facilities of WAPO if vacated.

NEW—Chattanooga Broadcasting Corp., Chattanooga, Tenn.—Construction permit for a new broadcast station to be operated on 1420 kc., 250 watts, unlimited time. (Contingent on B3-P-1939, Docket 4909, facilities of WAPO, when vacated.)

1500 Kilocycles

KNOW—Frontier Broadcasting Co., Austin, Tex.—Authority to determine operating power by direct measurement of antenna power.

NEW—The KAW Valley Broadcasting Co., Inc., Topeka, Kans.—Construction permit for a new station to be operated on 1500 kc., 250 watts, unlimited time.

MISCELLANEOUS

NEW—Albert S. and Robert A. Drohlich, d/b as Drohlich Brothers, Sedalia, Mo.—Construction permit for a new relay (high frequency) broadcast station on 30820, 33740, 35820 and 37980 kc., 25 watts power, A-3 emission, hours of operation. Section 4.24. to communicate as a relay broadcast station in accordance with Sections 4.21, 4.22(c), 4.23(b) and 4.25(b). Location: Portable-Mobile, area of Sedalia, Mo.

NEW—WGN, Inc., Chicago, Ill.—Construction permit for a new high frequency broadcast station located at 435 N. Michigan Ave., Chicago, Ill., 43200 kc., 1000 watts power, unlimited time, Section 4.4, emission special.

W6XDU—Don Lee Broadcasting System, area Los Angeles and environs.—License to cover construction permit (B5-PVB-35) as modified for a new television station.

W6XDU—Don Lee Broadcasting System, area Los Angeles.—Modification of license to change frequency band to 318000-330000 kc.

KEIL—KMTR Radio Corp., area of State of California.—Modification of construction permit (B5-PRE-331), requesting increase in power from 25 watts and 50 watts on 33740 kc., for transmission of orders only, to 50 watts.

WALO—Columbia Broadcasting System, Inc., area of New York, N. Y.—License to cover construction permit (B1-PRE-310) for new relay broadcast station.

WALP—Columbia Broadcasting System, Inc., area of New York, N. Y.—License to cover construction permit (B1-PRE-309) for a new relay broadcast station.

W2XAB—Columbia Broadcasting System, Inc., New York, N. Y.—License to cover construction permit (B1-PVB-6) as modified for new equipment, increase in power, add A-3 emission, 50000-56000 kc. Amended to request 42000-56000, 60000-86000 kc.

NEW—J. W. Woodruff, tr. as Atlanta Broadcasting Co., Atlanta, Ga.—Construction permit for a new high frequency broad-

cast station to be located at Atlanta, Ga., to operate on 42800 kc., 1000 watts, unlimited time, emission special for frequency modulation.

NEW—The Columbus Broadcasting Co., Inc., Columbus, Ga.—Construction permit for a new high frequency broadcast station to be located at Columbus, Ga., to operate on 43000 kc., 1000 watts, unlimited time, emission special for frequency modulation.

W9XZV—Zenith Radio Corp., Chicago, Ill.—Modification of license for changes in authorized frequencies from 42000-56000, 60000-86000 to 44000-50000 kc. in accordance with revised rules.

W2XB—General Electric Co., Albany, N. Y.—License to cover construction permit (B1-PVB-11) to request frequency 66000-72000 kc. in accordance with Commission's letter of 7-27-39 and to specify location as Town of New Scotland, N. Y. Amended: Specified same frequencies as granted in construction permit.

W1XA—General Electric Co., Bridgeport, Conn.—Reinstatement of construction permit (B1-PVB-12) for new television station frequencies 60000-86000 kc., 175 watts for visual, 100 watts aural A5, visual, A3, aural.

WEHK—Columbia Broadcasting System, Inc., Portable-Mobile.—Construction permit to change equipment and increase power from 1.5 watts to 2 watts.

WLWG—The Crosley Corp., Portable.—License to cover construction permit (B2-PRE-322) to install new transmitter and increase power to 2 watts.

WLWO—The Crosley Corp., Mason, Ohio.—Modification of license to change frequencies as follows: Delete 6060 kc. and add 6080 kc.

NEW—The Moody Bible Institute of Chicago, Chicago, Ill.—Construction permit for a new high frequency broadcast station to be located at R. F. D. No. 1, Addison, Ill. Frequency 43000 kc., 1 KW power, special emission, unlimited time.

W9XG—Purdue University, West Lafayette, Ind.—Construction permit to request frequency channel 66000-72000 kc. for visual and aural, power 3000 watts visual, 750 watts aural, emission A5 visual, A3 aural and changes in equipment.

NEW—General Electric Co., Schenectady, N. Y.—Construction permit for a new television broadcast station to be located at New Scotland, New York, to be operated on 156000-162000 kc., 10 watts, A-5, unlimited.

WEMZ—WHEC, Inc., Rochester, N. Y.—License for reinstatement of relay broadcast station WEMZ.

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

NEW—James F. Hopkins, Inc., Detroit, Mich.—Construction permit for a new high frequency broadcast station to be located at Detroit, Michigan; 43400 kc., 1 KW power, special emission, unlimited time.

WEJA—National Broadcasting Co., Inc., New York, N. Y.—License to cover construction permit (B1-PRE-305) as modified, to increase power to 100 watts and make changes in equipment.

NEW—The Travelers Broadcasting Service Corp., Avon, Conn.—Construction permit for a new television broadcast station on 84000-90000 kc., power output 1000 watts, emission A3 and A5 for aural and visual transmissions. Amended: To request 66000-72000 kc.

NEW—Woodmen of The World Life Insurance Society, Portable-Mobile.—Construction permit for a new relay (low frequency) broadcast station to be operated on 1622, 2058, 2150, 2790 kc., power 10 watts, emission A3 and hours in accordance Section 4.24.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

The Federal Trade Commission has alleged unfair competition in complaints issued against the following firms. The respondents will be given an opportunity to show

cause why cease and desist orders should not be issued against them.

Assured Remolded Tire Distributors—See Beho Rubber Company, Inc.

Beho Rubber Company, Inc., 2441 Indiana Ave., Chicago, and Bernard Holtzman, Mae Murray and Milton M. Holtzman, individually and as officers and directors of the corporation, also trading as The Best Tire House, The Modern Improved Retread Outlet, and The Assured Remolded Tire Distributors, engaged in selling and distributing used tires which have been retreaded or recapped, are named respondents in a complaint charging misrepresentation.

The respondents have made many statements concerning their product, the complaint alleges, through their salesmen traveling throughout the various States, among which are that tires purchased from them will be identical in quality with samples displayed by salesmen taking orders; that carcasses used by the respondents in their tires are less than one year old, and will be free from boots or patches; that the tires shipped will be of the size ordered and will be shipped to the purchaser from points in the vicinity in which the purchaser is located, on consignment, and that the freight rate will be at a lower rate than that actually applying to such shipments; that large concerns such as Sears, Roebuck & Company sell retreaded or recapped tires, and that the respondents supply Sears, Roebuck & Company with such tires for resale to the purchasing public; that Beho Rubber Company, Inc., 2441 Indiana Ave., Chicago, The Best Tire House, 2433 Indiana Ave., Chicago, The Modern Improved Retread Outlet, 709 South Dearborn St., Chicago, and The Assured Remolded Tire Distributors, 2441 Indiana Ave., Chicago, have no connection or affiliation with each other and are separate and distinct businesses in competition with each other; that respondents' tires are suitable for the purpose for which they are purchased and will give many miles of service at a fraction of the cost of new tires, and that respondents are manufacturers of the tires sold by them.

The complaint alleges that the respondents do not ship tires of the same quality as the samples displayed by their salesmen, but make a practice of shipping shoddy, and, in many cases, worthless merchandise. In many instances the tires are made of old and useless tires, and usually contain boots and patches. The respondents do not always ship tires of the size ordered, and shipments are not made from points in the vicinity in which the purchaser is located, except in the vicinity of Chicago, and the freight rate applying to purchasers is often much higher than represented by respondents' salesmen. The complaint alleges that Sears, Roebuck & Company does not sell retreaded or recapped tires, and the respondents do not sell tires to Sears, Roebuck & Company, nor do the respondents make or manufacture the tires sold by them. (3973)

Best Tire House—See Beho Rubber Company, Inc.

Champion Spark Plug Company, Toledo, has been served with a complaint alleging violation of the Robinson-Patman and Federal Trade Commission Acts. Price discrimination, unlawful payment of compensation for "special sales services" and unfair resale price agreements with distributors and dealers in restraint of trade, are charged.

One of the two largest manufacturers of spark plugs in the United States, the respondent company, according to the complaint, supplies practically the entire original equipment requirements of the Ford Motor Company, and its products are also used for original equipment by Chrysler, Hudson, Studebaker, Packard, Nash, Graham-Paige, Willys-Overland, and other motor car manufacturers.

The complaint points out that more spark plugs are sold for replacement than for original equipment; that the ability of a spark plug manufacturer to sell his product in the replacement field depends largely upon the extent to which it is used for original equipment of automobiles; that its adoption by a well known automobile manufacturer has great advertising value and that automobile manufacturers customarily recommend to dealers and to car owners that in making replacements and repairs they use only parts of the same kind and manufacture as those with which a car was originally equipped. (3977)

D. D. D. Corporation—A complaint has been issued against D. D. D. Corporation, Batavia, Ill., engaged in the manufacture, sale and distribution of a medicinal preparation known as "D. D. D. Prescription".

In advertisements in newspapers and periodicals, and in continuities broadcast from radio stations, the complaint alleges, the respondent represents that "D. D. D. Prescription" is a cure or remedy and a competent treatment for eczema, blotches, pimples, athlete's foot, rashes, hives, insect bites, and minor cases of ivy and oak poisoning.

The complaint alleges that these representations are misleading and untrue, and that the preparation will have no therapeutic effect other than to temporarily relieve the symptom of itching, and that the preparation would not be a competent treatment for rashes or other externally caused skin eruptions except in those cases where a temporary acting anti-pruritic agent having some antiseptic properties might be of value. (3972)

Hi-Ho Company—See Neo-Vim Company.

Indianapolis Soap Company—Misrepresentation in the sale of soap products is alleged in a complaint issued against Indianapolis Soap Company and Williams Soap Company, 1249 Roosevelt Ave., Indianapolis, and against Jesse M., Maude S., and Robert S. Daily and Sidney F. Daily, Jr., individually and as officers of the two companies.

In the sale through canvassers and peddlers of soaps known as canvassers' soaps, the respondents allegedly misrepresented the actual retail value and quality of their products.

The respondents' soaps allegedly were advertised as being free from impurities and other harmful substances and as being made from natural mineral and vegetable oils. The complaint continues that they were also represented as being capable of purifying and invigorating and opening the pores of the skin and as being of superior grade and quality. These representations were exaggerated and misleading, according to the complaint.

Cartons of soap sold by the respondents allegedly were represented as having a retail value of 75 cents each, when, according to the complaint, they were sold to canvassers and peddlers at about 5 cents a carton.

Indianapolis Soap Company allegedly operates under various trade names including Union Soap Company, Sanisoap Company, Sanisoap Co., Inc., W & W Soap Mfg. Company, Crescent Soap Company, Cleanaid Products Company, Utility Cleanser Company, Hoosier Mfg. Company, and Nature's Products Company. (3971)

Kremola Company, Inc.—A complaint has been issued against Kremola Company, Inc., 2975 South Michigan Ave., Chicago, alleging misrepresentation in the sale and distribution of a cosmetic preparation.

The Kremola company is engaged in the distribution of a cosmetic preparation containing drugs, known as "Kremola" and as "Dr. Berry's Freckle Ointment", recommended for the purpose of removing freckles.

Among advertisements in newspapers and periodicals disseminated by it, the complaint alleges, is the following: " 'Gone like magic' is the song of happy thousands for whom KREMOLA, an M. D. doctor's prescription, has cleared away pimples, blackheads, and surface skin blemishes. A clear-up—not a cover up."

The respondent allegedly has represented that its preparation will remove freckles and is a cure or remedy for pimples and blackheads. The complaint alleges that the presence of ammoniated mercury in the preparation may be harmful when continuously applied to the skin, that some of the mercury content may be absorbed through the skin, causing mercury poisoning; and that the respondent failed to reveal that use of the preparation under some conditions may cause injury to health. The effect of the preparation causes a sloughing of the outer layers of the skin, the complaint continues, which may tend to lessen the contrast between freckles, pimples and blackheads and the normal skin area, but does not remove them. (3968)

Tommy Loughran, an individual, 4 South 15th St., Philadelphia, engaged in selling correspondence courses which teach methods of building and improving the body physically, is named respondent in a complaint. (Loughran, former light-heavy-weight Cham-

pion, once fought Carnera for the heavyweight championship, but is not so identified in the complaint).

In the course of his business, the complaint alleges, Loughran, by advertising in newspapers and magazines, represents, among other things: "Now do you believe me when I say my big ambition in life is to spread the gospel of perfect health and Puissant Body Building? Where on earth could you expect to get this big, massive body with its perfectly functioning organism for such a ridiculous price as I am passing it out today? I only wish someone had offered it to me." . . . "Do you want big muscles and a huge robust body? My book 'Puissant Body Building' is absolutely FREE."

