

# The National Association of Broadcasters

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PHILIP G. LOUCKS, Managing Director

## NAB REPORTS

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### COMMUNICATIONS COMMISSION STUDIED

Creation of a communications commission to have general jurisdiction over wire and radio communications is the subject of study by a special committee headed by Secretary of Commerce Roper, it was announced this week by the Secretary of Commerce at a press conference.

General Charles McK. Saltzman, former chairman of the Federal Radio Commission, is vice chairman of the committee and Herbert L. Petty, secretary of the Federal Radio Commission, is serving as secretary of the committee. Other members of the committee are Senator Dill, chairman of the Senate Committee on Interstate Commerce; Representative Rayburn of Texas, chairman of the House Committee on Interstate and Foreign Commerce; representatives of the army, navy, coast guard, State Department, and Bureau of Standards.

The committee has held several meetings.

Best information available is that the report and recommendations of this committee will not be made the basis of an executive order, as was at one time supposed, but will be sent to Congress to serve as a basis for federal legislation shortly after Congress convenes in January.

### CODE CONFERENCES RESUMED

Following the annual membership meeting of the NAB at White Sulphur Springs, W. Va., conferences on the code of fair competition for the broadcasting industry were resumed. These conferences have dealt principally with the provisions in the code relating to licensed operators. Since the report at the convention there have been no new or important developments in the situation.

### BOARD WILL PLAN 1934 PROGRAM

The meeting of the Board of Directors scheduled for Thursday, November 9, in Washington will be devoted to developing a program for the new year. A meeting of the executive committee consisting of the President, Treasurer and Managing Director, created under the new constitution and by-laws, will be held in advance of the Board meeting to work out an agenda for the Board meeting.

### ROCKEFELLER LIQUOR AD SURVEY

Advertising of liquor, other than light beer, should be "rigidly restricted or forbidden" where possible, according to the Rockefeller liquor survey just made public.

Only the name, address, date of incorporation of a manufacturer or dealer, a coat of arms or trade-mark and a description in the simplest terms of the article or articles should be contained in newspaper and magazine advertising, the report stated.

Radio advertising should be subject to the same rules, it is reported.

All additional advertising matter, including slogans, to be prohibited, except on approval of the state licensing board.

### KFAB CASE TO BE APPEALED

The Supreme Court of Nebraska has allowed an appeal to the Supreme Court of the United States in the KFAB libel case, it was learned this week. The case involves the utterance of an alleged defamatory statement in the course of a political campaign speech by radio. The Nebraska Supreme Court held the station liable in damages for the utterance. It is expected that the papers petitioning the Supreme Court of the United States for a review of the state supreme court decision will be filed shortly and that the case will come up in the higher court in March.

### NRA CHIEF PRAISES RECORDINGS

The series of electrical transcriptions prepared for the NRA in connection with the "Buy Now" campaign, and available to all broadcasting stations, won a word of praise from Frank Wilson, chief of the NRA organization division.

"We have just come from an audition where several of the radio recordings made in behalf of the 'Now Is The Time To Buy Campaign' were heard," he stated in a bulletin to all NRA Committees. "We have no hesitation in saying to all NRA Committees and to all retail merchants and groups interested in getting maximum results from this campaign, that this radio series is fully as outstanding as the series of newspaper advertisements prepared for us by the leading copywriters in America.

"These radio recordings follow the same idea as the 24 factual advertisements furnished the newspapers. Each one is devoted to a certain commodity. In the staging of these productions a cast of 12 competent people was taken to the Victor Recording Studio at Camden, N. J. Nothing was spared to make the programs outstanding. The manager of your local radio station has complete information about the series and he can arrange for the delivery of these records to his station at a cost made very reasonable by reason of the quantity being produced. We suggest that your committee meet with your station manager and try to make this series a part of your local campaigns in all cities where there is a radio station.

"These broadcastings may be sponsored by an individual advertiser or by a group of advertisers engaged in a similar line of business. If, for instance, the recording on shoes were sponsored by all shoe dealers in a given community, the cost to each would be very small indeed. The manager of your radio station has the test of each recording so the prospective user may know exactly the nature of the material."

As pointed out before, these recordings may be secured from G. T. Herzog, 704 National Press Building, Washington, D. C. The cost is \$60.00, plus five per cent tax, for the entire series of 24 recordings. Stations may pay for half the series at the time of subscribing and the balance at a later date or have them sent C. O. D. It is not necessary to purchase the entire series but arrangements may be made to purchase any number less than 24 by getting in touch with Mr. Herzog.

