The National Association of Broadcasters

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FCC OPPOSES PERCENTAGE ALLOCATIONS

The Federal Communications Commission on January 22 sent to Congress a report recommending that no fixed percentages of radio broadcast facilities be allocated by statute to particular types or kinds of non-profit groups and served notice that it intends to call within the near future a general conference of educators and broadcasters for the purpose of developing a cooperative radio education program.

The report and reccomendations were in response to Section 307 (c) of the Communications Act of 1934 concerning the proposal that Congress, by statute, allocate fixed percentages of radio broadcasting facilities to particular types or kinds of non-profit radio programs or to persons identified with particular types or kinds of non-profit activities. Extensive hearings were held on the issue from October 1 to 20 and from November 7 to 12, the NAB appearing for the organized broadcasters.

The Commission proposes to hold a conference at an early date between broadcasters and educators with a view to aiding in the development of a general program for increased use of broadcasting facilities for education and discussion purposes.

The report, one of the most important ever submitted to the Congress on the subject of broadcasting, should be read carefully by every broadcaster. While it holds that there is no necessity for legislation on the subject, it nevertheless definitely commits the Commission to a program under which broadcasters and educators must cooperate. The Commission feels, says the report, that it has all the power that is necessary to make such cooperative program effective, adding that there remains to be developed a proper technique for preparation and presentation of educational programs. "Broadcasting has a much more important part in the educational program of the country than has yet been found for it," says the report.

A proposal that provisions be made by the Commission to conduct informal, preliminary hearings on applications that appear from examination to be antagonistic to established stations, or likely adversely to affect the interests of any established stations, is included in the report. Such preliminary examination would be for the purpose of determining whether or not such application violates any provisions of the Communications Act or the rules and regulations of the Commission, or whether or not the applicant is legally, financially and technically qualified to contest the use of a radio facility with an existing station. Applications found inconsistent with law or regulation would be refused without requiring the presence of licensees of existing stations at hearings.

TEXT OF FCC REPORT

"The Communications Act of 1934, Section 307 (c) provides:

" 'The Commission shall study the proposal that Congress by statute allocate fixed percentages of radio broadcasting facilities to particular types or kinds of non-profit radio programs, or to persons identified with particular types or kinds of non-profit activities, and shall report to Congress, not later than February 1, 1935, its recommendations together with the reasons for the same.'

"Under existing law, the Federal Communications Commission is charged with the responsibility of licensing stations if public interest, convenience and necessity will be served thereby and with effecting an equal allocation of facilities to the zones and a fair and equitable allocation of facilities to the states according to population.

"As a means of studying the proposal, the Broadcast Division, by direction of the Commission, held public hearings from October 1-20 and from November 7-12, 1934. Notices of the hearings, 1,535 in all, were mailed directly to all parties of record at the Commission, to twenty-one administrations, departments, commissions and offices of the government, and wide newspaper publicity was given the matter so that anyone interested might be informed of the hearings. One hundred and thirty-five witnesses testified at the hearings and approximately 14,000 pages of testimony were presented for the Commission's consideration in addition to several thousand pages of exhibits.

"The broadcasting industry, including the licensees of broadcast stations and the manufacturers of radio equipment, expressed opposition to the proposal. Much of the testimony presented to the Commission by the industry was directed to the purpose of showing the service rendered by broadcasters to particular types or kinds of non-profit activities. Representatives of the National Association of Broadcasters presented statistics from 269 stations representing 77 per cent of the so-called commercial radio stations. The total investment of these stations, as reported, is $25,041,327.00 and the total cost of operating the stations for the period from January 1, 1934, to June 30, 1934, was $12,833,302.00. The total broadcasting time of these stations for the same period was 669,000 hours, of which 75,773 hours or 11.3 per cent of the total broadcasting time was devoted to program matter of the character referred to in the proposal, a large percentage of which were night hours. It was asserted that a greater percentage of the time might be considered as being devoted to educational purposes, using the term "educational" in its broadest sense to embrace all programs having a cultural or informative value. These general statistics were supported by reference to particular services of particular stations. Representatives of some of the most important institutions of learning were definite in their statements that they had ample opportunity for the development of their radio activities under present arrangements, and they were likewise definite in their opposition to any re-arrangement which would place the burden of maintaining broadcast stations upon educational institutions.

"Most of the witnesses who testified in behalf of the non-profit groups expressed the belief that the interests of such institutions would be best served by a more efficient use of the radio facilities maintained at the present time and a more extensive use of the resources and audiences of stations now licensed.

"It is clearly established by the Commission's study of the problem, that no allocation of facilities for special services could be effected by the authorizing of new stations to make up the proportion of facilities proposed to be allocated to special services. Limitations of physical laws on the number of available frequencies absolutely prevent any general enlargement of the number of broadcast stations. The addition of any appreciable number of new stations must necessarily result in interference with existing stations and in consequent reduction of service areas with the tendency to limit broadcast service to areas immediately surrounding the location of transmitters. But notwithstanding the fact that there are so many stations now that changes in one station almost invariably affect services of other stations, it is a fact that there are large areas of the United States in which there is not one radio service of dependable signal quality available to residents. Before undertaking to provide special services through the addition of new stations, it would seem a fundamental requirement that the general public throughout the whole country be provided with at least one radio service of general interest and dependable signal quality lest there be discrimination against areas not receiving any service.

"Practically all types of non-profit organizations were represented in this comprehensive study of the aims and purposes of radio broadcasting, but no unanimity of thought or plan on the part of these organizations is apparent from the record. While the hearings were conducted to determine whether statutory allo-

cation was desirable, there were few definite proposals that such allocation be made. There were many statements made by prominent educators and leaders asking that no definite allocation be made by statute, hoping thereby to protect the present cooperative effort being carried on between the commercial stations and the non-profit organizations. Commercial stations are now responsible under the law, to render a public service, and the tendency of the proposal would be to lessen this responsibility.

"They further stated that such organizations were not equipped and were not financially able to build and maintain their own broadcasting stations if facilities were allocated to them. The Commission feels that present legislation has the flexibility essential to attain the desired ends without necessitating at this time any changes in the law.

"Among those appearing for the non-profit organizations were representatives of labor, education, religion and civic groups. The labor representatives did not favor a specific allocation of facilities but were interested mostly in the maintenance of the facilities that they now enjoy. Representatives of various educational institutions scemed to favor the present system while offering certain improvements which apparently can be accomplished under existing law. Most of the representatives of religious groups seem to favor the continuance of the present system. In general, representatives of non-profit groups expressed the opinion that the best results would be brought about by cooperation between the broadcasters and their organizations under the direction and supervision of the Commission, and not by an allocation of fixed percentages.

Recommendation:

"THE FEDERAL COMMUNICATIONS COMMISSION RESPECTFULLY RECOMMENDS THAT AT THIS TIME NO FIXED PERCENTAGES OF RADIO BROADCAST FACILITIES BE ALLOCATED BY STATUTE TO PARTICULAR TYPES OR KINDS OF NON-PROFIT RADIO PROGRAMS OR TO PERSONS IDENTIFIED WITH PARTICULAR TYPES OR KINDS OF NON-PROFIT ACTIVITIES.