In lessons given purchasers of his course, the complaint continues, the respondent teaches how to exercise different external and internal muscles, and in other lessons explains the qualities of different foods, advising which classes and kinds of food his students should eat in order to obtain optimum health, and assures students that if they follow his instructions, perform the exercises and eat the foods he recommends, perfect health will be produced and maintained, and large muscles and a powerful, robust body will be built; that his object is to support the gospel of perfect health and puissant body building, and that if students and purchasers of his courses follow his teachings they will become paragons of strength.

The complaint alleges that respondent's course will not produce perfect health in all instances nor keep everyone in a health condition. It will not insure everyone big muscles or a huge, robust and powerful body. Respondent's book "Puissant Body Building" will not show everyone how to obtain big muscles and a powerful body, and the course of instruction will not enable everyone to become a paragon of strength. While proper exercise and diet are important factors in building up and preserving health and body strength; the complaint continues they are not the only ones. On account of physiological and other factors, many people, even though following such course of instruction and diet, cannot attain perfect health or perfect functioning of the body organism, nor can they obtain huge, robust or powerful bodies, nor are they enabled to have big muscles or a powerful body, nor become paragons of strength. (3976)

Marchant Calculating Machine Company, Oakland and Emeryville, Calif., and Dwight R. Cooke, its district manager for Washington, D. C. and parts of Virginia and Maryland, are charged in a Federal Trade Commission complaint with disparagement of the products and business standing of a competitor.

It is alleged that the respondents, in order to induce the purchase of their machines in preference to those sold by Friden Calculating Machine Co., Inc., a California corporation, represented that the latter's machines are inaccurate, low priced because of inferior workmanship, of foreign manufacture and constitute infringements on patents held by the Marchant Company, and that parts for the Friden Company's machines are not readily obtainable because such machines are assembled products.

The respondents also allegedly represented that the Friden Company is not a manufacturer but operates only an assembly plant, is not equipped properly to service calculating machines, and is not financially responsible.

The complaint alleges that the respondent's representations are deceptive and misleading and constitute unfair disparagement; that the Friden Company's machines are accurate, of American manufacture and have a trade-in value equal to other machines of similar design and value; that the Friden Company is a manufacturer, and that there is no evidence to show that it is not financially responsible. (3970)

Modern Improved Retread Outlet—See Beho Rubber Company, Inc.

Neo-Vim Company—A complaint has been issued against W. C. Pollard, A. L. Riaff, and L. M. Jensen, trading as Neo-Vim Company and as Hi-Ho Co., 400 North High St., Columbus, Ohio, sellers and distributors of a medicinal preparation designated "Neo-Vim" and a cosmetic designated "Hi-Ho Tooth Paste".

In advertising matter and through radio broadcast the respondents are alleged to have represented that "Neo-Vim" tonic is a competent and effective tonic which supplies the user with increased energy and vitality and increases the appetite; that it is a competent treatment for indigestion; and that "Hi-Ho" tooth paste possesses unusual and superior qualities for brightening the

teeth; that it keeps the gums healthy and that it will remove all stain, film and discoloration from teeth and prevent impure breath and offensive breath odors.

The complaint alleges that these claims are grossly exaggerated, misleading and untrue. (3969)

Wardell Piano Company—Clayton L. Wardell, trading as Wardell Piano Company, 909 Pierce St., Sioux City, Iowa, is charged in a complaint with misrepresentation in the sale of pianos.

Through advertisements in newspapers and other printed matter, and by postcards sent through the United States Mails, the complaint alleges: the respondent has represented that pianos offered for sale by him are instruments which, having been previously sold on a deferred payment plan, have been repossessed from the original purchasers, and that the pianos are being offered for resale at prices representing only the unpaid balances due, and that such prices are substantially lower than the original prices of the pianos.

The complaint charges that the pianos sold by the respondent are not repossessed pianos, but are taken from the regular stock of the respondent, and that the prices at which they are offered for sale are the usual prices at which such pianos are customarily offered for sale by respondent in the regular course of business. (3967)

Williams Soap Company—See Indianapolis Soap Company.

CEASE AND DESIST ORDERS

No cease and desist orders were issued during the week.

STIPULATIONS

The Commission has entered into the following stipulations:

Acme Art Association—E. J. Moak, sole trader as Acme Art Association, Kansas City, Mo., mail order dealer in colored photographic enlargements, will desist from use in his trade name of the word "Association" or similar designations with the effect of conveying the impression that his individual business enterprise is a body of persons organized for the prosecution of some purpose. The respondent also agrees to cease representing directly or in any other manner, that colored or tinted photographs or enlargements are oil paintings, and that he maintains a photographic studio. (2604)

Atlanta Candy Company—Charles E. Carter, sole trader as Atlanta Candy Company, Atlanta, Ga., agrees to discontinue selling to jobbers and wholesalers for resale to retailers, or to retailers directly, candy so packed and assembled that sales to the public may be made by means of a lottery. (2612)

Bost Tooth Paste Corporation, Indianapolis, Ind., stipulates that it will cease representing that "Bost Tooth Paste" removes tobacco stains which have been absorbed into the enamel of the teeth. The stipulation points out that the respondent's preparation will not be effective in removing such stains. (02466)

Chattanooga Medicine Company, Chattanooga, Tenn., engaged in the sale of a medicinal preparation designated "Cardui." agrees to desist from representing that "Cardui," or any other medicinal preparation containing substantially the same ingredients or possessing the same properties, whether sold under that name or any other name, is an analgesic or will act immediately to relieve the pain or discomfort associated with menstrual distress or other functional disturbances of women. (02471)

Colbey Company—See Frank E. Davis Fish Company.

Frank E. Davis Fish Company—A stipulation from Frank E. Davis Fish Company, trading as The Colbey Company, 93 Rogers St., Gloucester, Mass., has been accepted in which the respondent agrees to discontinue misleading representations in the advertisement and sale of woolen blankets.

According to the stipulation, the respondent company advertised that "Every Colbey blanket is pre-shrunk—never any worry from that source."

In its stipulation, the respondent admitted that its blankets are not pre-shrunk, but are subject to residual shrinkage, and agreed to cease employing the term "Pre-shrunk" to designate blankets which are not in fact shrink-proof or non-shrinkable, or which have not been fully shrunk or pre-shrunk to the extent that no residual shrinkage is left therein. (02470)

Eastern Isles Importing Company, Inc., 16 East 34th St., New York, trading also as Futura Fashions, in the manufacture and sale of women's and children's wearing apparel, has entered into a stipulation to discontinue misleading representations in the sale of its products.

Under its stipulation, the respondent corporation agrees to cease employing the word "Satin" to describe products not composed wholly of silk, but, if such word is used properly as descriptive of the construction of a fabric or product containing fiber other than pure silk, it is to be accurately qualified by accompanying words clearly disclosing the fibers of which the fabric or product is composed. This is to be stated in the order of their predominance by weight, beginning with the largest single constituent. An example of such designation is "Silk and Rayon Satin" for a fabric of satin construction and composed of a mixture of pure silk and rayon, each present in substantial proportion but with the silk predominant; or, "Rayon Satin," when composed of rayon.

The respondent corporation also agrees to desist from use of the words "Acetate" or "Bemberg" alone or in combination with other phraseology as descriptive of the rayon content of garments, fabrics or material, unless such words are immediately accompanied by the word "Rayon" in conspicuous type, as, "Acetate Rayon" or "Bemberg Rayon."

Use of the word "Crepe" or other word connoting pure silk to describe fabrics not composed wholly of unweighted silk, is to be discontinued by the respondent. In the event any such fabric or product contains any weighting, loading or adulterating materials, conspicuous and nondeceptive disclosure is to be made of the presence of such materials and the percentage or proportion thereof is to be stated in immediate conjunction with the word "Crepe" or other word connoting pure silk.

The Eastern Isles Importing Company also agrees to cease selling any product made of rayon without disclosure of the rayon content, and to discontinue advertisement of any product composed wholly or partly of rayon without full and non-deceptive disclosure of the fiber and other content by clearly naming each constituent fiber in the order of its predominance by weight, beginning with the largest single constituent, and by giving the percentage of any fiber present in less than a substantial amount, or, in any case, less than 5 per cent. (2610)

Faultless Appliance Company—Frederick L. Watson, trading as Faultless Appliance Company, Haverhill, Mass., engaged in the mail order sale of a rupture support or truss of his own design, agrees to cease and desist from use in advertising matter of any kind of statements asserting or implying that difficulties associated with rupture will be cured, ended or permanently relieved by the use of his device, or that his device will afford adequate support for all varieties and grades of hernia, or that the device will do more than give temporary support for certain varieties of hernia. (2599)

Futura Fashions—See Eastern Isles Importing Company, Inc.

Hampden Sales Association, Inc., New York, N. Y., in the sale of "Nailcare", a packaged manicuring product, agrees to discontinue representing, directly or by implication, that this article will prevent breaking of nails or will nourish or feed the nails or the skin. (2598)

G. H. Hess, Inc., Louisville, Ky., manufacturer of uniforms and house dresses, agrees to cease direct or indirect use of the terms "Shrunk" or "Pre-Shrunk" as descriptive of goods which

are not shrinkproof or non-shrinkable or have not been fully shrunk or pre-shrunk to the extent that no residual shrinkage is left remaining in them. The stipulation provides that if these terms are properly used to indicate application of a shrinking process and if the goods have been shrunk to a substantial extent, but there remains a certain amount of residual shrinkage, such terms are to be accompanied by clear explanations in percentages of the amounts of residual shrinkage remaining in both the warp and the filling, or in the warp or the filling, whichever has the greater residual shrinkage. An example of such explanation is "Preshrunk (or shrunk)—will not shrink more than — per cent under Commercial Standard CS59-36". The respondent also agrees to discontinue misleading uses of the word "Linene" or the term "Lin" in the description of products not made from fiber of the flax plant. (2605)

Keelor & Stites Co., Cincinnati, Ohio, engaged in the business of conducting an advertising agency which disseminated advertisements for a turkey feed designated "Tuxedo Turkey Growing & Developing Mash" and a hog feed designated "Tuxedo Pork-maker", on behalf of The Early & Daniel Company, Inc., Cincinnati, agrees to cease disseminating any advertisements which represent that correct feeding will assure one of an increase in profits, or that feed alone is responsible for the quality or size of poultry or stock. (02473)

Keystone Shower Door Company—Abram R. Finkel, trading as Keystone Shower Door Company, Philadelphia, Pa., manufacturer of glass enclosures for tub and shower baths, agrees to discontinue use in advertising matter the word "Plate," alone or with the word "Commercial", as descriptive of the glass content of his products which is not "Plate" glass. (2603)

Kroger Grocery & Baking Company, Cincinnati, Ohio, selling a food product designated "Kroger's Hot Dated Coffee" will discontinue representing directly or by implication, that the cost of packing coffee by any method other than that employed by it, is any amount in excess of the actual cost; that coffee is not as fresh as it could be if it does not have the date of roasting stamped on the package; that such date indicates to the retailer or consumer the length of elapsed time in days since the coffee contained therein was roasted; that ordinary systems of dating only measure the time from warehouse to consumer; that if respondent's coffee is not sold on or before the date stamped on the package it is not for sale at any price; that the respondent's system of dating is "the only" method or system that has any meaning, and that no other coffee affords the same freshness at the time of purchase, when these are not the facts. (02472)

Lever Brothers Company, Cambridge, Mass., in the sale of a detergent designated "Rinso", agrees to desist from representing that one using "Rinso" will "never" have red or rough hands; that the product in every instance will make clothes at least 5 shades whiter or that colors "never" fade when washed with it; that no other soap will produce the degree or kind of whiteness attained by "Rinso", or will do as good or quick a job as will the respondent's product. The representation that makers of 33 washing machines have recommended the effectiveness of "Rinso" "above all others" will also be discontinued. (02468)

Moon Gag-Cartoon School—Edward D. Muenchow, doing business as Moon Gag-Cartoon School, Fall Creek, Wis., agrees to cease and desist from representing that he is an internationally known cartoonist, when such is not the fact; that the "Noon Gag-Cartoon School" correspondence course is written and illustrated by a cartoonist regularly producing cartoons for more than 30 or any nationally circulated magazines and newspapers; that every trick of the trade one needs to know to become a successful cartoonist is included in his course of instruction; that students who have completed his course of instruction will or may, by reason thereof, be in a position to earn bankers' wages, own a home, a car and other luxuries; and that any person, without regard to education, imagination, discernment, sense of humor, experience or artistic talent, may become a successful cartoonist by taking his course of instruction. Muenchow further agrees to discontinue stating that he has made arrangements with the editors of "The Cartoon Book" that he can assure the printing and publication of cartoons therein, without explaining that he is himself the editor and publisher of such book; will cease using the word "Guarantee"

or other words of similar import in connection with money-back agreements so as to mislead or deceive students or prospective students or the public. He further agrees to cease representing that any commodity or service is "free", when such commodity or service is regularly included as part of the course of instruction; or representing that statements made in his advertising media comply with rules for advertising of the private home study schools, as promulgated by the Federal Trade Commission; or using the name of the Federal Trade Commission in his advertising matter in any way, the effect of which may be to convey the impression that his claims have been given either the express or the tacit approval of the Commission. (2601)