### EXAMINER REJECTS ERIE PROTEST

Leo J. Omelian was granted a construction permit for a new broadcasting station at Erie, Pa., by the Commission, but a protest was filed against this by the Broadcasters of Pennsylvania, Inc. In Report No. 515 this week it is recommended that the Commission affirm this grant (George H. Hill, e.).



The Examiner found that the city of Erie will support two radio stations and that there is sufficient local talent to serve the needs of an additional broadcasting station at Erie. He also found that the applicant is financially and otherwise qualified to operate the proposed new station.

### WILL GETS POWER INCREASE

On Friday the Federal Radio Commission granted an increase in daytime power from 500 to 1,000 watts to station WILL, Urbana, Ill., on its present frequency of 890 kilocycles, reversing Examiner George H. Hill in his Report No. 496.

The Commission found that the applicant is rendering a meritorious service, that the service would be improved and enlarged by the use of the additional daytime power and that "such interference as may result from applicant's use of the additional power requested would be more than offset by the advantages to be gained."

### NEWS BROADCAST BRINGS SUIT THREAT

A suit for damages under Section 51 of the Civil Rights Law of the State of New York has been threatened against Station WFBL for the use of names of citizens in a news broadcast sponsored by one of the station's clients.

The news item was correct in every detail, according to the station.

The section of the New York law under which suit is threatened is as follows:

"Sec. 51. Action for injunction and for damages. Any person whose name, portrait or picture is used within the state for advertising purposes or for the purposes of trade without the written consent first obtained as above provided may maintain an equitable action in the Supreme Court of this State against the person, firm or corporation so using his name, portrait or picture, to prevent and restrain the use thereof; and may also sue and recover damages for any injuries sustained by reason of such use and if the defendant shall have knowingly used such person's name, portrait or picture in such manner as is forbidden or declared to be unlawful by the last section, the jury, in its discretion, may award exemplary damages. But nothing contained in this act shall be so construed as to prevent any person, firm or corporation, practicing the profession of photography, from exhibiting in or about his or its establishment specimens of the work of such establishment, unless the same is continued by such person, firm or corporation after written notice objecting thereto has been given by the person portrayed."

### THEY WON'T RESTRICT, IF—

A number of radio stations have sent in copies of letters that reveal a new style of "advertising chiseling" by ASCAP music publishers.

The letter from Louis Bernstein, president of Shapiro, Bernstein and Co., Inc., names two compositions whose copyright he claims to control and says:

"We are publishers of the above compositions, and we have entered into a contract with Paramount Pictures for the publication of the entire score of 'I'M NO ANGEL'. The terms of the contract prohibit us to authorize the public performance of these compositions by radio except and unless they be announced as 'from Mae West's new picture I'M NO ANGEL'.

"We have no desire to place these songs upon the restricted list, yet must do so unless the Stations will cooperate in making the above announcement every time the compositions are played.

"Will you, therefore, please accept this as a friendly request to make the announcement or refrain from performing the compositions. If you will do this we will not be faced with the necessity of restricting the numbers, and they can be available for your use and the service of your station if presented in the above manner.

"In order that we may protect our obligations, under the contract with Paramount Pictures, will you please favor us with the

assurance that if and when the compositions are performed from your Station they will be announced in accordance with the above form."

The letter from Robert Crawford, president of De Sylva, Brown and Henderson, Inc., claims the copyright to four compositions in "Broadway Thru A Keyhole" and says:

"Under the terms of our agreement with the producers of this picture we were required to place these numbers on the restricted list, to be done by special permission only. However, we have been able to prevail upon the producers to have them remove the restriction with the proviso that we would request the broadcasting stations to credit the numbers as being from the picture 'BROADWAY THRU A KEYHOLE' whenever they are played on the air.

"This looks like one of the smash hit pictures of the season, and I know the numbers are due to be extremely popular. I sincerely trust that you will see your way clear to conform with this request, and in accordance with the above I have this day authorized ASCAP to remove the numbers from the restricted list. You may therefore have same played over your stations *without requesting special permission.*"

To the stations asking for advice on this subject, Oswald F. Schuette, NAB director of copyright, has written:

Under the terms of the ASCAP contract, these music publishers have the right either to restrict compositions and thereby prevent their being played by broadcasting stations or not to restrict them and thereby leave them open to public performance on the air.

If the publishers place these numbers on the restricted list, stations are advised not to play them and not to ask special permission to play them. Stations are further advised that once a number is placed on the restricted list it should remain there.

If the publishers do not place these compositions on the restricted list, stations are free to use them without tying that use to an advertising blurb or to free publicity for a motion picture.