Reasons:

"There is no need for a change in the existing law to accomplish the helpful purposes of the proposal.

"Flexibility in the provisions of the law is essential to regulation if growth and development in the art of broadcasting is to be encouraged and regulated for the best interests of the public as a whole.

"There are insufficient broadcast facilities available in the present development of the art to provide for specialized broadcast services consistent with a fair and equitable distribution of facilities and services throughout the country.

"No feasible plan for a definite allocation of broadcast facilities to non-profit organizations has been presented.

"The hearings developed no evidence of a real demand on the part of the great body of non-profit organizations or on the part of the general public for the proposed allocation of definite percentages of broadcast facilities to particular types or kinds of non-profit activities.

"It would appear that the interests of the non-profit organizations may be better served by the use of the existing facilities, thus giving them access to costly and efficient equipment and to established audiences, than by the establishment of new stations for their pcculiar needs. In order for non-profit organizations to obtain the maximum service possible, cooperation in good faith by the broadcasters is required. Such cooperation should, therefore, be under the direction and supervision of the Commission.

Proposed Action:

"In order to offer constructive thought and assistance in accomplishing the wholesome ends sought to be attained by Congress in directing the submission of this report, the Commission outlines a course of action which it will undertake at once and which it believes will accomplish these desirable ends.

"The Commission proposes to hold a national conference at an early date in Washington, at which time plans for mutual cooperation between broadcasters and non-profit organizations can be made, to the end of combining the educational experience of the educators with the program technique of the broadcasters, thereby better to serve the public interest. The Conference should also consider such specific complaints as might be made by non-profit groups against the actions of commercial broadcasters in order that remedial measures may be taken if necessary.

"The Commission intends also actively to encourage the best minds among broadcasters and educators alike in order to develop a satisfactory technique for presenting educational programs in an attractive manner to the radio listener. Cooperation with the United States Commissioner of Education and other governmental agencies already established to assist in building helpful radio programs will be sought to an even greater degree than it now exists. The results of the broadcast survey, which is now being conducted by the Commission to determine the amount and quality of secondary service of large metropolitan broadcasting stations in remote scctions of the United States as wcll as by broadcast stations generally, will be studied with the thought in mind of providing the best possible service to every American radio listener and to provide him with a well-balanced selection of non-profit and public-interest programs. The results of a direct questionnaire survey now under way will be studied with the same thought definitely in mind.

"The Commission feels, in particular, that broadcasting has a much more important part in the educational program of the country than has yet been found for it. We expect actively to assist in the determination of the rightful place of broadcasting in education and to see that it is used in that place.

"There have been protests, particularly by persons interested in the preservation of the broadcasting facilities of educational institutions, against the procedure under which licensees are required to defend their assignments in hearings upon applications of other parties. The Commission now proposes that provisions be made to conduct informal, preliminary hearings on applications that appear from examination to be antagonistic to established stations, or likely adversely to affect the interests of any established stations, to determine whether the application violates any provisions of the Communications Act or the rules and regulations of the Commission, or whether or not the applicant is legally, financially and technically qualified to contest the use of a radio facility with an existing station. Under such a provision, applications found inconsistent with law or regulation and applications of those found not qualified to opcrate stations will be refused without requiring the presence of licensees of existing stations at hearings.

"It is the earnest belief of the Commission that the action planned by it will accomplish results which will prove of lasting benefit to the broadcast structure as well as to the American radio public. The Commission seeks to accomplish the purposes for which the non-profit interests and the broadcasters are earnestly working without the necessity of any radical reallocation, which would precipitate dissatisfaction and chaos and which would tend only to complicate and impede true progress in the broadcast public service.

"In making this report, the Commission is not unmindful of the sincerity with which the well-considered arguments were presented by the non-profit organizations supporting the proposal of a statutory aliocation as well as by the broadcasters generally. The fine spirit and cooperation were most helpful. The Commission does not wish to scem to disregard the requests of the non-profit organizations. It is to effectuate these requests and to accomplish the greatest and the widest good that the Commission will undertake the action outlined in this report. It is our firm intention to assist the non-profit organizations to obtain the fullest opportunities for expression. Every sound, scnsible and practical plan for the betterment of the broadcast structure will be speedily effected.

"Respectfully submitted,

"E. O. SYKES, *Chairman,*
"Federal Communications Commission."

CONFIRMATION HEARINGS HELD

The Senate Committee on Interstate Commerce on Wednesday of this week began hearings on the confirmation of six of the seven commissioners of the Federal Communications Commission. Former Representative Anning S. Prall was confirmed by the Senate about two weeks ago.

Senator Theodore Bilbo of Mississippi appeared before the Committee and protested the confirmation of Judge Sykes on the grounds that he had opposed him in the Mississippi elections.

During the questioning of Judge Sykes, FCC Chairman, Senator Wheeler of Montana stated that he does not personally favor government ownership of broadcasting stations, but served notice that the demand for government ownership will increase if small stations continue to be drowned out by the powerful clear channel stations, thus depriving rural listeners of their only service.

In reply to a question, Judge Sykes stated that in his opinion the sale of a broadcasting station for an amount greater than the value of the physical equipment could be justified, on the basis of the recognized value of a going business.

Senator Wheeler stated that it is his intention to introduce an amendment to the Communications Act of 1934 providing that at least one of the seven commissioners must be appointed from each of the five zones. The fourth and fifth zones are not represented on the present Commission.

Numerous questions were asked relative to the Commission's report on the proposed merger of telegraph companies.

The prevailing opinion is that the commissioners will be confirmed.

Other appointees who were heard briefly by the Committee were Commissioners Brown, Case, Walker, Stewart and Payne.

PRALL TAKES OATH

Former Representative Anning S. Prall, of New York, was sworn in this week as member of the Federal Communications Commission. His term expires on July 1st next and he takes the place left vacant by the resignation of Hampson Gary. No broadcasting division meeting was held on Tuesday of this week to allow the new Commissioner to familiarize himself with some of the Commission procedure.

DAVIS AMENDMENT REPEAL ASKED

In legislative recommendations sent to Congress this week by the Federal Communications Commission it is recommended that the Davis Amendment be repealed and that there be substituted therefor (Section 307 (b)) a provision similar to Section 9 of the old Radio Act of 1927. If the recommendation is adopted the Commission's unit system would fall into discard.

The NAB has consistently opposed a mathematical distribution of facilities and has always favored repeal of the Davis Amendment and abolition of the unit system.

The proposed substitute for Section 307 (b) as submitted by the Commission follows:

> "In considering applications for licenses, or modifications and renewals thereof, when and in so far as there is demand for the same, the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several states and communities as to provide an equitable distribution of radio service to each of the same."