National School of Cartooning—Ralph A. Hershberger, doing business as The National School of Cartooning, Cleveland, Ohio, agrees to desist from defamation of competitors by imputing to them dishonorable or questionable conduct, or from the false disparagement of the character, nature, quality, value or scope of their courses of instruction or educational services; from representing that personal instruction and criticism will be given by any correspondence school only when so specifically stated in an enrollment blank; that a copyright has been granted by the United States Government for the "Circle System" or any other system of drawing, or that the booklets or other material issued by The National School of Cartooning are the only cartooning publications for which a copyright has been granted within the past 20 years; from representing that students who have completed his course of instruction will or may by reason thereof step into good positions as cartoonists or comic artists, earn from \$30 to \$75 weekly at the start, have rapid advancement beginning immediately or "do the same" as certain outstanding cartoonists supposed to earn more than \$100,000 a year, or from making overstatements or misrepresentations as to the earning power or future security of his students and graduates, and from representing that any person, without regard to his education, imagination, discernment, sense of humor, experience or artistic talent, can or may become a competent and successful cartoonist or comic artist by taking his course of instruction. (2608)

Nu-Life Cleaner Mfg. Company—Albert Isserson, trading as Nu-Life Cleaner Manufacturing Company, Cleveland, Ohio, engaged in compounding and packaging a rug and upholstery cleaning fluid and selling it under the trade name "Nu-Life Rug and Upholstery Cleaner," will cease and desist from the use in his advertisements or otherwise of any word, statement or representation, the effect of which may tend to convey the belief to purchasers that the product has sterilizing or germ destroying or moth-proofing properties or qualities, or that, when used as directed, it will completely de-moth upholstery furniture or rid it of all moths, or that it will have any moth elimination effect other than to act as a contact killer of such pests. (2607)

Takamine Corporation, New York, N. Y., stipulates that it will cease using the word "Sterilized" in connection with the sale of "Takamine" tooth brushes. The stipulation points out that the processes used in treating these brushes do not completely destroy germ life. (2602)

Tescum Company—J. H. Bramley and Edna B. Brown, trading as Tescum Manufacturing Company and as The Tescum Company, Cleveland, Ohio, selling a medicinal preparation for the correction of alcoholism designated "Tescum Powders," agree to cease representing that use of the powders will result in the eradication of the drink habit, or will "stop" excessive drinking, or that the preparation is a competent treatment for chronic alcoholism. The respondents further agree to cease use of the word "Manufacturing" as a part of their trade name and to discontinue otherwise stating or implying that they manufacture the product. (02467)

Tescum Manufacturing Company—See Tescum Company.

Thomas Hosiery Manufacturing Company—Joseph Thomas, trading as Thomas Hosiery Manufacturing Company, New York, N. Y., agreed to cease employing the word "Manufacturing"

as part of his trade name or in any manner tending to convey the impression that Joseph Thomas manufactures the products he sells, when such is not a fact. (2611)

Three Rivers Fur Tannery, Three Rivers, Mich., in the sale and distribution of women's wearing apparel, agreed to discontinue use of the word "Tannery" as part of its corporate or trade name or the words "Manufacturing" or "Factory" in advertising matter. The stipulation points out that the respondent corporation, although it owns both a tannery and a factory, has not for several years actually operated its own tanning facilities, except in connection with a relatively small part of its business, but has had its products manufactured from hides dressed and otherwise prepared in tanneries which it neither owned, operated nor controlled and has filled approximately 70 per cent, if not more, of its received orders with garments made in plants which it neither owned, operated nor controlled.

The respondent corporation also stipulated that it will cease employing in advertising matter words such as "Hudson Seal," "Northern Seal," "Lapin," "American Broadtail," "Beaverette," or "Laskin Mouton" as descriptive of furs, unless such designations are immediately accompanied in equally conspicuous type by the correct name of the fur actually used so as to form the last word of the description, as, for example, "Hudson Seal-Dyed Muskrat," "Northern Seal-Dyed Rabbit or Coney," "Lapin-Dyed Rabbit or Coney," "American Broadtail, Processed Lamb," and "Mouton Dyed-Lamb." (2609)

Thrift Buyers of America, South Bend, Ind., formerly Thrift Hosiery Society, retail distributor of hosiery by mail order and otherwise, stipulates that it will desist from the use in its corporate or trade name of expressions such as "Thrift Hosiery Society" or "Thrift Buyers of America" as descriptive of its business; or the use in its trade promotional representations of phraseology such as "Thrift Associates", "Group Buying" or "In Unity there is Strength". The stipulation points out that the respondent is not organized to function as a membership cooperative organization, but is only a private business corporation for profit, whose customers are not members thereof. The respondent corporation will also cease issuing "membership" certificates with the effect of conveying the impression that customers enjoy the advantages of mass buying and avoid paying a retailer's profit. The respondent also agrees to discontinue representing that customers save 25 per cent, 40 per cent, or 25 to 50 cents on every pair of hosiery, or any percentage or amount in excess of what actually has been saved by customers in their purchase of the respondent's merchandise. (2606)

Trail's End Poultry Farm—Milton and Mark Johnson, trading as Trail's End Poultry Farm, Gordonsville, Va., in the sale of chicks incubated at their place of business at Gordonsville, Va., stipulate that they will cease using in advertising matter the language "300-egg double pedigree White Leghorn breeding males," alone or with the phrases "finest bred chicks," or "finest breeding cockerels," to imply that the chicks they sell have been hatched from eggs laid by stock of the 300-egg or pedigree type, when such is not a fact. The respondents also agree to discontinue misleading uses of the word "certified" in connection with their chick products. (2600)

Betty Wales Cosmetics, Inc., Coral Gables, Fla., agrees to cease advertising, directly or by implication, that "Betty Wales Wrinkle Reducer" will help to reduce, remove or prevent lines or wrinkles, unless this claim is limited to temporary, superficial and minor cases due to external causes such as exposure to the elements, and that the product will penetrate or be absorbed by the skin or be beneficial in helping to retain the texture of youthful skin. (02465)

Woodstock Typewriter Company, Woodstock, Ill., agrees to cease representing that a free trial may be had of a Woodstock typewriter, until such time as a free trial is actually provided for all responsible persons in all localities in which the representation is disseminated, and to discontinue advertising that, according to information in its possession, Woodstock typewriters were used to win most of the world's school contests, when it does not possess any reliable information to that effect. (02469)

1940 DISTRICT MEETINGS

District 3	Camden, New Jersey	Walt Whitman Hotel	January 4, 1940
District 5	Alabama } — Columbus, Ga.	Waverley Hotel	January 18, 1940
	Georgia }		
	Florida — Orlando, Fla.	Fort Catlin Hotel	January 19, 1940
District 6	New Orleans, La.	Roosevelt Hotel	January 3, 1940
District 13	Dallas, Texas	Baker Hotel	January 5, 1940
District 15	San Francisco, Calif.	Palace Hotel	January 10, 1940
District 16	Los Angeles, Calif.	Ambassador Hotel	January 9, 1940
District 17	{ Oregon — Portland	New Heathman Hotel	January 12, 1940
	{ Washington — Seattle		January 13, 1940

Radio and the New Year

From every standpoint American broadcasting has had its greatest year.

Its service to church, to school and to home has never been more needed, nor better conceived. It has promoted tolerance and understanding; stressed the need for cooperative living in a world elsewhere torn apart by racial and religious intolerance.

It has kept its listeners abreast of every important development at home and abroad, instantly and fairly. It has cooperated with the press to make the American people what President Roosevelt has described as "the best informed people in the world".

Its contributions to the economic and social life of the nation have increased. It has kept commerce moving; it has developed new markets and widened old ones. Its wage scale is the highest in American industry. And it has helped to fill the pay envelopes of every American worker by creating and renewing demand for products of industry and the farm.

Its economic base has been fortified. It has enjoyed an expansion of business in the past year and faces a New Year of still further expansion. Yet competitive activity within the industry has never been more vigorous or as varied: competition for listeners, competition for business, keynote of the American System of Broadcasting.

Its audience has multiplied in the past year. Practically every family in the United States save the impoverished owns a radio, unquestionably the largest single audience of listeners ever assembled in history. The number of radios in use throughout the nation has now reached the astounding total of some 45,000,000.

It has embarked upon a democratic plan of voluntary self-regulation and has earned a



The NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NATIONAL 2080

Neville Miller, *President*

Edwin M. Spence, *Secretary-Treasurer*

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

RADIO AND THE NEW YEAR

(Continued from page 3919)

greater degree of public confidence thereby. It has proven it can itself shoulder its social obligations in a manner responsive to public taste and changing conditions.

In the past year the industry has set about a definite plan of defense to withstand the assaults of outside raiding parties who periodically swoop down seeking plunder. The industry has stated its position in the past that it is prepared to do business in a business-like way and upon economic grounds, but it no longer will continue to be victim to the whims of monopoly and pistol-point pressure. As we go into the New Year it reiterates its position, this time through the stronger voice of an aroused and a united industry.

In extending my New Year's greeting, let me congratulate each and every one in each and every station whose combined work and energy continues to make American radio preeminently the finest broadcasting service in the world.

Broadcast Music, Inc.

Neville Miller next week will start his second long trip in behalf of Broadcast Music, Inc. The trip will carry him from New Orleans to Portland, Ore., starting with a District 6 meeting at the Roosevelt Hotel in New Orleans next Wednesday, January 3. On Friday he will meet with District 13 broadcasters at the Baker Hotel in Dallas, Tex. From there he will go to the West Coast.

Again the NAB emphasizes the importance of attending these meetings. Only through support of Broadcast Music, Inc., will the industry be able to shake off the chains of a music monopoly. Members should see that non-members in their area attend. Unanimous support is needed.

RADIO IN 1940 CENSUS

The NAB has kept in current contact with the Bureau of the Census since June 1938, in an effort to keep before that body the need for the inclusion of radio questions in the 1940 Census. At the last session of Congress a bill was passed providing for a Census of Housing. The Bureau of the Census has prepared its Housing Schedule and the radio question is included on the form.

The exact question is as follows, "Is there a radio in this dwelling unit? Yes — No —". The appropriation needed for conducting the Housing Census will probably be up for Congressional approval in the first Deficiency Bill. However there is every assurance that the \$8,000,000 needed will be appropriated.

The inclusion of the radio question in the Housing Schedule has resulted in the elimination of a radio question from the Agricultural Schedule although the Agricultural Census Advisory Committee was favorably disposed to the suggestion of expanding the radio question to determine the number of radios on each farm and the number of automobiles equipped with radio receivers.

On December 13 a conference of those interested in the inclusion of radio questions in the Census met in the office of John H. Payne, Chief, Electrical Division, Bureau of Foreign and Domestic Commerce. As a result of this conference the letter to Dr. William L. Austin, Director of the Bureau of the Census which follows, was prepared.

It will be noted that the question of auto radio equipment was not referred to. The reason is that the Housing and Population Censuses do not include questions on automobile ownership and obviously the question of auto radio ownership could not be logically included. The letter to Dr. Austin, signed by Mr. Payne follows:

"December 14, 1939

Dr. William L. Austin
Director, Bureau of the Census
Department of Commerce
Washington, D. C.

DEAR DR. AUSTIN:

At a conference held in the offices of the Bureau of Foreign and Domestic Commerce on Wednesday, December 13, 1939, representatives of the government and of the radio industry considered appropriate questions which it is hoped may be included in the Housing Schedule of the Bureau of the Census. The conference was attended by representatives of the following:

- Department of State
- Bureau of Foreign and Domestic Commerce
- Federal Communications Commission
- U. S. Office of Education
- Federal Radio Education Committee
- National Association of Broadcasters
- Radio Manufacturers Association

In view of the social significance of radio as a medium of mass communication for national and international cultural development, for national defense, and for purposes of regulation, it was unanimously agreed that—

1. The Bureau of the Census be commended for including Question 22 under Section V of the Housing Schedule which now reads, "Is there a radio in this dwelling unit?"

If the Bureau of the Census feels that it must restrict the inquiry to the above questions, we recommend the instructions be amended to read as follows:

Instructions—Item 22

Enter "yes" if there is a usable radio in this dwelling unit (include any set out of repair not exceeding six months). When there is no usable radio set in this dwelling unit, enter "no". Except for trailers used as dwelling units, no account shall be taken of radio sets installed in automobiles.

2. The conferees are unanimously agreed that if the radio questions must be limited to one, it should preferably be worded as follows: "How many usable radio sets are in this dwelling unit?"—with only one square instead of two for the answer, and with instructions to the Census enumerators as follows:

Instructions—Item 22 (revised)

Enter in the square provided for answer the number of usable radio sets in the dwelling unit (include any set out of repair not exceeding six months). Except for trailers used as dwelling units, no account shall be taken of the number of radio sets installed in automobiles. Should there be no usable radio set in this dwelling unit, enter "0" in the square provided for answering this question.

3. The conferees are further unanimously agreed that, in view of the great social significance attending the reception of foreign broadcasts, it is highly desirable to add the following question: "Is a radio set in this dwelling unit usable for listening *directly* to international short wave broadcasts?" Yes — No — with instructions to Census enumerators as follows:

Instructions

"... Listening *directly* to international short wave broadcasts" refers to reception directly from Asia, Africa, Europe, or South America, which is heard through the medium of short waves. If these broadcasts are heard only through local United States stations, the answer should be "no".

While the conferees strongly recommend the above procedure and are submitting this letter as a matter of information, it is the intention that the appropriate heads of the various agencies mentioned above will write to you directly, expressing their views regarding this recommendation.

The agencies represented hold themselves in readiness for conference with you or those in your Bureau whom you may delegate to consider this subject.