Stations receiving such requests from publishers or motion picture companies should send their rate cards to the companies asking for such free advertising.

Both Mr. Bernstein and Mr. Crawford are directors of the American Society of Composers, Authors and Publishers. It is, therefore, particularly interesting that they should participate in such an effort to obtain additional performances of their music despite the ASCAP plea that broadcasting is destroying ASCAP compositions.

The best answer to all such special efforts to "plug" ASCAP music is to keep it off the air.

### A. F. OF L. OPPOSES INVESTIGATION

The Executive Council of the American Federation of Labor, at its 53d annual convention held in Washington last week, submitted a report in which the following on the subject of broadcasting was included:

"Resolution No. 53, providing for an investigation of radio advertising and if feasible to secure national legislation prohibiting the long advertising lectures and speeches over the radio of the country, was referred to the executive council.

"A thorough investigation of this subject has been made. In the first place, the most persistent advertisers over the radio are the largest advertisers in the newspapers and magazines. These include automobiles, cigars and cigarettes, toothpaste, ginger ale and many other articles.

"The advertising broadcasts are necessarily accompanied by music. Actors and actresses furnish a program. Should advertising be eliminated or restricted to an extent that it would not be practical, thousands of musicians, actors and other employees, would be thrown out of employment. If radio advertising was prohibited it would be necessary for the broadcasting stations to secure funds from some other source to carry on their broadcasts. In some countries where the broadcasting stations are controlled by the government a tax is placed upon receiving sets. Naturally, that would be the main source of revenue that would have to be raised in the United States if advertising was prohibited or restricted.

"There are 12,000 full-time employees of the broadcasting stations of the United States. This does not include the thousands of artists and musicians employed by program sponsors and the networks. The annual payroll is approximately \$23,000,000.



"It is doubtful if radio advertisers have materially decreased newspaper or magazine advertising. It is true that many newspaper publishers in asking for reductions in wages use this as an argument.

"New inventions cause many changes in old established industries. This, of course, raises objections from those displaced. But were it not for the telephones, graphophones, electricity, automobiles and radios there would be many more idle in the United States.

"The executive council believes that progress cannot be stopped. Inventions will continue in greater number than before. Labor's solution of this problem is reducing the hours in the workday and workweek at adequate wages. There is no other remedy and labor uses every effort to organize the wage-earners in order that they can secure a comfortable living and more leisure. If the five-day week and six-hour day were in effect there would not be as many idle workers in the United States."

## RADIO EMPLOYMENT AGAIN INCREASES

September employment index for September was 133.6 compared with 108.2 for August and 68.1 for September of last year taking 1926 at 100, according to the Bureau of Labor Statistics, Department of Labor. The payroll index number for September was 91.2 compared with 73.9 for August and 56.1 for September of last year.

## INFORMATION REQUESTED

The NAB has been asked by members for information concerning the whereabouts of:

A. M. Parmenter, 36 to 40 years old, about 210 pounds, about 6 feet 1 inch in height, fair complexion.

Gayle Norman 2nd, 25 to 30 years old, about 5 feet, 10 inches, about 140 pounds, dark complexion.

J. J. Moore of the National Feature Service Company.

## CHAIN STORE ADVERTISING

Newspaper advertising is the predominant type of advertising among chain stores, according to the Federal Trade Commission's latest report on chain stores entitled "Chain Store Advertising," which is made public today.

More than 86 per cent of the 1,030 chains reporting their detailed advertising expenditures for a recent year used newspaper advertising and these chains operated 96.3 per cent of the stores of this group, the Commission reports.

Only three kinds of chains, namely, tobacco, men's shoes, and dry goods, reported less than 50 per cent of their total advertising expenditures as being for newspaper advertising. All three showed higher than average proportions of their total advertising expenditures under other types of advertising.

Millinery, unlimited price variety, and furniture chains reported newspaper advertising expense as accounting for more than 90 per cent of their total expenditures for advertising. Grocery and meat chains reported 72.2 per cent of total advertising expenditures used for newspaper advertising; grocery chains, 72.8 per cent; drug chains, 76.2 per cent; and department store chains, 60.4 per cent.

The chain-store schedule specified ten different kinds of advertising including the miscellaneous category, "other" advertising. In tabulating the answers, however, the number of kinds of advertising was cut to eight because of the small number of chains reporting one cent sales as a form of advertising, and because, although a substantial number of chains reported "national magazine advertising" inspection of the replies showed that some of the chains reporting had termed advertising in local school magazines and theatre programs "national magazine advertising."