In its supporting reasons the Commission says:

"With slight changes this is Section 9 of the Radio Act of 1927 prior to its amendment. The existing provision, we believe, has been administered in accord with its requirements, and the administration of it has reached the point where equality has been achieved in so far as possible under its terms. The present law is contrary to natural laws and results in concentration of the use of frequencies in centers of population and a restriction of facilities in sparsely populated states even though one or more additional stations could be operated without interference from any other station. Because of the size of the zones, this distribution results in providing ample broadcasting service in the small zones and lack of service in the large zones. An absolute 'equality of radio broadcasting service' is not possible under the existing guide. In the provision suggested, *service* is made an important criterion, making it possible to carry out the statutory provisions of public interest, convenience and necessity without artificial restrictions."

COLORADO SPRINGS GETS NAB MEETING

The 1935 NAB membership meeting will be held at Broadmoor, Colorado Springs, Colo., July 6, 7, 8, 9 and 10, it was announced this week by the Executive Committee of the NAB.

Agreement was reached among President Ward, Treasurer Levy and Managing Director Loucks, constituting the Executive Committee, this week while the Managing Director was in Nashville for the purpose of organizing the Tennessee State NAB Committee. Treasurer Levy in Philadelphia was contacted by telegram.

This decision follows the recommendations of the membership as expressed in a resolution adopted at the Cincinnati convention and also a motion adopted by the Board of Directors at its December meeting.

The Broadmoor Hotel has confirmed the convention dates and plans for the meeting will go forward without delay.

SPENCE AGAIN CONVENTION CHAIRMAN

Ed Spence, WPG, Atlantic City, N. J., has been named chairman of the General NAB Convention Committee by President Ward. Spence has served as chairman of NAB convention committees for the past five years and, through his efforts, the Association has had its most successful meetings. He has been authorized by President Ward to name his own committee.

FCC FAVORS PRELIMINARY HEARINGS

Included in the legislative recommendations of the Federal Communications Commission submitted to Congress this week is a proposed section (amendment to first paragraph of Section 309 (a)) relating to preliminary hearings.

The proposed new section reads as follows:

> "However, if it appears upon examination of any such application that the granting thereof will, in the opinion of the Commission, adversely affect the service of any existing radio station, the Commission may, pursuant to such rules and regulations as it may prescribe, conduct an informal and preliminary hearing thereon. If as a result of such informal and preliminary hearing, the Commission is of the opinion that the application violates any provision of this Act or the rules and regulations of the Commission, or that the applicant is not legally, financially or technically qualified, or that the applicant is not in a position financially, technically or otherwise to contest the use of a radio facility with the licensee of an existing station, and that such application should be refused, the Commission may enter its final order refusing such application, stating the reasons therefor."

Supporting this new provision, the Commission gives the following reasons:

"It is believed that under the present law in Section 309 (a) the Commission is authorized to conduct a preliminary or *ex parte* hearing and to promulgate a regulation governing the procedure thereon. The matter, however, is not free from considerable doubt for the reason that the determination of the question depends upon the kind of 'a hearing' provided for in the second sentence of this paragraph. On the one hand, a formal hearing of which all parties interested would receive notice may be the requirement, while on the other hand an *ex parte* or preliminary hearing involving only the applicant may be authorized. It is believed sound policy to obtain specific legislation where there is doubt as to the authority conferred.

"Under the present procedure pursuant to the Communications Act of 1934, as well as that followed under the Radio Act, anyone, regardless of his own financial or technical circumstances, may, by the filing of proper application forms requesting the facilities of any existing station, cause such existing station to be put to considerable expense in defending its assignment. This is proper so long as the application is made in good faith and the applicants are themselves qualified, technically and financially, to carry on a public service. However, in many cases it has developed that the applicants have not filed their applications in good faith, or with any hope of favorable outcome but *for purposes of annoyance* and expense to the existing station and services, while, in other cases, the applications were made in good faith but, upon a hearing, it was developed that the applicants were so entirely lacking in the necessary qualifications, financial and technical, as to be unworthy of favorable consideration. Nevertheless, this would not appear until *after* a hearing had been had at which time licensees whose facilities had been requested, were compelled to appear and participate in that hearing with the consequent inconvenience and expense.

"A large part of all applications filed directly affect existing services and compel defense to be made from time to time. The suggested amendment above will give the Commission authority to eliminate at the outset applicants whose applications are made in bad faith or whose own qualifications, technical and financial, are such as to be unworthy of favorable consideration *on their own merits*. In other words, applicants requesting the facilities of an existing station will first have to prove to the Commission at a preliminary hearing that they are in good faith and qualified to operate, from a technical and financial standpoint, the facilities they request in the public interest. Thus, the existing station will not be required to go to the expense of a hearing needlessly."

SUSPENSION POWER SOUGHT BY FCC

Power to suspend licenses for periods of 30 days is sought by the Federal Communications Commission in its legislative recommendations to Congress.

The amendment proposed by the Commission to Section 312 (b) of the Communications Act is as follows:

> "Sec. 312 (a). Any station license may be revoked *or suspended for a period of not to exceed 30 days* for false state-

ments either in the application or in the statement of fact which may be required by Section 308 hereof, or because of conditions revealed by such statements of fact as may be required from time to time which would warrant the Commission in refusing to grant a license on an original application, or for failure to operate substantially as set forth in the license, or for violations of or failure to observe any of the restrictions and conditions of this Act or any regulations of the Commission authorized by this Act or by a treaty ratified by the United States: *Provided, however,* That no such order of revocation *or suspension* shall take effect until 15 days' notice in writing thereof, stating the cause for such proposed revocation or suspension has been given to the licensee. Such licensee may make written application to the Commission at any time within said 15 days for a hearing upon such order, and upon the filing of such written application, said order of revocation or suspension shall stand suspended until the conclusion of the hearing conducted under such rules as the Commission may prescribe. Upon the conclusion of said hearing, the Commission may affirm, modify or revoke said order of revocation *or suspension.*"

Reasons for the recommendation given by the Commission in its report to Congress are as follows:

"There are many instances where the revocation of a license is too drastic a punishment, but where some admonitory action should be taken. In most cases these are instances of violations of Commission regulations which could be properly punishable by a short suspension. Under the existing law, however, the Commission does not have power to suspend, but only to revoke or deny a renewal application, if and when filed."

The NAB has opposed a similar provision in the law in the past and has asked to be heard in the event hearings are held upon the suspension proposal.

WOULD CHANGE APPEALS SECTION

In the event the Congress amends the law to empower the Federal Communications Commission to suspend licenses, the Commission suggests the following amendment to Section 402 (a):

(Except any order of the Commission granting or refusing an application for a construction permit for a radio station, or for a radio station license, or for renewal of an existing radio station license, or for modification of an existing radio station license, *or any order of the Commission suspending an existing radio station license.*)

Section 402 (b) should be amended by adding after paragraph (2) another paragraph as follows:

(3) By any licensee whose radio station license has been suspended.