Sincerely yours,

JOHN H. PAYNE,
for the Conferees
(Chief, Electrical Division)

In addition to Mr. Payne's communication, Dr. Austin received the following from Neville Miller:

December 22, 1939

Dr. William L. Austin, Director
Bureau of the Census
Department of Commerce
Washington, D. C.

DEAR DR. AUSTIN:

With regard to the communication you received from John H. Payne under date of December 14th reporting conference of those parties interested in the inclusion of radio questions in the 1940 Census, I would like to call to your attention some significant facts on the subject.

Mr. Payne mentioned that the Department of State, Bureau of Foreign and Domestic Commerce, the Federal Communications Commission, the United States Office of Education, the Federal Radio Education Committee, the Radio Manufacturers Association and our own Association, came together in unanimous accord on the points covered in the letter. In addition to those mentioned, the Chief Signal Officer of the United States Army is likewise concerned. Although he was unable to attend the conference on December 13th, I am informed he will communicate with you directly.

The interests of the above mentioned parties must be obvious to you. However, I would like to restate the position of the National Association of Broadcasters in the matter.

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As you know, broadcasting in the United States is a commercial enterprise in that the cost of broadcasting is paid for from advertising revenue. But radio broadcasting is more than a commercial enterprise. Radio is charged by Federal statute to operate "in public interest, convenience and necessity".

What is the "public interest, convenience and necessity" of our 130,000,000 fellow citizens? Certainly it differs as between those who live in rural areas and those who live in urban America. Again, it is divided up into different and interchangeable conditions of life, socially, educationally, religiously, politically and economically.

The broadcasting industry has interpreted that specification in law to mean that it must render a social service to the public. The social problem of broadcasting arises out of the fact that radio cuts across barriers of time and distance and society, and reaches all people at the same time.

In order intelligently to operate the broadcasting industry "in public interest, convenience and necessity" it is essential that we know the facilities for listening, which is the number and distribution of radio sets. We are requesting that you make a Census count of the number of radio sets located in homes in your 1940 Census in accordance with the suggestions in Mr. John H. Payne's communication of December 14th.

Sincerely yours,

NEVILLE MILLER

Although no reply has been received from Dr. Austin, it is understood that the Census Bureau will not act favorably on these recommendations but will retain the single radio question, "Is there a radio in this dwelling unit?".

FUTURE RADIO FAMILY ESTIMATES

NAB is undertaking to devise a plan whereby yearly estimates of the number of radio families by state and county can be made. It is also hoped that these estimates can be expanded to include all radio receivers—extra sets in homes, auto radios, receivers in institutions and in places of business and that some permanent arrangement can be made to develop this basic information in its most usable form to the NAB membership.

"Radio's Riches" Commended Throughout Country

From east, west, north and south member stations have expressed approval of "Radio's Riches", the industry's 1940 best seller.

Harry R. Spence, KXRO, Aberdeen, Wash., said it all in two sentences when he wrote: " 'Radio's Riches' is one of the finest public relations mailing pieces I have ever seen. You have done a bang-up job and are certainly to be congratulated".

Despite the fact that Mr. Spence takes in a lot of territory, "Radio's Riches" was carefully thought out. It is intended to meet conditions of 1940 and it is sincerely believed that its wide distribution will benefit every radio station.

In making up your mailing list, make sure that a copy of "Radio's Riches" is sent to every leader of thought in your community, to the officers and members of the various clubs, civic groups, PTA and other educational groups as well as to business leaders, owners and officers of business establishments.

Your sample copy with prices was mailed during the Christmas rush and was probably delayed because it was sent fourth class. But everything should be in your hands by this time. As soon as convenient may we have your requirements?

FORTY-FOUR MILLION SETS

The quality of present day radio programs and remarkably efficient new radio sets combined to make things easier for Santa Claus this past Christmas.

After making his rounds he brought the total of active receivers in the United States to approximately 44 million according to Paul Peter, NAB director of research.

Newspapers are keenly cognizant of the forward strides made by the radio industry this year. On December 17, the Bridgeport, Conn., Post published a ten inch editorial under the caption, "Radio". Said the Post in part:

"One of the surprising developments of the current season, and yet one which probably is not particularly attracting public attention is the number and variety of radios which are now being offered in retail stores Radios are engaging the public's attention perhaps more than ever before, because, with surprising few exceptions, they are remarkably efficient.

"The quality of programs now being offered also has a great deal to do with it.

"This year, Santa Claus should have no trouble at all, so far as radios are concerned."

The net result of the NAB Radio Christmas promotion is to have helped establish the broadcasting industry in its strongest position thus far in its history. Circulation is at an all time high.

PITTSBURGH "RADIO CHRISTMAS" GOES OVER WITH A BANG

Right now "Grant 1630" is Pittsburgh's most famous telephone number.

It was planned that way by KDKA, KQV, WJAS,

and WWSW, The Pittsburgh Post-Gazette, and the Radio Servicemens Association. From more than a thousand homes that number was called to announce the gift of more than twelve hundred radio sets, to be rehabilitated by the Servicemen, and distributed at Christmas time by the Federation of Social Agencies.

W. B. McGill, KDKA's director of promotion, gave most of his time for a couple of weeks to Pittsburgh's Christmas promotion.

"It is the general feeling among radio men participating," he said, "that the plan has unusual merit and advantages to all branches of the radio industry locally.

"We feel, first, that it gives us a fraternal spirit of good neighborliness; second, that it has tremendous potentialities for building good will with the public; third, that it solidifies and improves our contact all around."

Santa's Radio Workshop, where all radio sets were repaired, was located in the lobby of the Grant Building, one of Pittsburgh's finest office buildings. In the beginning four unemployed radio servicemen worked on an eight hour shift. This was later increased to a double shift with many hours of overtime for additional men. Pay roll expenses were met with funds secured from radio jobbers and distributors by the servicemen. In addition they secured large contributions of necessary parts from parts distributors, and they personally donated one thousand radio tubes.

Special events exploited Santa's Radio Workshop such as the personal appearance of the radio personalities who sang Christmas carols. An interview with Santa Claus himself from the lobby workshop was broadcast over a special four station hookup.

KDKA, on December 14, devoted its half hour "Pittsburgh Speaks" program to the idea. A team of RSA men competed with a team from WWSW, KQV, WJAS, and the Pittsburgh Post-Gazette in a quiz program, the questions of which were slanted to bring out salient bits of information pertaining to Radio Christmas. Other similar programs on other stations were broadcast.

HIGH FREQUENCY HEARING

Details of the informal hearing to be held at the Federal Communications Commission February 28 in the matter of aural broadcasting on frequencies above 25,000 kilocycles just became available at the Commission this week as follows:

Notice is hereby given of the informal hearing before the Commission en banc to be held at the office of the Commission, Washington, D. C., beginning at 10 a. m., February 28, 1940, for the purpose of determining:

- (1) Whether aural broadcasting on the frequencies above 25,000 kc. has reached such a stage of development that it is acceptable for rendering regular as distinguished from experimental broadcast service to the public;
- (2) The relative merits of frequency modulation and amplitude modulation when employed for aural broadcasting on frequencies above 25,000 kc.;

- (3) The relative merits of wide band and narrow band frequency modulation when employed for aural broadcasting on frequencies above 25,000 kc.;
- (4) Whether it is possible to allocate sufficient frequencies to accommodate stations employing frequency modulation (narrow or wide band) to provide a satisfactory program service in the United States when considered in the light of the frequency needs of other services, including television, Government, aviation, police, common carrier, amateur, etc.;
- (5) Whether it is possible to allocate sufficient frequencies to accommodate stations employing amplitude modulation to provide a satisfactory program service in the United States when considered in the light of the frequency needs of other services, including television, Government, aviation, police, common carrier, amateur, etc.;
- (6) Whether it would be practicable for the Commission to authorize both amplitude and frequency modulation for aural broadcasting stations operating on frequencies above 25,000 kc., or whether the Commission should recognize but one of these forms of modulation for such stations;
- (7) The possible future effects of ultra high frequency broadcasting upon standard broadcasting on the band 550-1600 kc.;
- (8) Whether existing allocations of frequencies above 25,000 kc. to particular services shall be modified to provide frequencies for aural broadcasting;
- (9) The existing patent situation respecting frequency modulation and amplitude modulation for aural broadcasting stations operating on frequencies above 25,000 kc.

The Commission desires to expedite consideration of the foregoing matters as much as possible so that policies may be formulated for the future licensing of applicants in the aural broadcast field utilizing frequencies above 25,000 kc. However, it is to be noted that no individual applications will be considered at the hearing.

The Commission considers that technical developments in the use of ultra high frequencies for aural broadcasting are sufficient to require consideration of the numerous questions involved, and persons appearing at the hearing should submit data obtained from actual tests and operations and thereby avoid speculative testimony as much as possible. If for the purpose of obtaining additional data for presentation at the hearing, operation not permissible under the outstanding authorization is necessary, then requests for special authorization to carry out such tests will receive the Commission's prompt attention.

Should any party desire to expand the matters herein listed for consideration, application should be made to the Commission for such purpose as soon as possible and not later than February 1, 1940.

Except with the permission of the Chairman, cross examination of each witness will be limited to questions by Commissioners or members of the Commission's technical and legal staffs.

Persons or organizations desiring to appear and testify will notify the Commission of such intention on or before February 1, 1940. In such notification the number of witnesses that will appear, the topic each will discuss and the time expected to be occupied by each witness should be stated. This information is necessary in order to more effectively organize the hearing.

If it is intended to submit written statements, drawings, etc., in connection with the testimony to be given, it is required that ten copies of the same be submitted to the Commission on or before February 23, 1940.

The Commission directed that this notice be published in the Federal Register.

Dated at Washington, D. C., December 27, 1939.

FEDERAL COMMUNICATIONS COMMISSION.

T. J. SLOWIE,
Secretary.

FEDERAL TRADE COMMISSION REPORTS ON BROADCAST ADVERTISING

False and misleading advertising matter as published in newspapers, magazines, catalogues, and almanacs and as broadcast over the radio is surveyed and scrutinized by the Federal Trade Commission's Radio and Periodical

Division. Discussing the radio phase in its annual report just made public the Commission says:

Radio advertising.—The Commission, in its systematic review of advertising copy broadcast over the radio, issues calls to individual radio stations, generally at the rate of 4 times yearly for each station. However, the frequency of calls to individual broadcasters is varied from time to time, dependent principally upon transmittal power, the service radius or area of specific stations, and the advertising record of certain types of stations, as disclosed in analyses of previous advertising reviews.

National and regional networks respond on a continuous weekly basis, submitting copies of commercial continuities for all programs wherein linked hook-ups are used involving two or more affiliated or member stations.

Producers of electrical transcription recordings submit monthly returns of typed copies of the commercial portions of all recordings produced by them for radio broadcast. This material is supplemented by periodical reports from individual stations listing the programs of recorded commercial transcriptions and other essential data.

The combined radio material received furnishes representative and specific information on the character of current broadcast advertising which is proving of great value in the efforts to prevent false and misleading representations.

During the fiscal year ended June 30, 1939, the Commission received 626,293 copies of commercial radio broadcast continuities, amounting to 1,384,448 pages of typewritten script. These comprised 860,908 pages of individual station script and 523,540 pages of network script.

The staff read and marked 643,796 commercial radio broadcast continuities, amounting to 1,384,353 pages of typewritten script. These comprised 492,540 pages of network script and 891,813 pages of individual station script. An average of 4,539 pages of radio script were read each working day. From this material 29,143 commercial broadcasts were marked for further study as containing representations that might be false or misleading. The 29,143 questioned commercial continuities provided current specimens for check with existing advertising cases as to their compliance with actions, stipulations, and orders of the Commission, in addition to forming the bases for prospective cases which may not have previously been set aside for investigation.

Cooperation of radio and publishing industries.—In general, the Commission has received the helpful cooperation of nationwide and regional networks, and transcription producers, in addition to that of some 616 active commercial radio stations, 457 newspaper publishers, and 533 publishers of magazines and farm journals, and has observed an interested desire on the part of such broadcasters and publishers to aid in the elimination of false, misleading, and deceptive advertising.

Source of Radio and Periodical Division's cases.—Examination of current newspaper, magazine, radio, and direct mail order house advertising, in the manner described, has provided the basis for 75 percent of the cases handled by the Commission through its Radio and Periodical Division during the fiscal year ended June 30, 1939. Information received from other sources or referred from other divisions of the Commission, and from other Government agencies, formed the basis of the remainder of this work.

HEARING ON TELEVISION RULES

The FCC has adopted, with minor modifications, the rules recommended in the Second Report of the Television Committee, made public in November.

The Commission set the matter of the proposed rules down for public hearing at the office of the Commission at 10 a. m., Monday, January 15.

All interested parties desiring to be heard should give proper notice to the Commission not later than January 10. Each party is requested to cite the specific rules or other specific recommendations of the Committee to which exception will be taken, and list the witnesses desiring to be heard, and estimate the amount of time desired for such participation.

The rules:

Part 4. Visual Broadcast Service

Sec.