Slightly over 86 per cent of the 1,030 chains reporting their detailed advertising expenditures for 1928 used newspaper advertising and these chains operated 96.3 per cent of the stores. Pamphlet and dodger advertising was reported by 24.9 per cent of these chains, operating 32.1 per cent of the stores, and window and counter display advertising by 23.8 per cent of the companies which operated 55.0 per cent of the stores. Billboard and outdoor advertising was

used by 7.3 per cent of the chains operating only 2.6 per cent of the stores. Free goods as a form of advertising was used by 4.3 per cent of the reporting chains and these operated 4.0 per cent of the stores. Street car and bus advertising was reported by only 1.7 per cent of the companies, but these operated 13.4 of the reported stores.

Miscellaneous or "other" advertising includes a wide variety of kinds of advertising, and 21.7 per cent of the chains operating 56.0 per cent of the stores, used "other" advertising. Included in this category are national magazine, one-cent sales, direct mail, radio, premiums, contributions and numerous other expenditures reported as advertising.

## FEDERAL RADIO COMMISSION ACTION HEARING CALENDAR

Monday, October 23, 1933

WEVD—Debs Memorial Radio Fund, Inc., New York, N. Y.—Modification of license, 1300 kc., 1 Kw, share with WBBR, WFAB, and WHAZ. Present assignment, 1300 kc., 500 watts, shares with WBBR, WFAB, and WHAZ. (Others notified.)

Tuesday, October 24, 1933

WODX—Mobile Broadcasting Corp., Mobile, Ala.—Modification of license, 1380 kc., 500 watts, unlimited time. Present assignment, 1410 kc., 500 watts, simultaneous daytime operation with WSFA, sharing at night.

Wednesday, October 25, 1933

Oral Argument Before Commission en banc

WMBD—Peoria Broadcasting Co., Peoria, Ill.—Modification of license, 1440 kc., 500 watts, unlimited time (facilities of WTAD). Present assignment, 1440 kc., 500 watts 1 KW LS, shares with WTAD.

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—Renewal of license, 1440 kc., 500 watts, shares with WMBD.

WTAD—Illinois Broadcasting Corp., Quincy, Ill.—CP to move station to E. St. Louis, Ill., 1440 kc., 500 watts, share with WMBD.

Hearing Before Examiner

NEW—Williard G. Demuth, Uhrichsville, Ohio—CP, 1370 kc., 100 watts, daytime.

Thursday, October 26, 1933

NEW—Jos. S. Crawford & L. E. Ore, Erie, Pa.—CP, 1420 kc., 100 watts, unlimited time.

NEW—Church of Christ (T. C. White, business manager and Operator), Stamford, Texas.—CP, 1200 kc., 100 watts, daytime.

Friday, October 27, 1933

KOIN—KOIN, Inc., Portland, Oregon—CP, 940 kc., 1 KW, 2½ KW LS, unlimited time. Present assignment, 940 kc., 1 KW, unlimited time.

## APPLICATIONS GRANTED

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted special temporary authorization to operate from 8:15 to 9 p. m., EST, on October 20.



WSMB—WSMB, Inc., New Orleans, La.—Granted CP to move transmitter from New Orleans to U. S. Naval Station, Algiers, La.

WCAC—Connecticut Agricultural College, Storrs, Conn.—Granted modification of license to reduce specified hours of operation to as follows: Monday to Friday, inclusive, 12:30 to 1 p. m.; Wednesday, 4:30 to 5 p. m., EST.

WICC—Bridgeport Broadcasting Station, Inc., Bridgeport, Conn.—Granted modification of license to increase specified hours to unlimited except from 12:30 to 1 p. m., Monday to Friday inclusive, and 4:30 to 5 p. m., Wednesday.

WSUI—State University of Iowa, Iowa City, Iowa.—Granted special temporary authority to operate from 10 p. m. to midnight, EST, Nov. 3, 1933.

KGIW—Leonard E. Wilson, Almosa, Colo.—Granted license covering move of station, 1420 kc., 100 watts, shares with KIDW.

KGDY—The Voice of South Dakota, Inc., Huron, S. Dak.—Granted authority to continue operating for 30 days under program test without a frequency monitor, until monitor crystal for new frequency has been delivered.

KMBC—Midland Broadcasting Co., Kansas City, Mo.—Granted authority to use auxiliary transmitter while moving regular transmitter to new location and begin equipment tests Oct. 20. Also granted modification of CP extending completion date to Nov. 17, 1933.

WBBX—Samuel D. Reeks, New Orleans, La.—Granted authority to remain silent for two weeks.