The following reasons are given by the Commission for this change in the law:

"If Section 312 of the Act is amended so as to authorize the Commission to suspend a radio station license the right of appeal from the order of suspension should be afforded. The right to appeal from an order of revocation is now afforded under Section 402 (a) authorizing appeal from orders of the Commission to special three-judge courts. (District Court Jurisdiction Act) Appeal from orders suspending a station license should be under Section 402 (b) providing for appeal in certain radio cases to the *Court of Appeals of the District of Columbia.* That Court has for some time past and until approval of the Communications Act had exclusive jurisdiction of radio appeal cases, now has jurisdiction over the large majority of such appeals, is required by the Statute to give preferential handling in point of time to them, and there will be involved in suspension cases violations of the many technical regulations of the Commission with which said Court has had experience."

WOULD CREATE ACCOUNTING DIVISION

A bill to create an accounting division in the Federal Communications Commission (S. 1336) was introduced in the Senate on January 22 by Senator Wheeler of Montana, chairman of the Senate Interstate Commerce Committee. The bill has been referred to the Senate Interstate Commerce Committee.

The bill follows the recommendation of the Commission which point out that "in rate regulation and in utility investigations, accounting is necessarily of first consideration; hence the importance of securing the best accounting talent available." "Failure to make the same provision in the law for a chief accountant and assistant chief accountants as is made for a chief engineer and assistant chief engineers is an insurmountable handicap to the Commission and prevents the securing of needed accountant of nationally recognized ability," says the Commission.

The text of the Wheeler bill follows:

"To amend paragraph (f) of section 4 of the Communications Act of 1934.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (f) of section 4 of the Communications Act, 1934, is hereby amended by adding after the words 'a chief engineer and not more than three assistants,' the words 'a chief accountant and not more than three assistants,' and by adding after the words 'and the chief engineer,' the words 'and the chief accountants,' and by adding after the word 'engineers' the word 'accountants'; so that paragraph (f) of section 4, as amended, will read as follows:

"(f) Without regard to the civil-service laws or the Classification Act of 1923, as amended, (1) the Commission may appoint and prescribe the duties and fix the salaries of a secretary, a director for each division, a chief engineer and not more than three assistants, a chief accountant and not more than three assistants, a general counsel and not more than three assistants, and temporary counsel designated by the Commission for the performance of special services, and (2) each commissioner may appoint and prescribe the duties of a secretary at an annual salary not to exceed $4,000. The general counsel and the chief engineer and the chief accountant shall each receive an annual salary of not to exceed $9,000; the secretary shall receive an annual salary of not to exceed $7,500; the director of each division shall receive an annual salary of not to exceed $7,500; and no assistant shall receive an annual salary in excess of $7,500. The Commission shall have authority, subject to the provisions of the civil-service laws and the Classification Act of 1923, as amended, to appoint such other officers, engineers, accountants, inspectors, attorneys, examiners, and other employees as are necessary in the execution of its functions."

NRA POLICY HEARINGS

The National Recovery Administration this week announced that the second of a series of policy hearings will deal with employment provisions in codes. The hearing will be convened on January 30 at which there will be consideration of proposed modifications or confirmations of policy on major problems now confronting the Board.

STATE LEGISLATION

In the past week a number of additional state bills affecting broadcasting have been reported.

California Assembly Bill 188, introduced by Representative Boyle, prohibits the false advertising by radio of foods, drugs and cosmetics. The bill is so drafted that it is not clear whether or not the broadcasting station is jointly liable with the advertiser. In various respects this bill differs from any of the bills for federal legislation on the subject.

Massachusetts House Bill 1270, introduced by Representative O'Brien, is another effort to deal with the question of defamation by radio. Like Massachusetts House Bill 696, noted last week, this bill requires each station to keep a transcript of every word uttered, but this bill goes one step farther and requires a record of every word whether spoken or sung. Furthermore, the record must be attested. On the other hand, this new bill defines defamation by radio as slander, whereas the earlier bill defined it as libel.

Missouri House Bill 135, introduced by Representative Russell, prohibits the distribution by radio of any information regarding horse races.

New York Senate Bill 186, introduced by Senator Berg, provides that every employer operating a place where dramatic and musical productions are given, and which operates seven days a week, must give each employee twenty-four consecutive hours of rest each week. It is not clear whether this bill would apply to broadcasting studios.

Pennsylvania House Bill 241, introduced by Representative Weiss, requires colleges and other educational institutions to permit the broadcasting of home football games if reasonable compensation is offered.

Texas Senate Bill 62, introduced by Senator Dugan, levies a tax of 2¾ per cent on the gross receipts of radio broadcasting companies. This same issue has arisen in other states, but to date the decisions of the courts are to the effect that all broadcasting is interstate commerce, and that consequently it cannot be taxed by the states.

FOOD AND DRUGS BILL INTRODUCED

The only important piece of Federal legislation introduced in the past week is H. R. 3972, by Congressman James M. Mead of New York. This is a bill amending the Food and Drug Act, and is in most respects the most constructive and soundest bill on this subject. From the standpoint of broadcasting, its most important feature is that it specifically puts the regulation of all advertising where it now is, in the hands of the Federal Trade Commission.

The text of the measure follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906, as amended, is hereby amended in title to read "An Act to prevent the manufacture, shipment, and sale of adulterated or misbranded food, drugs, and cosmetics; to prevent the false advertising of foods, drugs, and cosmetics; and to regulate traffic therein"; and in the several sections thereof to read as follows:

"SECTION 1. This Act may be cited as the 'Federal Food, Drug, and Cosmetic Act.'

"DEFINITION OF TERMS

"SECTION 2. As used in this Act, unless the context otherwise indicates—

"(a) The term 'food' includes (1) all articles used for food, drink, or condiment by man or other animals; and (2) all articles used for confection or chewing gum by man; and (3) any substance or preparation intended for use as an ingredient in the composition of any such article.

"(b) The term 'drug' includes (1) all substances and preparations recognized in the United States Pharmacopoeia, National Formulary, or any supplement thereto official at the time of investigation, and intended for use as or in medicine for man or other animals; (2) all substances and preparations intended to be used for the cure, mitigation, treatment, or prevention of disease of either man or other animals; (3) all substances and preparations, other than food, intended to affect the structure or any function of the body; and (4) all devices intended to be used for the cure, mitigation, treatment, or prevention of disease, or to affect the structure or function of the body of either man or other animals.

"(c) The term 'cosmetic' includes all substances and preparations intended for external or orificial application in cleansing or altering the appearance of, or promoting the attractiveness of, the person.

"(d) The term 'label' means the principal label or labels (1) upon the immediate container of any food, drug, or cosmetic; and (2) upon the outside container or wrapper, if any there be, of the retail package of any food, drug, or cosmetic.

"(e) The term 'labeling' includes all labels and other written, printed, and graphic matter, in any form whatsoever, accompanying any food, drug, or cosmetic.

"(f) The term 'advertisement' includes all advertisements and all representations of fact or opinion therein or commercially disseminated in any manner or by any means other than by the labeling.

"(g) The terms 'interstate commerce' or 'commerce' mean (1) commerce between any State or Territory and any place outside thereof, and (2) commerce or manufacture within the District of Columbia or within any other territory not organized with a legislative body.