4.61 Defined

Television Broadcast Stations

4.71 Defined

4.72 Licensing requirements, necessary showing

4.73 Operation

4.74 Frequency assignment

4.75 Power

4.76 Supplemental report with renewal application

Facsimile Broadcast Stations

4.91 Defined

4.92 Licening requirements

4.93 Charges prohibited; restrictions

4.94 Frequency assignment

4.95 Power

4.96 Supplemental report with renewal application

Sec. 4.61. *Defined.* The term "visual broadcast service" means a service rendered by stations broadcasting images for general public reception. There are two general classes of stations recognized in the visual broadcast service, namely; television broadcast stations and facsimile broadcast stations.

Sec. 4.71. *Defined.* The term "television broadcast station" means a station licensed for the transmission of transient visual images of moving or fixed objects for simultaneous reception and reproduction by the general public. The transmission of the synchronized sound (aural broadcast) is considered an essential phase of television broadcast and one license will authorize both visual and aural broadcast as herein set forth.

(a) There shall be two types of experimental television stations, namely, "Experimental Research Stations" and "Experimental Program Stations" which shall be known as Class I and Class II stations, respectively.

Sec. 4.72. *Licensing requirements, necessary showing.*

(a) A license for a television Class I station will be issued only after a satisfactory showing has been made in regard to the following, among others:

1. That the applicant has a program of research and experimentation in the technical phases of television broadcasting, not requiring a service directly to the public, which indicates reasonable promise of substantial contribution to the development of the television art.
2. That the program of research and experimentation will be conducted by qualified personnel.
3. That the applicant is legally and financially qualified and possesses adequate technical facilities to carry forward the program.
4. That the public interest, convenience and/or necessity will be served through the operation of the proposed station.

(b) A license for a Class II station will be issued only after a satisfactory showing has been made in regard to the following, among others:

1. That the applicant has a program of experimentation in the television broadcast service including scheduled programs which indicates reasonable promise of substantial contribution to the advancement of television broadcasting as a service to the public.
2. That the program of experimentation will be conducted by qualified personnel.
- * 3. That a minimum scheduled program service of five hours per week will be maintained throughout the license period.
4. That program material is available and will be utilized by the applicant in rendering broadcast service to the public.
5. That the applicant will install and operate adequate transmitting and studio equipment to render a satisfactory service to the public within the designated service area and with the television transmission standards recognized by the Commission for Class II television stations.
- **6. That the operation with respect to fidelity of transmission, spurious omissions, carrier noise, safety provisions, etc., will

* This provision modified Section 4.4 as it applies to Class II television broadcast stations.

be in accordance with the standards of good engineering practice applicable to television broadcasting stations in all phases not otherwise specifically included in these regulations.

7. That operation as proposed by the application will not result in objectionable interference to any other Class II station as determined by the standards of allocation applicable to television broadcast stations.
8. That the applicant is legally and financially qualified and possesses adequate technical facilities to carry forward the program.
9. That the public interest, convenience and/or necessity will be served through the operation of the proposed station.

Sec. 4.73. *Operation:* Class I and Class II stations: Charges:

(a) No charges either direct or indirect shall be made for either the production or transmission of either aural or visual programs by Class I television stations;

(b) No charges either direct or indirect shall be made for the transmission of either aural or visual programs by Class II television stations; however, Class II television broadcast stations may make charges to cover cost of program production, including advertising material, which programs may be transmitted as an experimental program service but without charge for such transmission;

(c) Quarterly reports shall be made to the Commission by Class II television broadcast stations of the charges and costs as well as of other pertinent information which may be of assistance to the Commission in evaluating the economic feasibility of television broadcasting as a regular service to the public on a commercial basis.

(d) The offering by any person of the facilities of any television broadcast station on a regular commercial basis is prohibited. The limited commercialization permitted under subsection (b) above shall not take precedence over the experimental service, but shall in fact be subordinated to it.

Class I Stations: Scope of Experimentation, Limitations and Restrictions:

(e) Class I stations shall operate to conduct research and experimentation for the development of the television broadcast art in its technical phases but shall not operate to render regularly scheduled broadcast service to the public.

(f) Class I stations will not be required to adhere to the television transmission standards recognized by the Commission for Class II television stations.

(g) No Class I station shall operate when interference would be caused by such operation to the regularly scheduled broadcast service of a Class II station.

Class II Stations: Scope of Experimentation; Service Requirements:

(h) Class II stations shall operate to render scheduled television broadcast service for public consumption, and in connection therewith may carry out experiments with respect to program technique, determine power and antenna requirements for satisfactory broadcast service and perform all research and experimentation necessary for the advancement of television broadcasting as a service to the public.

(i) Class II stations shall operate in accordance with the television transmission standards (scanning, synchronization, etc.) which the Commission recognizes for this class of station. The Commission will recognize a modification in these standards upon a showing by the applicant proposing the changes that it will be in the public interest to require all Class II stations to adopt the proposed changes.

(j) Class II stations shall make all equipment changes necessary for rendering the external transmitter performance required by the Commission.

(k) Class II stations shall maintain a minimum scheduled program service of five hours per week throughout the license period. (The Commission may modify this minimum schedule in accordance with the showing on the merits in individual cases.)

(l) In case of failure of a Class II station to render its minimum of scheduled program service per week, the renewal of the license therefor may be refused unless it be shown that the failure of program service was due to causes beyond the control of the licensee.

** The specifications for operation deemed necessary to meet the requirements of good engineering practice as applied to television stations will be published from time to time. These specifications will be altered as the art progresses and upon a showing being made that such changes are desirable in the public interest.

Sec. 4.74. *Frequency assignment.* (a) The following groups of channels are allocated for assignment to television broadcast stations licensed experimentally:

Group A

Channel #1	44,000- 50,000 kc.
2	50,000- 56,000
3	66,000- 72,000
4	78,000- 84,000
5	84,000- 90,000
6	96,000-102,000
7	102,000-108,000

Group B

Channel #8	156,000-162,000 kc.
9	162,000-168,000 ¹
10	180,000-186,000
11	186,000-192,000
12	204,000-210,000
13	210,000-216,000 ¹
14	234,000-240,000
15	240,000-246,000
16	258,000-264,000
17	264,000-270,000 ¹
18	282,000-288,000
19	288,000-294,000

Group C

Any 6000 kc. band above 300,000 kc. excluding band 400,000 to 401,000 kc.

(b) Each Class II television broadcast station will be assigned only one channel from Groups A or B. Class I television stations may be assigned one or more channels as the program of experimentation requires. Both aural and visual carriers with side bands for modulation are authorized but no emission shall result outside the authorized channel. The assignment of a channel to a Class II television broadcast station does not preclude the use of that channel by Class I stations although the Class II television station has priority for the use of the channel for scheduled program service.

(c) Groups B and C may be assigned to television stations to serve auxiliary purposes such as television relay stations and developmental mobile service. No mobile or portable station will be licensed for the purpose of transmitting television programs to the public directly.

(d) The assignment of frequency channels in Group (A) for Class II television broadcast stations will be limited as follows:*

Cities whose metropolitan districts exceed 1,000,000 population	3 channels
Cities whose metropolitan districts are not less than 500,000 population or more than 1,000,000 population	2 channels
Cities whose metropolitan districts are less than 500,000 population	1 channel

(e) A license for only one Class II television station on a channel in Group A will be granted to a person to serve in whole or substantial part the same service area.

(f) No Class II television broadcast station will be assigned a channel in Group A for time sharing operation unless it is shown that the service proposed can not be rendered on a channel in Group B.

Sec. 4.75. *Power.*

(a) The operating power of a Class I station shall not be in excess of that necessary to carry forward the program of research.

(b) The operating power of a Class II station shall not be in excess of that necessary to provide adequate service to the service area designated for the station.

Sec. 4.76. *Supplemental report with renewal application.*

A supplemental report shall be filed with and made a part of each application for renewal of license and shall include comprehensive reports on the following:

¹ See Secs. 4.4(c) and 4.154(a).

* This limitation upon the use of the channels for metropolitan districts having different populations can be departed from, providing the applicant shows that no other metropolitan district would be restricted to fewer channels than provided for by the table.

(a) *For Class I Television Broadcast Stations.*

1. Number of hours operated.
2. Full data on research and experimentation conducted.
3. Conclusions, tentative and final.
4. Program for further developments of the television broadcast service.
5. All developments and major changes in equipment.
6. Any other pertinent developments.

(b) *For Class II Television Broadcast Stations.*

1. Number of hours operated during which programs were transmitted classified as studio performances, special events (with appropriate description), films, etc.
2. Studio equipment used and any developments made during the license period.
3. Progress made in the advancement of television broadcasting as a service to the public.
4. Itemized financial data on cost of operation during the license period.
5. Field intensity measurements and visual and aural observation to determine the service area of the station (required for first report only and whenever changes are made which would tend to cause a change in the service area.)

FEDERAL COMMUNICATIONS COMMISSION

FINAL ORDERS

The Federal Communications Commission has adopted a final order granting the application of **WJBO, Baton Rouge, La.**, to increase its power to 1000 watts, unlimited time. No exceptions were filed when the proposed findings of fact and conclusions were issued by the Commission.

The Commission has also granted the application of **WAPO, Chattanooga, Tennessee**, to change the station's assignment from **1420 kilocycles**, 100 watts night and 250 watts day, until LS, unlimited time, to **1120 kilocycles**, 500 watts night and 1000 watts day, unlimited time, employing a directional antenna at night.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases for the week beginning Monday, January 1. They are subject to change.

Wednesday, January 3

Further Hearing

NEW—Burlington Broadcasting Co., Burlington, Iowa.—C. P., 1310 kc., 100 watts, unlimited time.

NEW—Clinton Broadcasting Corp., Clinton, Iowa.—C. P., 1310 kc., 100 watts, 250 watts LS, unlimited time.

Further Hearing Before Commissioner Thad H. Brown.

WSAL—Frank M. Stearns, Salisbury, Md.—In re: Revocation of Station License of WSAL.

FUTURE HEARINGS

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

February 5

NEW—Springfield Radio Service, Inc., Springfield, Ohio.—C. P., 780 kc., 250 watts, daytime.

February 26

NEW—William F. Huffman, Wisconsin Rapids, Wisc.—C. P., 1310 kc., 100 watts, 250 watts LS, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

RENEWAL OF LICENSES

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

KBIX, Muskegon, Okla.; KEEN, Seattle; KFRO, Longview, Texas; KGIW, Alamosa, Colo.; KNOW, Austin, Texas; KPAB, Laredo, Texas; WAGF, Dothan, Ala.; WBLK, Clarksburg, W. Va.; WCBM, Baltimore, Md.; WPAR, Parkersburg, W. Va.; WHMA, Anniston, Ala.; WKBV, Richmond, Ind.; WMIN, St. Paul, Minn.; WPRA, Mayaguez, P. R.; WTMV, E. St. Louis, Ill.

Licenses for the following stations were extended upon a temporary basis only, for a period of one month from January 1 to February 1, 1940, pending determination upon application for renewal:

KGFI, Brownsville, Texas; KRE, Berkeley, Cal.; KTEM, Temple, Texas; WKAT, Miami Beach, Fla.; WMSD, Muscle Shoals City, Ala.; WPRP, Ponce, P. R.; WSVS, Buffalo, N. Y.; WTMC, Ocala, Fla.

WTOL—The Community Broadcasting Co., Toledo, Ohio.—Present license further extended on a temporary basis only, for a period of one month, from January 1 to February 1, 1940, pending determination upon application for renewal.

WGIL—Galesburg Broadcasting Co., Galesburg, Ill.—Present license extended upon a temporary basis only, for the period January 1 to March 1, 1940, pending receipt of and determination upon application for renewal.

MISCELLANEOUS

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Denied special temporary authority to operate from local sunset (December 5:00 p. m., EST), on December 24, 1939, to 2:00 a. m., EST, on December 25, 1939, and from local sunset on December 31, 1939, to 1:00 a. m., EST, on January 1, 1940, in order to broadcast programs as described in letter dated December 5, 1939.

WJJD—WJJD, Inc., Chicago, Ill.—Denied special temporary authority to operate from 8:00 p. m. to 9:30 p. m., CST, on January 6, 8, 13, 15, 20 and 27, 1940, in order to broadcast basketball games only.

WEAU—Central Broadcasting Co., Eau Claire, Wisc.—Granted special temporary authority to operate from 11:15 p. m., CST, December 24, 1939 to 2:00 a. m., CST, December 25, 1939, in order to broadcast the Christmas Eve services of the St. Patrick's Cathedral of Eau Claire.

WNYC—City of New York Municipal Broadcasting System, New York City.—Granted special temporary authority to operate from 8:00 p. m. to 11:00 p. m., EST, Wednesday, December 20, 1939, in order to broadcast emergency program for Finnish Relief.

W3XAD—RCA Manufacturing Co., Inc., New York, N. Y.—Granted special temporary authority to operate transmitter of television broadcast (experimental) station W3XAD on television bands 18 and 19 frequency 282 and 294 mc., for the period December 20, 1939, to not later than January 16, 1940.

KFDY—So. Dak. State College, Brookings, S. Dak.—Granted special temporary authority to remain silent on December 25 and January 1, in order to observe holidays.

WDMJ—The Lake Superior Broadcasting Co., Marquette, Mich.—Granted special temporary authority to operate from 1:30 to 4:30 p. m., CST, on December 25, in order to broadcast special Christmas program.

WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate from 9 to 11 a. m., 1 to 3 p. m. and 8 to 10 p. m., EST, on December 25 and January 1, in order to broadcast holiday programs (provided WOSU remains silent).