### SET FOR HEARING

NEW—Ark-La-Tex Radio Corp., Shreveport, La.—CP for new station, 1210 kc., 100 watts, unlimited time (facilities of KWEA).

WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Modification of license to increase power from 250 watts to 1 KW (facilities of WRUF).

### APPLICATIONS DENIED

WBBX—Coliseum Place Baptist Church, New Orleans, La.—Denied authority to change licensee from Samuel D. Reeks to Coliseum Place Baptist Church temporarily pending action on involuntary assignment of license due to cancellation of lease formerly held by Reeks.

WBBX—Samuel D. Reeks, New Orleans, La.—Denied authority for Samuel D. Reeks, licensee of WBBX, to broadcast the programs of that station over the old transmitter of WJBO temporarily during nighttime.

WJBW—Charles C. Carlson, New Orleans, La.—Denied authority to operate unlimited time pending action on application for modification of license.

### APPLICATIONS DISMISSED

The following applications, heretofore set for hearing, were dismissed at request of applicants:

NEW—Ray M. Thompson, Youngstown, Ohio—CP, 1370 kc., 100 watts, unlimited time (facilities of WHBD).

WCAL—St. Olaf College, Northfield, Minn.—CP to increase power to 1 KW, 2½ KW, LS.

### MISCELLANEOUS

WGES—Oak Leaves Broadcasting Station, Inc., Chicago, Ill.—Denied authority to operate from 8 to 11 p. m. each Thursday evening pending disposition of unused 4/7 time on 1360 kc., formerly assigned WJKS. (Action taken Oct. 17.)

WPFB—Otis P. Eure, Hattiesburg, Miss.—Granted special temporary authority to operate station for period ending Nov. 1, 1933, due to foreclosure by 1st Natl. Bank. Said authority granted subject to the filing and approval of formal applica-

tion and proper showing that Eure is possessor of equipment, etc.

KGIW—Leonard E. Wilson, Trinidad, Colo.—Program test period extended 30 days pending action on license appeal.

### APPLICATIONS RECEIVED

#### First Zone

WHOM—New Jersey Broadcasting Corp., Jersey City, N. J.—Construction permit to increase power from 250 watts to 500 watts and to install new equipment. Amended to change transmitter location, exact location to be determined subject to approval of Commission, 1 to 2 miles south of Secaucus along Hackensack River and to request power be increased from 250 watts to 250 watts night, 500 watts to local sunset. (This amendment supersedes amendment on Report No. 643 10-16-33.)

WGCP—May Radio Broadcast Corp., Newark, N. J.—Construction permit to install new equipment and increase power from 250 watts to 1 KW night, 2½ KW to local sunset. Previously amended as to equipment and to increase hours to 1/3 time. Amended again to omit request for change in hours.

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Construction permit, exact transmitter location to be determined after survey, make changes in equipment, change frequency and increase power from 1210 kc., 100 watts, daytime, to 1330 kc., 1 KW, daytime.

#### Second Zone

None.

#### Third Zone

KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Special experimental authorization to increase power from 250 watts night, 500 watts to local sunset to 500 watts night, 1 KW to local sunset—experimentally to 3-1-34.

WHET—Joe K. Jernigan, Cyril W. Reddoch, Julian C. Smith & John T. Hubbard, d/b as Troy Broadcasting Co., Troy, Ala.—Construction permit to move station from Troy, Ala., to Dothan, Ala., change frequency from 1210 to 1370 kc. Amended to give proposed st. add. of transmitter Southwest Alabama Fair Grounds and studio Houston Hotel, Dothan, Ala.

WBHS—Radio Station WBHS, Inc., Huntsville, Ala.—Construction permit to move transmitter and studio from Russell Erskine Hotel to Twickenham Hotel, Huntsville, Ala., and changes in antenna.

#### Fourth Zone

KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. D.—Construction permit to move transmitter from Lots 1 and 7, Carpenters Addition, Sioux Falls, S. D., to NE¼ of the NW¼ of section 24; township 101, Range 50 West, S. D., and make changes in equipment.

WTRC—Truth Publishing Co., Inc., Elkhart, Ind.—Modification of license to change hours of operation to include simultaneous nighttime operation with WLBC in addition to operating daytime simultaneously with WLBC, instead of share night with WLBC.

WISN—American Radio News Corp., Milwaukee, Wis.—Modification of license to increase power from 250 watts to 250 watts night, 500 watts to local sunset.

#### Fifth Zone

KPJM—M. B. Scott and Edward C. Sturm, d/b as Scott & Sturm, Prescott, Ariz.—Construction permit to move transmitter and studio locally to 119 E. Gurley St., and make changes in equipment.