"(h) The term 'territory' means any territory or possession of the United States, including the District of Columbia, but excluding the Canal Zone.

"(i) The term 'person' shall be construed to import both the plural and the singular, as the case demands, and shall include individuals, corporations, companies, societies, and associations.

"(j) The term 'Secretary,' unless otherwise indicated, means the Secretary of Agriculture.

"MANUFACTURE WITHIN TERRITORIES OR DISTRICT OF COLUMBIA

"SEC. 3. It shall be unlawful for any person to manufacture within any Territory or the District of Columbia any article of food, drug, or cosmetic, which is adulterated or misbranded within the meaning of this Act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and for each offense shall upon conviction thereof, be fined not to exceed $500, or shall be sentenced to not more than one year's imprisonment, or both such fine and imprisonment, in the discretion of the court; and for each subsequent offense and conviction thereof shall be fined not to exceed $1,000, or sentenced to not more than two years' imprisonment, or both such fine and imprisonment, in the discretion of the court.

"SHIPMENT IN INTERSTATE COMMERCE

"SEC. 4. The introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country of any article of food, drug, or cosmetic, which is adulterated or misbranded, within the meaning of this Act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia, to any other State or Territory or the District of Columbia, or to a foreign country; or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded, within the meaning of this Act; or any person who shall sell or offer for sale in the District of Columbia, or the territories of the United States any such adulterated or misbranded food, drug, or cosmetic, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor and for such offense be fined not exceeding $500 for the first offense, and upon conviction for each subsequent offense not exceeding $1,000, or by imprisonment not exceeding two years, or both, in the discretion of the court: *Provided,* That no article shall be deemed misbranded or adulterated within the provisions of this Act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this Act.

"DISSEMINATION OF FALSE ADVERTISING

"SEC. 5. False advertisements of food, drugs, and cosmetics within the meaning, and for the purposes, of this Act are hereby declared unlawful.

"(a) The Federal Trade Commission is hereby empowered and directed to prevent such advertisements in the same manner as that whereby it is empowered and directed to prevent unfair methods of competition in commerce by an Act of Congress approved September 26, 1914, entitled 'An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes';

"(b) The Secretary shall report to the Federal Trade Commission all violations of this section, and shall furnish the said Commission, upon its request, scientific information as to the properties, qualities, and effect of any food, drug, or cosmetic;

"(c) Upon a showing satisfactory to the court that any advertisement so reported to the Federal Trade Commission is false or deceptive in manner or degree to render said advertisement, or the article of food, drug, or cosmetic in the sale of which said advertisement is disseminated, imminently dangerous to public health, the District Courts of the United States and the Supreme Court of the District of Columbia are hereby vested with jurisdiction to restrain the dissemination of said advertisement pending the final determination of the proceeding in the Federal Trade Commission.

"ADULTERATED FOOD

"SEC. 6. A food shall be deemed to be adulterated—

"(a) If it is dangerous to public health;

"(b) (1) If it bears or contains any added poisonous or other added deleterious substances which may render such food injurious to health; or (2) if its container bears or is composed of any poisonous or deleterious substances which may by contamination render such food injurious to health; or (3) in the case of an ingredient, if its use in the composition of a food, as defined in section 2 (a) (1) and (2) of this Act, would render such food injurious to health;

"(c) (1) If it consists, in whole or in part, of a filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not; or (2) if it is the product of a diseased animal, or one that has died otherwise than by slaughter; or (3) if it has been prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth; or (4) in the case of an ingredient, if its use in the composition of a food, as defined in section 2 (a)

(1) and (2) of this Act, would render such food unfit for consumption;

"(d) (1) If any valuable constituent of the article has been, wholly or in part, abstracted; or (2) if any substance has been substituted, wholly or in part, for the article; or (3) if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength; or (4) if any substance has been added to it or mixed or packed with it so as to increase its bulk or weight, whereby such food is deceptive; or (5) if any substance has been added to it or mixed or packed with it in any way so as to create a deceptive appearance, or (6) if damage or inferiority has been concealed in any manner;

"(e) If it contains a coal-tar color other than one from a batch certified by the Secretary under this Act. The Secretary is hereby authorized to promulgate, after a duly advertised public hearing, regulations for the certification of coar-tar colors which are harmless and suitable for use in food;

"(f) If it is confectionery or ice cream and bears or contains any alcohol, harmful resinous glaze, or nonnutritive substance except masticatory substances in chewing gum, coloring, flavoring, natural gums, gelatin, and pectin.

"ADULTERATED DRUGS

"SEC. 7. A drug shall be deemed to be adulterated—

"(a) If, when sold under or by a name recognized in the United States Pharmacopoeia or National Formulary, or supplements thereto, it differs from the standard of strength, identity, or purity, as determined by the test laid down in the United States Pharmacopoeia or National Formulary official at the time of investigation: *Provided,* That no drug defined in the United States Pharmacopoeia or National Formulary, or supplements thereto, shall be deemed to be adulterated under this provision if the standard of strength, identity, or purity be plainly stated upon the bottle, box, or other container thereof, although the standard may differ from that laid down in the United States Pharmacopoeia or National Formulary;

"(b) If its strength, identity, or purity differs from the professed standard or quality under which it is sold.

"ADULTERATED COSMETICS

"SEC. 8. A cosmetic shall be deemed to be adulterated if it bears or contains any poisonous or deleterious substances in such quantity as may render it injurious to the user under the conditions of use prescribed in the labeling thereof, or under such conditions of use as are customary or usual.

"MISBRANDED FOOD

"SEC. 9. A food shall be deemed to be misbranded—

"(a) (1) If its labeling is false or misleading in any particular;

"(b) If its container is so made, formed, or filled, as to mislead the purchaser. In construing and applying this paragraph, as to the fill of a container, reasonable variations and tolerances shall be permitted, which allow for subsequent shrinkage or expansion of the food and for discrepancies due to a natural or other cause beyond reasonable control in good commercial practice;

"(c) If is is offered for sale under the name of another food;

"(d) If it bear a copy, counterfeit, or colorable imitation of the trade mark, label, or identifying name or device of another person;

"(e) If it is an imitation of another food, except that no imitation shall be deemed to be misbranded under this paragraph if its label bears the word 'imitation' in juxtaposition with, and in type of, the same size and prominence as the name of the food imitated;

"(f) If in package form, and it fails to bear a label plainly and correctly stating (1) the name and address of the manufacturer, packer, distributor, or seller; and (2) the quantity of the contents in terms of weight, measure, or numerical count. In construing and applying subdivision (2) of this paragraph reasonable variations and tolerances shall be permitted, which allow for discrepancies due to a natural or other cause beyond reasonable control in good commercial practice; and reasonable exemption of small packages shall be made;