The Commission granted the application of the Midland National Life Insurance Company, Watertown, South Dakota, for a construction permit to erect a new station to operate on the frequency 1210 kc., with 250 watts power, unlimited time.

WLOK—The Fort Industry Co., Lima, Ohio.—Granted special temporary authority to operate from 7:30 p. m. to 8:30 p. m., EST, on December 22, 1939, in order to broadcast the mass singing of Christmas Carols in the Lima Public Square.

WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.; and WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan and Bostwick, St. Albans, Vt.—Issued subpoena and subpoenas to appear and produce papers in re applications for renewal of licenses scheduled to be heard on January 16 and 17, 1940. (Docket Nos. 5430 and 5788.)

WBNS—WBNS, Inc., Columbus, Ohio.—Granted authority to determine operating power by direct measurement of antenna input in compliance with Sec. 3.54, for both main and auxiliary transmitters, with certain additional power specifications.

WCLS—WCLS, Inc., Joliet, Ill.—Granted authority to determine operating power by direct measurement of antenna input in compliance with terms of Sec. 3.54, with certain additional power specifications. Also granted license to cover construction permit for change in equipment and antenna, and move of transmitter; 1310 kc., 100 watts, specified hours.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 2 to 3 p. m., CST, January 2, 3, 4, 9, 10, 11, 16, 17, 30 and 31, 1940, and from 3 to 3:30 p. m., CST, January 15, 22 and 29, 1940, in order to broadcast special educational programs (provided station KGGF remains silent).

KGGF—Hugh J. Powell, Coffeyville, Kans.—Granted special temporary authority to operate from 7:15 to 9:15 p. m., CST, January 18, 23 and 25, 1940, and from 8:15 to 9:15 p. m., CST, on January 24, 1940, so that WNAD may remain silent during final examinations (provided WNAD remains silent).

KWEW—W. E. Whitmore, Hobbs, N. Mex.—Granted special temporary authority to operate simultaneously with station KBST from 8 p. m. to 9 p. m., MST, on December 28, 1939, in order to broadcast a speech of Governor John E. Miles.

KPAC—Port Arthur College, Port Arthur, Tex.—Granted special temporary authority to operate from 11 p. m., December 24, 1939, to 1 a. m., December 25, 1939, CST, with power of 100 watts, in order to broadcast a Christmas Eve Carol Program direct from the Methodist Church.

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Granted special temporary authority to operate with power of 5000 watts from 12 midnight to 1 a. m. on the morning of December 25, 1939, in order to bring the services of the Sacred Heart Catholic Church to regular daytime audience.

KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 1:30 p. m. to 5 p. m., MST, December 25, 1939, in order to broadcast the extra Christmas program.

Joe W. Engel, Chattanooga, Tenn.—Granted petition for order to take depositions in re application for new station to operate on 1370 kc., 250 watts, unlimited time.

KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted petition to accept amendment to application for construction permit to change night power to 5 KW; applicant also desires change in frequency from 1350 kc. to 630 kc., operating with 5 KW LS, unlimited time.

Chilton Radio Corp., Dallas, Tex.—Granted petition to accept amendment to allow application to remain on hearing docket, requesting reduction in power from 250 watts to 100 watts on frequency 1370 kc., unlimited time.

Valley Broadcasting Co., West Point, Ga.—Granted authority to take depositions in re application for a new station to operate on **1310 kc.**, 250 watts, unlimited time, a hearing on which is scheduled for February 12, 1940.

Lookout Mountain Co. of Georgia, Lookout Mountain, Ga.—Granted petition to intervene in the hearing in re the application of Joe W. Engel for a new station in Chattanooga, Tenn., to operate on **1370 kc.**, 250 watts, unlimited time; denied petition insofar as it requests continuance of hearing on Engel application now scheduled for January 15, 1940.

Lookout Mountain Co. of Georgia, Lookout Mountain, Ga.—Granted petition to accept amendment to application for construction permit to request 250 watts instead of 100 watts night, 250 watts local sunset, operating on **1370 kc.**; and change transmitter from near Roseville to near Chattanooga.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Adopted final order (No. B-82), effective December 23, 1939, granting the application for construction permit to increase power from 500 watts to 1 KW, unlimited time; frequency **1120 kc.** (Docket No. 4908).

WAPO—W. A. Patterson, Chattanooga, Tenn.—Adopted final order (No. B-82), effective December 23, 1939, granting the application for construction permit to change station's assignment from **1420 kc.**, 100 watts night, 250 watts day until local sunset, unlimited time, to **1120 kc.**, 500 watts power at night and 1 KW day, on an unlimited time basis, employing a directional antenna at night, subject to proof of performance in accordance with Section 3.33(b) of the Rules Governing Standard Broadcast Stations, and upon the condition that during directional operation of the antenna, the inverse distance field in the directions indicated shall not exceed the values specified (Docket No. 4909).

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Denied special temporary authority to operate from local sunset (December, 5:00 p. m., EST) December 24, 1939, to 2:00 a. m. on December 25, 1939, or to the conclusion of Christmas Eve Midnight Mass and from local sunset December 31, 1939, to 1:00 a. m. on January 1, 1940, in order to broadcast appropriate Christmas and New Year's programs as set forth in letter dated December 21, 1939.

WQDM—E. J. Regan and F. Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Granted special temporary authority to operate from 8:30 p. m., EST, December 24, 1939, to 1:00 a. m., EST, December 25, 1939, in order to broadcast special Christmas programs.

WEJJ—National Broadcasting Co., Inc., New York City.—Granted special temporary authority to operate relay broadcast station WEJJ as a sound channel on 30-40 megacycle band in conjunction with experimental television station W3XAD for the period December 26, 1939, to January 16, 1940.

United Air Lines Transport Corp., Washington, D. C.—Granted special temporary authority to operate already licensed aircraft radio transmitter aboard plane owned by United Air Lines Transport Corp. (call letters KHAZT), as a sound channel in connection with NBC television demonstration from aircraft on December 26, with alternate days December 27 and 28.

APPLICATIONS FILED AT FCC

580 Kilocycles

WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Construction permit to increase power from 1 KW night, 5 KW day to 5 KW day and night, using directional antenna night.

630 Kilocycles

NEW—R. E. Troxler, High Point, N. C.—Construction permit for a new broadcast station to be operated on **630 kc.**, 500 watts, daytime (Section 15c).

780 Kilocycles

KWLK—Twin City Broadcasting Corp., Longview, Wash.—Modification of license to change frequency from **780 kc.** to **1370 kc.** and hours from daytime to unlimited, using 250 watts power.

890 Kilocycles

WJAR—The Outlet Company, Providence, R. I.—Authority to determine operating power by direct measurement of antenna power.

1140 Kilocycles

WAPI—Alabama Polytechnic Institute, University of Alabama College (Board of Control of Radio Broadcast Station WAPI), Birmingham, Ala.—Construction permit to install new transmitter, directional antenna for day and night use; change frequency from **1140 kc.** to **1050 kc.**; increase power from 5 to 50 KW, hours from simultaneous day, share KVOO night, to unlimited time; and move transmitter. Amended to request directional antenna night, non-directional day.

1150 Kilocycles

NEW—Hobart Stephenson, Milton Edge and Edgar J. Korsmeyer, d/b as Stephenson, Edge & Korsmeyer, Jacksonville, Ill.—Construction permit for a new broadcast station to be operated on **1370 kc.**, 250 watts, unlimited. Amended to change frequency from **1370 kc.** to **1150 kc.**, hours to daytime, and make antenna changes.

1160 Kilocycles

WOWO—Westinghouse Radio Stations, Inc., Ft. Wayne, Ind.—Construction permit to make changes in equipment, install directional antenna for day and night use, increase power from 10 to 50 KW and change hours from simultaneous day, share night with WWVA to unlimited. Amended: antenna changes.

1210 Kilocycles

KHBG—Okmulgee Broadcasting Corp., Okmulgee, Okla.—License to cover construction permit (B3-P-2605) for changes in equipment, increase in power and changes in hours of operation.

NEW—Palm Radio Co., Fort Myers, Fla.—Construction permit for a new broadcast station to be operated on **1210 kc.**, 250 watts, unlimited time. Amended to request facilities of WFTM.

WTMA—Y. W. Scarborough and J. W. Orvin, d/b as Atlantic Coast B/C Co., Charleston, S. C.—Authority to determine operating power by direct measurement of antenna power.

1290 Kilocycles

WNEL—Juan Piza, San Juan, Puerto Rico.—Authority to determine operating power by direct measurement of antenna power.

1310 Kilocycles

KUIN—Southern Oregon Broadcasting Co., Grants Pass, Ore.—License to cover construction permit (B5-P-2245) as modified for a new station.

KUIN—Southern Oregon Broadcasting Co., Grants Pass, Ore.—Authority to determine operating power by direct measurement of antenna power.

WGTM—WGTM, Inc., Wilson, N. C.—License to cover construction permit (B3-P-2569) for changes in equipment and increase in power.

1370 Kilocycles

KFGQ—Boone Biblical College, Boone, Iowa.—Modification of license to request additional specified hours of operation. Wednesday 4 p. m. to 5 p. m. and Sunday, 7:30 p. m. to 8:30 p. m. and 11 p. m. to 12 midnight. CST.

NEW—Birney Imes, Columbus, Miss.—Construction permit for a new broadcast station on **1370 kc.**, 250 watts, unlimited time.

1390 Kilocycles

WHK—United Broadcasting Co., Cleveland, Ohio.—Construction permit to increase power from 1 KW night, 5 KW day to 5 KW day and night, using directional antenna night.

1420 Kilocycles

WKIP—Poughkeepsie Broadcasting Corp., Poughkeepsie, N. Y.—Modification of construction permit (B1-P-2446) for new station requesting approval of transmitter and studio sites at 42 S. Market St., Poughkeepsie, N. Y., approval of antenna and change type of transmitter.

WPAD—Paducah Broadcasting Co., Inc., Paducah, Ky.—License to cover construction permit (B2-P-2630) for installation of new transmitter.

KWAL—Chester Howarth and Clarence Berger, Wallace, Idaho.—License to cover construction permit (B5-P-1967) as modified for a new broadcast station.

1500 Kilocycles

KYCA—Southwest B/C Co., Prescott, Ariz.—Modified construction permit (B5-P-865) for new station, requesting change in transmitter site from 1.9 miles from center business district to E. Gurley St., and studio from 129 N. Cortez St. to E. Gurley St., Prescott, Ariz., install new transmitter, antenna changes, increase power from 100 watts night, 250 watts day to 250 watts day and night and extend commencement date to 30 days after grant and completion date to 180 days thereafter.

KOTN—Universal B/C Corp., Pine Bluff, Ark.—Construction permit to make changes in transmitting equipment and increase in power from 100 watts to 250 watts.

NEW—Albert Joseph Meyer, Powell, Wyo.—Construction permit for a new broadcast station to be operated on 1500 kc., 250 watts, unlimited time. Amended to give studio site to be determined, Powell, Wyo.

NEW—E. W. Williams, Corbin, Ky.—Construction permit for a new broadcast station to be operated on 1500 kc., 100 watts, unlimited time. Amended to specify transmitter site as approximately 1 mile from center of business district, Corbin, Ky.

MISCELLANEOUS

WNBI—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of license to correct description of transmitter in accordance with new type and serial numbers recently adopted.

WRCA—National Broadcasting Co., Inc., Bound Brook, N. J.—Modification of license to correct description of transmitter in accordance with new type and serial numbers recently adopted.

KRLH—Clarence Scharbauer, Midland, Texas.—Authority to determine operating power by direct measurement of antenna power.

WAVB—Vee Bee Corp., Portable-Mobile.—License to cover construction permit (B2-PRY-117) as modified for a new relay broadcast station.

FEDERAL TRADE COMMISSION ACTION

COMPLAINTS

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

Air Conditioning Textiles, Inc.—A complaint has been issued against Air Conditioning Textiles, Inc., 1441 Broadway, New York, sellers and distributors of toilet preparations, charging misrepresentation. The respondent's products include a toilet soap designated variously as "Air Conditioning the Human Body" soap and as "Air Conditioning" soap.

In advertisements and by means of circulars and other printed matter, the respondent corporation allegedly represents that its products "definitely reduce body temperature", "reduce humidity by evaporation", and "eliminate perspiration objections".

Use of the term "Air Conditioning", the complaint continues, as descriptive of respondent's soap product, has the tendency to mislead purchasers into the mistaken belief that to some extent the principle of air conditioning has in some manner been incorporated into the soap and that it possesses properties contributing to human comfort not possessed by ordinary soaps. The respondent's soap possesses perfume and menthol in less than 3 per cent, but, the complaint alleges, it has no properties different from ordinary soap. (3974)

Argo Pen-Pencil Company, Inc.—See Park Row Pen Company.

Bowers Battery Mfg. Co., Inc.—See Reading Batteries, Inc.

Park Row Pen Company—Harry Sachnoff, trading as Park Row Pen Company, and Argo Pen-Pencil Company, Inc., alleged to be dominated by him, both of 220 Broadway, New York, are charged in a complaint with misrepresentation in the sale and distribution of fountain pens.