"(g) (1) If it is a food for which the Secretary has prescribed a minimum standard of identity, quality, and/or fill, under this subdivision, and it falls below such standard, unless its label plainly indicates that fact. The Secretary is hereby authorized to prescribe one minimum standard of identity, quality, and/or fill for each generic class of food, which is reasonable in character and necessary for the purposes of this Act, as and to the extent hereinafter defined: *Provided,* That nothing in this subdivision shall be construed or applied to prevent or restrict commerce in any proprietary food sold in compliance with the other provisions of this Act: *Provided further,* That in prescribing such standard the Secretary shall follow good commercial practice, if and to the extent he can do so consistently with the public interest;

"(2) Whenever the Secretary shall determine upon such a minimum standard he shall first submit it to a public hearing, held not less than thirty days after the date of published notice thereof. If, after such hearing, the Secretary shall conclude that the standard should be prescribed by him under this subdivision he shall promulgate the standard accordingly. The standard so promulgated shall become effective on a date fixed by the Secretary, which date shall not be prior to ninety days after the date of promulgation. Any such promulgated standard may be amended or repealed, by the same procedure;

"(h) If it is for a special dietary or nutritional use and its label does not contain a plain and correct informative statement which is adequate in the circumstances;

"(i) A food put up at one establishment and labeled at another shall be exempt from the labeling requirements of this Act while in transit from the former to the latter establishment.

"GENERAL—MISBRANDED DRUGS AND COSMETICS

"SEC. 10. A drug or cosmetic shall be deemed to be misbranded—

"(a) If it fails to bear a label containing a statement of the name and address of the manufacturer, packer, seller, or distributor;

"(b) If it bear a copy, counterfeit, or colorable imitation of the trade-mark, label, or identifying name or device of another person;

"(c) If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package;

"(d) If it is dangerous to health under the conditions of use prescribed in the labeling thereof;

"(e) If its labeling is false or misleading in any particular;

"(f) A drug or cosmetic put up at one establishment and labeled at another shall be exempt from the labeling requirements of this Act while in transit from the former to the latter establishment.

"MISBRANDED DRUGS

"SEC. 11. A drug shall be deemed to be misbranded—

"(a) If it is offered for sale under the name of another drug;

"(b) If it is an imitation of another drug;

"(c) If its labeling fails to state plainly and conspicuously complete and explicit directions for use, except, however, in the case of a drug advertised only to physicians, veterinarians, dentists, and pharmacists when such statement would involve danger to health;

"(d) If it is for internal use by man and contains any quantity of any of the following narcotic or hypnotic substances: Alpha eucaine, barbituric acid compounds, beta eucaine, bromal, cannabis, carbromal, chloral, coca, cocaine, codeine, heroin, marihuana, morphine, opium, paraldehyde, peyote, sulphonmethane, or any narcotic or hypnotic substance chemically derived therefrom, and its label fails to bear the name and quantity or proprtion of such substance or derivative in juxtaposition with the statement, 'Warning—May be habit forming';

"(e) If it contains any quantity of (1) any of the stimulant-depressant substances, ethyl alcohol, ethyl ether, chloroform or isopropyl alcohol; or (2) any of the sedative substances, acetanilid, acetphenetidin, amidopyrine, antipyrine, atropine, bromides, hyoscine, or hyoscyamine; or (3) any of the cumulative substances: arsenic, digitalis glucosides, mercury, ouabain, strophanthin, or strychnine; or (4) any chemical compond of any substance named above possessing stimulant-depressant, sedative, or cumulative properties; and its label fails to bear a statement of the name and quantity or proportion of such substance;

"(f) If it is a drug liable to deterioration and its label fails to bear an appropriate precautionary statement;

"(g) If its labeling shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein which is false or misleading.

"FALSE ADVERTISEMENTS—FOODS, DRUGS, AND COSMETICS

"SEC. 12. An advertisement of a food, drug, or cosmetic shall be deemed to be false if it is false or misleading in any particular relative to the purposes of this Act regarding such food, drug, or cosmetic.

"REGULATIONS

"SEC. 13. The Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce shall make uniform rules and regulations, which shall be printed and published, for carrying out the provisions of this Act, including the collection and examination of specimens of food, drugs, or cosmetics manufactured or offered for sale in the District of Columbia, or in any Territory

of the United States, or which shall be offered for sale in unbroken packages in any State other than that in which they shall have been respectively manufactured or produced, or which shall be received from any foreign country, or intended for shipment to any foreign country, or which may be submitted for examination by the chief health, food, or drug officer of any State, Territory, or the District of Columbia, or at any domestic or foreign port through which such product is offered for interstate commerce, or for export or import between the United States and any foreign port or country. No provision of this Act imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule or regulation, notwithstanding that such rule or regulation may, after such act or omission, be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

"EXAMINATION OF SPECIMENS

"SEC. 14. The examinations of specimens of foods, drugs, and cosmetics and the advertisements thereof shall be made in the Food and Drug Administration of the Department of Agriculture, or under the direction and supervision of such Administration, for the purpose of determining from such examinations whether such articles are adulterated, or misbranded, or falsely advertised within the meaning of this Act; and if it shall appear from any such examination that any of such specimens is adulterated, or misbranded, or falsely advertised within the meaning of this Act, the Secretary of Agriculture shall cause notice thereof to be given to the manufacturer or distributor thereof, if known, and if not known, then to the party from whom such sample was obtained, which said notice shall state such violation in sufficient detail to indicate specifically the nature of the offense charged. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this Act have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, or, in the case of false advertisements, to the Federal Trade Commission, with a copy of the results of the analysis or the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court, or of the Federal Trade Commission, as the case may be, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

"DUTY OF DISTRICT ATTORNEY

"SEC. 15. It shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation of this Act, or to whom any health or food or drug officer or agent of any State, Territory, or the District of Columbia shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such case herein provided.

"EXEMPTION OF DEALERS

"SEC. 16. No dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this Act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this Act.

"SEIZURE AND INJUNCTION

"SEC. 17. (a) Any article of food, drug, or cosmetic that is adulterated or misbranded within the meaning of this Act and is being transported from one State, Territory, District or insular possession to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia, or the territories, or insular possessions of the United States, or if it be imported from a foreign country for sale, or if it is intended for export to a foreign country, shall be liable to be proceeded against in any District Court of the United States within the district where the same is found, and seized for confiscation by a process of libel for condemnation: *Provided, however,* That not more than one seizure action shall be instituted under this paragraph against any article of food, drug, or cosmetic if (1) the alleged violation is one of misbranding or labeling only; (2) all current shipments of the article alleged to be misbranded bear the same labeling; and (3) such misbranding has not been the basis of a prior judgment in favor of the United States in any criminal prosecution or libel for condemnation proceeding under this Act; *And provided further,* That said single seizure action shall be instituted in, or removed for trial to, a district of reasonable proximity to the residence of the manufacturer, distributor or claimant of the article seized.

"(b) Any article of food, drug or cosmetic condemned as being adulterated or misbranded, within the meaning of this Act, shall be disposed of by destruction or sale, as the court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any jurisdiction contrary to the provisions of this Act or the laws of that jurisdiction: *Provided, however,* That upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such article shall not be sold or otherwise disposed of contrary to the provisions of this Act, or the laws of any State, Territory, District, or insular possession, the court may, by order, direct that such article be delivered to the owner thereof. The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of, and in the name of, the United States.

"(c) The court shall, by order, at any time before trial, allow any party to a condemnation proceeding, to obtain a representative sample of the article seized.

"(d) In the event any article of food, drug, or cosmetic, seized pursuant to the provisions of subsection (a) of this section, is condemned as being adulterated or misbranded within the meaning of this Act; or if no claimant appear for such article of food, drug, or cosmetic so seized; or if, having appeared, such claimant defaults, and default and judgment as of condemnation be thereupon entered, then, and in any such event, the District Courts of the United States and the Supreme Court of the District of Columbia are hereby vested with jurisdiction to restrain by injunction the shipment in interstate commerce of such article of food, drug, or cosmetic when so adulterated or misbranded.

"(e) Upon a showing satisfactory to the court that the labeling of any article of food, drug, or cosmetic seized pursuant to the provisions of subsection (a) of this section is false or deceptive in manner or degree to render such article imminently dangerous to public health, the District Courts of the United States and the Supreme Court of the District of Columbia are hereby vested with jurisdiction to restrain by temporary injunction, pending the final adjudication of the libel for condemnation, the shipment in interstate commerce of such article of food, drug, or cosmetic when so labeled; provided that no injunction shall be granted under this paragraph except on motion and after notice to the manufacturer, distributor, or claimant of such article.

"(f) Upon a showing satisfactory to the court that the labeling of any article of food, drug, or cosmetic seized pursuant to the provisions of subsection (a) of this section is false or deceptive in manner or degree to render such article imminently dangerous to public health, the District Courts of the United States and the Supreme Court of the District of Columbia are hereby vested with the further jurisdiction to order the seizure or impounding of such article when so labeled pending the final adjudication of the single seizure action authorized in subsection (a), when such article, having been transported from one State, Territory, District, or insular possession to another for sale, remains unloaded, unsold, or in original unbroken packages: *Provided,* That no order shall be granted under this paragraph except on motion and after notice to the manufacturer, distributor, or claimant of such article.

"REPETITIOUS VIOLATIONS

"SEC. 18. The repetitious introduction into interstate commerce of any adulterated or misbranded food, drug, or cosmetic, or the repetitious dissemination of false advertisements, within the meaning and purposes of this Act, are hereby declared to be unfair methods of competition in commerce within the meaning of an Act of Congress approved September 26, 1914, entitled 'An Act to create a Federal Trade Commission, to define its power and duties, and for other purposes.'

"INSPECTION

"SEC. 19. (a) If it cannot be determined by an examination of a food, drug, or cosmetic, after it has entered commerce, whether it is adulterated or misbranded within the meaning of this Act;

and if an officer or employee of the Department duly designated by the Secretary for the purpose, is refused permission to enter and inspect any factory or establishment where such article is manufactured, processed, or packed, and all equipment, finished and unfinished materials, containers and labels there used or stored, to the extent deemed necessary to determine whether it is adulterated or misbranded within the meaning of this Act; then the Secretary is authorized to apply to the District Courts of the United States or to the Supreme Court of the District of Columbia, in the district wherein such manufacture, processing, or packing is done, for an order effective to secure such inspection. Said courts are hereby vested with jurisdiction in the premises. Any order issued hereunder shall duly provide against disclosure of any secret method, process, or formula.

"(b) Any carrier transporting a food, drug, or cosmetic in commerce, and any person receiving a food, drug, or cosmetic in commerce or from shipment in commerce, which article is subject to investigation under this Act, shall inform the Secretary or his representative duly designated for the purpose, of the record of such transportation or receipt, upon his written request for such information. It shall be unlawful for any carrier or person to refuse or fail to give such information, upon such request therefor: *Provided,* That evidence obtained under this paragraph shall not be used in any criminal proceeding under this Act against the person from whom it was obtained. Any carrier or person willfully violating this paragraph shall be guilty of a misdemeanor and shall, upon conviction thereof, be subject to a fine of not more than $500 for each violation.

"(c) The Secretary of Agriculture, upon application of any packer of any sea food sold in interstate commerce, may at his discretion designate supervisory inspectors to examine and inspect all premises, equipment, methods, materials, containers, and labels used by such applicants in the production of such food. If the food is found to conform to the requirements of this Act, the applicant shall be authorized, in accordance with regulations prescribed by the Secretary of Agriculture, to mark the food so as to indicate such conformity. Services to any applicant under this section shall be rendered only upon payment of fees to be fixed by regulations of the Secretary of Agriculture in such amount as to cover the cost of the supervisory inspection and examination, together with the reasonable costs of administration incurred by the Secretary of Agriculture in carrying out this section. Receipts from such fees shall be covered into the Treasury and shall be available to the Secretary of Agriculture for expenditures incurred in carrying out this section. Any person who forges, counterfeits, simulates, or falsely represents, or without proper authority uses any mark, stamp, tag, label, or other identification devices authorized by the provisions of this section or regulations thereunder, shall be guilty of a misdemeanor, and shall on conviction thereof be subject to imprisonment for not more than one year or a fine of not less than $1,000 nor more than $5,000, or both such imprisonment and fine.

"(d) Any person who uses to his own advantage or reveals, other than to the Secretary or his officers or employees, or to the courts when relevant in the trial of any case under this Act, any information acquired under authority of this section concerning any secret method, process or formula, shall be guilty of a felony, and shall, on conviction thereof, be subject to imprisonment for not more than two years or a fine of not more than $5,000, or both such imprisonment and fine.

"IMPORTS

"SEC. 20. The Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request from time to time, samples of foods, drugs and cosmetics which are being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture, and have the right to introduce testimony, and if it appear from the examination of such samples that any article of food, drug, or cosmetic offered to be imported into the United States is adulterated or misbranded within the meaning of this Act, or is otherwise dangerous to the health of the people of the United States, or is of a kind forbidden entry into, or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any goods refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: *Provided,* That the Secretary of the Treasury may deliver to the consignee such goods pending examination and decision in the matter on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods, for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of the bond: *And provided further,* That all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importations made by such owner or consignee.

"CONSTRUCTION

"SEC. 21. (a) When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for, or employed by, any individual, corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

"(b) Whenever a corporation, company, society, or association violates any of the provisions of this Act, such violation shall also be deemed to be a violation of the individual directors, members, officers, or agents of such corporation, company, society, or association who personally ordered, or did, any of the acts constituting, in whole or in part, such violation.

"(c) When construing and enforcing the provisions of this Act with respect to labeling and advertisements, the term 'antiseptic' shall be deemed to have the same meaning as the word 'germicide', except, however, in the case of a drug purporting to be, or represented as, an inhibitory antiseptic for use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body.

"(d) When construing and enforcing the provisions of this Act with respect to labeling and advertisements, any representation regarding the value or effect of a food, drug, or cosmetic shall be deemed to be false if such representation is not supported by demonstrable scientific facts or by substantial medical or scientific opinion.