The complaint alleges that the respondents have caused to be stamped upon certain types of pen points which are used in fountain pens and combination pen-pencils, sold and distributed by them, the words "Durium, 14K gold plated, No. 8", and "Warranted Duripoint, Made in U. S. A." The complaint alleges that these pen points are made of chromium or stainless steel alloy, thinly electroplated with gold. Through the use of gold electroplating and also the designations "14K" or "14 Kt" stamped conspicuously on some of the pen points, the respondents allegedly represent directly that the points are in fact made of solid 14-carat gold, and use of the word "Durium" conveys the impression that pen points are made with some special alloy or are tipped with some special substance of unusual quality which gives them a writing quality and durability not found in other pen points. There is no metal or substance known to science or industry as "Durium", according to the complaint.

The respondents also allegedly furnish a "Life-Time Guarantee" with their pens, as follows:

"This certifies that this Reservoir Pen is Guaranteed by us to be in perfect working order and absolutely free from any defects.

"In the event of any dissatisfaction, return this Certificate with your pen, and 25¢ in stamps to us and we will adjust same or give you a new one. It is important that you return all parts of the pen sent for repair, as we will not supply new parts unless the old parts accompany the repair.

"This guarantee does not cover careless or violent handling and consequent breakage."

This is in no sense a genuine lifetime guarantee, the complaint continues, as it is in fact a device whereby a defective fountain pen or combination pen-pencil may be used to sell another fountain pen or combination pen-pencil at the regular selling price or more, or as a means for selling some insignificant repair part for the price of a whole new fountain pen or pen-pencil. In order to exercise the so-called "lifetime guarantee", purchasers must pay the respondents 25 cents, which is more than the price at which the respondents sell the fountain pens or combination pen-pencils to dealers in the regular course of business. (3975)

Perrine Quality Products Corp.—See Reading Batteries, Inc.

Price Battery Corporation—See Reading Batteries, Inc.

Reading Batteries, Inc., Temple, Pa.; Bowers Battery Manufacturing Company, Inc., 629 Franklin St., Reading, Pa.; Royal Battery Corporation, Jersey Ave., New Brunswick, N. J.; Price Battery Corporation, Trenton Ave. and Ontario St., Philadelphia, and Perrine Quality Products Corporation, Waltham, Mass., have been named respondents in a complaint charging them with acts and practices constituting unfair methods of competition.

The respondents, according to the complaint, have been engaged, at their respective places of business, in the manufacture of automobile storage batteries in the low-price field. The number of storage batteries manufactured and sold by them since 1932 constituted a substantial proportion of all low-price batteries manufactured and sold in the northern and eastern portions of the United States.

The complaint charges that about August, 1937, the respondents, for the purpose of eliminating competition among themselves as to prices, discounts, terms and conditions of sale, entered into and since carried out by means of an informal association, an agreement, combination, understanding and conspiracy among themselves by which they have fixed and maintained minimum prices and uniform discounts, terms and conditions of sale for their products. The complaint also alleges that they have held meetings from time to time at which information concerning prices and terms and prospective territories and customers has been

exchanged; have agreed among themselves not to deviate from these terms, and have allocated territories and prospective customers.

These acts and practices, the complaint continues, have hindered and prevented competition, and placed in respondents the power to control and enhance prices, and created in them a monopoly in the sale of lower-price automobile storage batteries in the northern and eastern portion of the United States. (3978)

Royal Battery Corporation—See Reading Batteries, Inc.

STIPULATIONS

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

Crown Webbing Company—Charles Leitner, trading as Crown Webbing Company, 714 Broadway, New York, has agreed to cease and desist from representing on his letterheads or in trade literature or otherwise, that he is a manufacturer of elastic braids and webbings, or representing that the elastic braids and webbings sold by him are made in a plant owned or controlled by him, when such is not the fact. (2613)

Walter W. George, conducting an advertising agency at 150 Nassau St., New York, which disseminated advertisements for a tissue builder designated "Jane Cook's Wonder Tissue Creme" on behalf of Jane Cook Method, Los Angeles, will cease representing, directly or by implication in the dissemination of advertising, that such a cream will increase the size of the bust or that it will correct a flat chest, flabby or sagging bust, scrawny neck, or an underweight condition. He further agrees to cease disseminating any advertisements representing that the product is in fact a "tissue" cream, either by the inclusion of that word in the name for the product, or otherwise. (02476)

Theo. A. Kochs Company, 659 North Wells St., Chicago, in connection with the sale of its products, agrees to desist from using, directly or indirectly, the word "Chrometal" or words of similar meaning, to designate furniture or other equipment or merchandise sold by it, unless the metal of which such article is made is composed throughout of chromium or of an alloy of chromium and other metal in proportions entitling it to be properly represented and referred to as chrome metal, as understood by the trade and the purchasing public. (2614)

Physical Culture Studio—Raymond F. Biggin, doing business under the trade name Physical Culture Studio, 116 Church Road, Foxcroft, Philadelphia, engaged in selling a booklet prescribing a course of treatment for hair and scalp designated "Healthy Hair", agrees to cease and desist from representing that the "Healthy Hair" course of treatment employs a principle used by those skilled in physical culture; that the treatment, under that or other names, will feed starved or poisoned hair roots; remove poisons from hair roots, or restore new beauty and vigor to hair; that the treatment produces results when all other methods have failed, stimulates dormant circulation of the scalp, or removes incrustations and other strictures which prevent hair from growing properly. He also agrees to desist from representing that the treatment is a new or scientific discovery, is a way to avoid the risk of baldness, and that results are guaranteed. (02477)

Standard Auto Seat Cover Company—Charles A. Greenspan, trading as Standard Auto Seat Cover Company, 4147 Chestnut St., Philadelphia, in connection with the sale and distribution of auto seat covers or other merchandise, has agreed to cease and desist from representing in any way that he is the manufacturer of the goods sold by him, when he neither owns nor controls the plant or factory in which such goods are made. (2618)

Sta-Wel Belt Company—J. J. McSherry, Jr., and Dorothy Shepard, trading as The Sta-Wel Belt Co., 18 East 53d St., New

York, have agreed to cease representing that an abdominal belt or binder designated "Sta-Wel Belt", or any other binder of similar design or construction, prevents seasickness and other travel sickness for all persons who use it, or that it is a "nerve control" belt, or in any other manner that it controls the nerves or inhibits nerve impulses. (02474)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Milton K. Altschul, Inc.—See Fruit & Produce Exchange.

Association of American Arts, Inc.—Four individuals formerly connected with the Association of American Arts, Inc., now dissolved, and all having had their place of business at 486 Boylston St., Boston, and operating under various trade names, have been ordered to cease and desist from misrepresentations in connection with the advertising, sale and distribution of colored or tinted photographs, enlargements having a photographic base, and frames therefor.

Individuals named as respondents are H. E. Bernie or Bernstein, otherwise known as Harry Burney or H. E. Burney; J. A. Bernie or Bernstein, otherwise known as Jack A. Burney or Jacob Bernstein; Eli Litcofsky, otherwise known as A. Davis or Alfred Davis, and Edward Ziman.

Findings of the Commission are that these respondents and their agents and representatives visited prospective customers in various States, and made various false and misleading representations.

The respondents were ordered to cease and desist from representing, through any corporate or other device, including any trade name, that colored or tinted pictures or enlargements are hand-painted or are paintings; from using the terms "pastel" or "painting" to describe photographic enlargements; from misrepresenting the actual cost of production of pictures; from representing that respondents are conducting any special or advertising campaign, unless such campaign is in fact being conducted; that any portrait will be placed on exhibition in studios or other places of display, and other similar representations; from concealing from any customers that finished pictures, when delivered, will be so shaped and designed that they can be used only in a specially-designed, odd style of frame which can be obtained from respondents only; and from retaining the original photograph loaned to the respondents for use in making a picture, unless all the terms and conditions upon which the original photograph is to be retained in connection with the purchase, are fully and adequately revealed to the purchaser at the time the photograph is obtained from him. (3409)

Bay Company—See Johnson & Johnson.

B & T Floor Company, a corporation, Columbus, Ohio, has been ordered to cease certain misrepresentations in the sale and distribution of extruded aluminum alloy trimmings and metal products designated "Chromedge".

The respondent, in catalogs, folders and other advertising matter circulated throughout the country, was found to have represented, among other things:

"CHROMEDGE, the brilliant solid white metal for trimming wall and floor covering materials, manufactured only by the B & T Floor Company, Columbus, Ohio."

* * * *

"METAL. Chromedge is not a plated metal, Chromedge is manufactured from a special white metal alloy in which we have incorporated chromium, magnesium, silicon, iron, copper, etc., in such a way that it will accept and retain a brilliant, lustrous polish. Its ductility is of such a nature that it may be easily bent to fit curves and angles."

Findings of the Commission are that "Chromedge" is not a metal of superior quality having the attributes of chromium, but is, in fact, extruded aluminum alloy containing approximately 98 per cent aluminum and .20 to .30 per cent chromium.

The respondent purchases practically all its alloy, which it sells under the trade name "Chromedge", from the Aluminum Company of America, and the same alloy is sold by the Aluminum Company of America to numerous competitors of the respondent.

The Commission orders that the respondent cease and desist from representing, by use of the word "Chromedge" or similar word or words, that its extruded aluminum alloy, or any other metal not composed principally of chromium is chromium; or that "Chromedge" has the attributes of chromium or is superior in quality to extruded aluminum; that competitors' extruded aluminum alloy products are inferior to those sold under the name "Chromedge"; and, by use of the words "Manufactured only by" or words of similar import, that the respondent is the manufacturer of any product it sells, unless it actually owns or controls a manufacturing plant where the products so represented are manufactured by it. (3541)

Chase & Company—See Fruit & Produce Exchange.

Dearborn Sales Company—See Reliable Sales Company.

Fruit & Produce Exchange—Prohibiting violation of the brokerage section of the Robinson-Patman Act, an order to cease and desist has been issued against Jake Felt, trading as The Fruit and Produce Exchange, Linden Station, Memphis, Tenn., and against the following concerns which sell produce, foodstuffs and allied products to Felt: Milton K. Altschul, Inc., 264 Wholesale Terminal Building, Los Angeles; San Pat Vegetable Company, Sinton, Tex.; A. O. Kolberg, McAllen, Tex.; Albert Miller & Co., 308 West Washington St., Chicago, and Chase & Co., Sanford, Fla.

The respondent selling companies were found to be fairly representative of a large group of sellers of produce, foodstuffs and allied products which they sell to the respondent Felt and other purchasers. Such commodities, when received by the respondent, are stored in a warehouse used jointly by Jake Felt, trading as The Fruit and Produce Exchange, and by M. E. Carter & Co., of Memphis, a wholesale corporation, 84 per cent of the outstanding stock of which is owned by Felt, who is its president and a member of its board of directors, and conducts its affairs.

Findings are that the seller respondents and other sellers had paid and delivered to the respondent Felt, trading as The Fruit and Produce Exchange, so-called brokerage fees or commissions which were a certain percentage of the quoted sales prices agreed upon between each of the sellers and the respondent, or were flat commissions agreed upon between each of such sellers and Felt. It was also found that he had received and accepted such fees or commissions on commodities resold by him, under the name of The Fruit and Produce Exchange, to wholesale dealers, and on commodities resold by M. E. Carter & Co., to retail dealers, and that in connection with these transactions, the respondent Felt was the sole party at interest and neither he, trading as The Fruit and Produce Exchange, nor M. E. Carter & Co., which he controlled, rendered any services to the sellers.

It was found that in all the transactions with the sellers, the respondent Felt acted in his own interest and as a representative of M. E. Carter & Co., and that any benefits which may have accrued to the seller respondents or other sellers were solely incidental to buying services performed by M. E. Carter & Co.

The Commission dismissed its complaint in this proceeding as to M. E. Carter & Co., because the record did not disclose that any brokerage or allowances in lieu thereof had been paid to that firm.

The Commission order directs the five produce concerns and their officers, representatives and employees to discontinue paying Jake Felt, individually, trading as The Fruit and Produce Exchange, or under any other name, any fee or commission as brokerage or any allowance in lieu thereof upon the purchases made by the respondent Felt without services being rendered therefor by Felt. (3765)

Gravitonic Life Ray Corporation, Inc., and Fred W. Reed, individually and as president of the corporation, St. Petersburg, Fla., have been ordered to cease and desist from misrepresentations in the sale and distribution of an electrical apparatus manufactured by the corporation and designated "Gravitonic Life Ray".

In newspapers, magazines, pamphlets and other advertising matter the respondents were found to have represented, among other things:

"The **GRAVITONIC LIFE RAY** now presented to the public is a wonderful discovery which promises to revolutionize the present methods of making examinations, and the treatment of practically all human ills. As the name implies this discovery is based upon the forces of gravity, the tonic of the air, and the vibrational impulses thereof in the ether surrounding the earth. All life is, or is affected by vibrations and these vibrations in the ether both build and destroy life. The **GRAVITONIC LIFE RAY** is the summation of all the rays which produce and support life. The **GAMMA RAYS** and all other rays which tend to destroy life, have been screened out."

* * * *

... "Sleeping sickness victims have been aroused, patients blinded by tic-douloureux have had sight restored, tuberculosis, stomach and gall bladder troubles have been relieved and cured; diseases of the kidneys overcome, arthritis victims relieved and cured, gland disorders corrected, likewise diabetes, tumors, prostate trouble, colds, dizziness, anemia, cancer, chronic indigestion, acute appendicitis, catarrh, colitis, dyspepsia, nervousness, spinal trouble, high blood pressure, tonsillitis, and mastoid and ear trouble have been relieved and cured."

Findings of the Commission are that these statements are misleading and untrue, and that the respondents' device is worthless and of no use in the diagnosis, cure or treatment of disease, and that it is not a discovery and will not revolutionize methods of making examinations or the treatment of practically all human ills.

The respondents are ordered to cease and desist from representing that the device is a scientific discovery or based upon any scientific foundation; that it will locate the cause or trouble of any disease; that it will cure any of the ailments or diseases named in the advertisements, or that its use will have any beneficial effect upon the human system or any beneficial value in the treatment of any disease or condition of the human body. (3451)

Johnson & Johnson, New Brunswick, N. J., The Kendall Company, Walpole, Mass., and The Bay Company, Bridgeport, Conn., have been ordered to cease and desist from unfair competitive methods in the sale of medical supplies such as gauze, bandages, bandage rolls, cotton sponges, napkins, pads, adhesives and similar products.

The Kendall Company now sells, and for more than five years, has sold through two of its subsidiary corporations, Bauer & Black, and Lewis Manufacturing Company.

Since 1933, the Commission finds the respondents have manufactured and sold 85 per cent of all such products manufactured and sold in the United States. Prior to September, 1933, the three companies were in competition with one another as to prices, according to the findings. At that time, for the purpose of eliminating price competition among themselves, the respondents entered into and have since carried out an agreement to fix and maintain uniform prices, have maintained their published prices; have communicated to one another proposed changes in the prices of the products prior to release to the trade of notice of such proposed changes, and have agreed among themselves to divide the United States into zones, for which zones they have, by agreement, fixed and maintained uniform prices for their products.

The respondents had admitted all material allegations set forth in the complaint, which were the facts found by the Commission, and had waived all intervening procedure.

The Commission ordered the respondents to cease and desist from entering into or carrying out any conspiracy, combination or undertaking to fix and maintain uniform prices in the sale of gauze, bandages, bandage rolls, cotton sponges, napkins, pads, adhesives and similar products to any and all classes and kinds of buyers; from agreeing to communicate to one another changes in prices prior to release to the trade of notice of such changes; from agreeing to maintain, and maintaining, pursuant to any such agreement, published price lists, and from agreeing to divide and dividing the United States into zones, and, with respect to such zones, fixing and maintaining uniform prices for their products. (3393)

Johnson's Lixolene Company—John C. Johnson, trading as Johnson's Lixolene Company, 4028 Hill Crest Drive, San Diego, Calif., has been ordered to cease and desist from misrepresentations in connection with the sale and distribution of "Johnson's Lixolene," a medicinal preparation recommended for the treatment of eczema and other diseases of the skin.

Findings of the Commission are that the respondent disseminated advertisements of its product in the United States mails and by continuity broadcast from radio stations. In its broadcasts it represented, among other things:

"This radio address is given by Dr. J. C. Johnson, the author of Johnson's Lixolene, 'The Safe Skin Remedy,' for the benefit of those who are interested in knowing of this new remedy which is offered in the drug stores for the relief of even the most chronic cases of eczemas. This is our third time to broadcast over this station, spreading the news about the therapeutic value of Lixolene in giving complete relief from the causes of all parasitic infections of the skin."

The Commission finds that "Johnson's Lixolene" consists essentially of a solution of salicylic acid in a diluted mixture of alcohols, together with a small amount of boric acid and a trace of methyl salicylate, and that it is neither a skin remedy nor a powerful germicide.

The respondent is ordered to cease and desist from representing that use of his preparation is a remedy or cure for eczema, acne, psoriasis, dandruff, poison ivy, seborrhea or alopecia, or has any therapeutic value in excess of temporarily relieving the symptom of itching by reason of its mildly antiseptic and counter-irritant properties; that the preparation is a germicide; that all eczemas and other diseases of the skin are caused by parasitic infection; that the proper treatment for eczema or other skin ailments is in all cases the local application of a germicide, and that respondent is a physician or a medical doctor, or that he has any recognized standing or reputation as a dermatologist or chemist. (3887)

Kendall Company—See Johnson & Johnson.

Albert Miller & Company—See Fruit & Produce Exchange.

National Numbering Machine Co., Inc.—Price discriminations in violation of the Robinson-Patman Act are prohibited under an order to cease and desist issued against National Numbering Machine Company, Inc., 1 Beekman St., New York.

Findings are that the respondent company sold to the American Woodtype Manufacturing Company, New York, dealer in typographic numbering machines, 100 machines at a net price of \$6 each, and that about the same time it sold to the American company's competitor, Craftsman Machinery Company, Boston, 300 machines of like grade and quality at a net price of \$5 a machine. The Craftsman company, it was found, resold a substantial number of the machines so purchased, at a net price of \$7.50 and \$8.50 for the five-wheel and six-wheel types, respectively.

The respondent was also found to have sold for resale machines of like grade and quality in quantities of five or less, to various other companies or individuals competitively engaged one with another, at net prices varying from \$6 to \$8 a machine.

The different prices were found to constitute discriminations in price between purchasers of the respondent's typographic numbering machines.

The order directs the respondent to cease discriminating in price, either directly or indirectly, between the Boston and the New York companies named.

The order also prohibits discrimination in price, wherever any of the sales are in interstate commerce, between different purchasers competitively engaged in the resale of the respondent's typographic numbering machines by means of price differences substantially similar to those set forth above, unless the difference between the prices paid by such purchasers make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the machines are sold or delivered. (3889)

Nutrine Candy Company, 419 West Erie St., Chicago, has been ordered to discontinue certain price discriminations in violation of the Robinson-Patman Act and the sale and distribution of candy by means of lottery methods in violation of the Federal Trade Commission Act.

This company, according to findings, sells a small line of fancy candies packed in boxes, but specializes in the sale and distribution of bulk candy directly to retailers in Wisconsin, Minnesota, Nebraska, Oklahoma, Arkansas, Tennessee, Michigan, Iowa, Indiana, Kansas, Missouri, Ohio, Kentucky, West Virginia and Western Pennsylvania.

Findings are that the respondent company maintains four separate price schedules under each of which all of its bulk candies are listed. These schedules of prices are identified by the symbols "ES" ("Eastern Syndicate" accounts), "NS" ("National Syndicate" accounts), "SS" ("Small Syndicate" accounts), and "SR" ("Small Retail" accounts) and the price for candy of like grade and quality varies according to the schedules. The "ES" schedule carries the lowest and the "SR" schedule the highest price per pound for candy of like grade and quality.

It was found that the respondent permitted its salesmen to sell items to a customer from one schedule and other items purchased by the same customer at the same time from another schedule.

This method was found to have resulted in the respondent's selling to different purchasers, competitors one with the other, candy of like grade, quality and quantity at varying prices. These price differentials were found to range from a low of \$.0075 a pound to a high of \$.047 $\frac{7}{8}$ a pound, depending on the brand of candy so sold and purchased.

The effect of these selling methods was found to be a substantial lessening of competition between competing retailers purchasing under the high and low classifications, and a tendency to concentrate in the more favored retailers the retail sales of the respondent's products and to eliminate the bulk candy business of the less favored retailers.

Concluding that nothing appeared in the record to justify these price discriminations, the Commission ordered the Nutrine Candy Company to cease and desist from such practices or engaging in similar discriminations under like conditions.

The order also prohibits the distribution of candy so assembled that sales may be made by means of lottery devices, and the supplying of lottery devices to dealers for use in selling such candy to the consuming public. (3756)

Ransom Electric Company—Ben Ransom, trading as Ransom Electric Company, 211 Second Avenue North, Nashville, Tenn., has been ordered to cease and desist from misrepresentations in the sale and distribution of incandescent electric lamp bulbs.

The Commission finds that the respondent is engaged in importing incandescent electric lamp bulbs manufactured in Japan, and printed or marked with the words "Made in Japan". Before selling such bulbs the respondent buffed off, or otherwise removed, the words "Made in Japan". The bulbs then were placed in cartons upon which were printed the words "Made in U. S. A.", "Lednew Lamps", or "The Lednew Corporation".

The respondent also purchased for resale, the findings continue, certain electric lamp bulbs manufactured under the trade name "The Elite Lamp Service", and in advertising matter, circulars and pamphlets distributed in connection with their sale, represented: "All the E. L. S. lamps are made in conformity with the specifications of the U. S. Bureau of Standards." The Commission finds that this representation is misleading and deceptive as the United States Bureau of Standards has not adopted or promulgated any specifications for incandescent electric lamp bulbs with which the respondent's bulbs could conform.

The respondent is ordered to cease and desist from representing that lamp bulbs imported from Japan, or any other foreign country, are made or manufactured in the United States; from representing, through names of purported manufacturers placed on the cartons or containers in which bulbs are offered, that they are manufactured or made by any one other than the real manufacturer thereof, and from representing that bulbs offered for sale and sold by him conform to specifications of the United States Bureau of Standards. (3905)

Reliable Sales Company—Yale I. Glubok, trading as Reliable Sales Company, 5244 Enright Ave., St. Louis, and Sam Luber, trading as Dearborn Sales Company, 711 South Dearborn St., Chicago, have been ordered to cease and desist from use of lottery methods in the sale and distribution of their merchandise to ultimate consumers.

Reliable Sales Company, engaged in the sale and distribution of various articles of merchandise, including blankets, bedspreads, silk hose, clocks, and other novelties, mailed push cards and order blanks from its place of business to members of the public in various States, the Commission finds, and prizes in the shape of merchandise were awarded to certain purchasers by means of lottery methods.

Dearborn Sales Company, selling and distributing radios, coffee sets, and other merchandise, also distributed to the purchasing public devices commonly known as pull cards, with certain litera-

ture, instructions and order blanks through which merchandise was to be sold to ultimate purchasers by means of lottery methods.

The respondent companies were ordered by the Commission to cease and desist from supplying or placing in the hands of others push or pull cards, punch boards and other lottery devices so as to enable such persons to dispose of or sell any merchandise by lottery methods. (3278 and 3870)

San Pat Vegetable Company—See Fruit & Produce Exchange.

Shanks Laboratories—W. H. Shanks, W. J. Goggin, Clara Shanks and Jessie G. Goggin, trading as Shanks Laboratories, Columbus, Ohio, have been ordered to cease and desist from misrepresentations in connection with the sale and distribution of a medicinal preparation designated "Shanks Mange Lotion".

In circulars and other advertising matter distributed throughout various States, the Commission finds, the respondents have represented, among other things: "I have been successful in compounding a preparation to be used in the treatment of mange, eczema, cuts, sores, abscesses, etc. that over a period of 20 years * * * it has never failed to effect a rapid clearing up of all forms of skin diseases. . . ."

The Commission finds that the preparation is not a cure or remedy or a competent or effective treatment for diseases or disorders of the skin on dogs or human beings, which diseases or disorders are due to or persist because of a systemic disorder or condition.

The respondents are ordered to cease and desist from representing that "Shanks Mange Lotion" is a cure or competent treatment for eczema, abscesses, cuts or sores, or for athlete's foot or dandruff; or that the preparation is in all cases a competent treatment for itching scalp on human beings or mange on dogs or will cause hair to grow on bald spots. (3860)

Zo-Ak Company, Inc., whose principal place of business is located at 56 West 45th St., New York, has been ordered to cease and desist from misrepresentations in connection with the sale and distribution of certain medical or pharmaceutical preparations designated as "Zo-Ak Tablets" (blue label), or "Zo-Ak for Men," and "Zo-Ak Tablets" (orange label), or "Zo-Ak for Women."

The Commission finds that the respondent represented that its preparation for men is a competent remedy or treatment for sexual debility and a stimulant for reduced virile powers, and that its tablets for women constitute a remedy or relief from the nervous symptoms due to "change of life".

Findings are that the preparation for men is not a competent remedy or treatment for sexual debility, and contains a dangerous ingredient. The recommended dosage for respondent's preparation is greatly in excess of the therapeutic dosage, and such tablets taken under conditions prescribed by respondent and under the conditions which are customary or usual may be injurious to the health of users.

The Zo-Ak Company, Inc., and its officers, agents or representatives are ordered to cease and desist from disseminating, by means of the United States mails or in commerce, any advertisement for the purpose of inducing the purchase of "Zo-Ak Tablets" representing that "Zo-Ak for Men" is a competent remedy for sexual debility or that it contains quick-acting vegetable stimulants plus essential vitamin concentrates in adequate amounts to build up health and strength, or which advertisement fails to reveal to purchasers or prospective purchasers that use of the preparations under conditions prescribed may cause injury to health, or represents that "Zo-Ak for Women" is a remedy for or affords relief from the nervous symptoms due to "change of life". (3724)

FTC CLOSES CASES

The Federal Trade Commission has closed its case against Parker-McCrory Manufacturing Company, 2609 Walnut St., Kansas City, Mo., manufacturer and distributor of radio sets and parts and mechanical devices, it appearing that the respondent company has agreed to discontinue the misleading representations alleged and to abide by the rules of fair trade practice for the radio receiving set manufacturing industry, promulgated by the Commission July 22, 1939.

The case was closed without prejudice to the Commission's right to reopen it and resume prosecution, should future facts so warrant.

The Commission has also closed without prejudice its case against Piel Brothers Starch Company, Indianapolis, which was charged with price discrimination in violation of the Robinson-Patman Act in the sale of corn products. The case was closed without prejudice because it appeared that voluntary liquidation of the respondent corporation is in process.



NATIONAL ASSOCIATION
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OF BROADCASTERS