"(e) When construing and enforcing the provisions of this Act reasonable allowances, consistent with the purposes of the Act, shall be made for (1) abnormal individual reactions to foods, drugs, and cosmetics, and (2) harmless trade claims recognized by and under the common law.

"(f) Nothing in this Act shall be construed as requiring the Secretary to report for prosecution or for the institution of libel, injunction, or Federal Trade Commission proceedings minor violations of this Act wherever he believes the purposes of the Act can be accomplished by suitable notices, warnings, or stipulations.

"SEPARABILITY CLAUSE

"SEC. 22. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the Act, and the applicability thereof to other persons and circumstances, shall not be affected thereby.

"EFFECTIVE DATE AND REPEALS

"SEC. 23. This Act shall take effect January 1, 1936. All provisions of the Federal Food and Drugs Act of June 30, 1906, as amended (U. S. C., title 21, secs. 1-15), not herein reenacted, are hereby repealed effective upon such date: *Provided,* That the Act of March 4, 1923 (U. S. C., title 21, sec. 6; 42 Stat. 1500, ch. 268), defining butter and providing a standard therefor; and the Act of July 24, 1919 (U. S. C., title 21, sec. 10; 41 Stat. 271, ch. 26), defining wrapped meats as in package form shall remain in force and effect and be applicable to the provisions of this Act. This Act shall not be held to modify or repeal any of the existing laws of the United States except as provided in this section."

FIVE STATE COMMITTEES FORMED

Completing the first leg of a nationwide trip for the purpose of organizing state NAB Committees, Managing Director Loucks returned to Washington this week where he will spend a few days before resuming organization activities. Just as soon as accumulated work and correspondence can be cleared away, the Managing Director will embark upon the second leg of the trip.

WHEELEHAN LOUISIANA CHAIRMAN

Harold Wheelehan, WSMB, New Orleans, was elected chairman of the Louisiana NAB Committee and John C. McCormack, KTBS,

Shreveport, vice chairman. The meeting was held at Hotel Roosevelt, New Orleans, on Tuesday, January 15. The Committee discussed state legislation, copyright, telephone line charges, and other industry matters. Those present in addition to Wheelehan and McCormack were: Joseph H. Uhalt and P. K. Ewing, WDSU; Capt. A. C. Pritchard and Al. Foster, WWL; Dwight Northup, KWKH; J. C. Liner, KMLB; and Managing Director Loucks.

ALABAMA COMMITTEE MEETS

The Alabama NAB Committee held a meeting at the studios of WAPI, Birmingham, Ala., Friday, January 17. Gordon Persons, chairman of the Committee, presided. State legislation pending in the state legislature and other general industry matters were discussed during the session. Those present were: Chairman Persons, Campbell, WSGN; Hopson, WAPI; Smith, WBRC; Cisler, WJBY; and Managing Director Loucks.

TENNESSEE COMMITTEE ORGANIZED

Harry Stone, WSM, Nashville, was elected chairman of the Tennessee NAB Committee at a meeting held at Hotel Andrew Jackson, Nashville, Tenn., on January 19. Harry Slavick, WMC, Memphis, was named vice chairman. Discussion of state legislation, copyright, and other problems common to state broadcasters occupied most of the time devoted to the meeting. In addition to Stone, those present were: President Ward, WLAC, Nashville; Draughon, WSIX, Springfield; Wooten, WREC, Memphis; Wilson, WOPI, Bristol; Saumenig, WNOX; and Managing Director Loucks.

KENTUCKY GROUP FORMS COMMITTEE

L. B. Wilson, WCKY, Covington, was named chairman and Credo F. Harris, WHAS, Louisville, was named co-chairman of the Kentucky NAB Committee at a meeting held at the Brown Hotel, Louisville, January 21. The session was devoted to a discussion of national and state broadcasting problems. Those present were: Harris, WHAS, Louisville; Eaton, WHAS, Louisville; Coulson, WHAS, Louisville; Pierce E. Lackey, WPAD, Paducah; W. Prewitt Lackey, WPAD, Paducah; Lord, WAVE; Clark, WLAP, Lexington; and Managing Director Loucks.

FCC HIGH FIDELITY STANDARDS

The Engineering Department of the Federal Communications Commission has adopted a set of tentative standards for reference use when considering high-fidelity transmitting plants. The informal standards, which have not been proposed as a regulation until more experience has been gained, are as follows:

Audio distortion: The total audio frequency distortion from microphone terminals (including microphone amplifier) to antenna output shall not exceed 5 per cent rms. harmonic content when modulating from 0 to 85 per cent, and not more 10 per cent rms. harmonic content when modulating 95 per cent. The distortion is to be measured with modulating frequencies of 50, 400, 100, 5000, and 7500 cycles.

Frequency range: The audio frequency transmitting characteristic of the equipment from the microphone terminals to the audio component of the rectified antenna current shall not depart more than 2 decibels from that at 1000 cycles between 50 and 7500 cycles. The transmitter should be equipped in the last audio stage or as near thereto as practicable with two band-pass filters, one to cut off at 5500 cycles and the other at 8500 cycles respectively to 40 decibels below normal level. These filters shall be used as follows: The 8500-cycle cut-off filter at all times, and the 5500-cycle cut-off filter when the program transmission is such that no desired signal above 5000 cycles reaches the transmitter. The frequency characteristics should be measured with the filters in place.

Noise level: The carrier hum and extraneous noise level (exclusive of microphone noises) should be at least 60 decibels below 100 per cent modulation in the frequency band between 150 and 5000 cycles, and at least 40 decibels down outside this range.

Volume range: The volume range from carrier noise and main studio extraneous sounds to 100 per cent modulation shall be 60 decibels.

Modulation meter: A modulation meter should be provided for visually indicating from 110 per cent modulation to 40 per cent, or less, and should indicate also on the same scale in decibels above and below 100 per cent modulation. The accuracy of this instrument should be within 2 per cent. A peak indicating device should be provided for operation from 75 to 100 per cent modulation, or over a greater range so that peaks above any set value will be indicated and will be capable of being recorded if desired. The amplitude indicator should be high speed and highly damped, having a natural period of not greater than 0.1 second.

QUOTA FACILITIES AS OF JANUARY 8, 1935

First Zone—Night

State	Due	Assigned	Units Over or Under	Percentage Over or Under
Conn.	2.13	1.90	— 0.23	— 11
Del.	0.32	0.20	— 0.12	— 38
D. C.	0.64	0.60	— 0.04	— 6
Maine	1.06	0.99	— 0.07	— 7
Md.	2.16	1.95	— 0.21	— 10
Mass.	5.63	5.16	— 0.47	— 8
N. H.	0.62	0.33	— 0.29	— 47
N. J.	5.36	4.085	— 1.275	— 24
N. Y.	16.69	18.13	+ 1.44	+ 8
R. I.	0.91	0.80	— 0.11	— 12
Vt.	0.48	0.06	— 0.42	— 88
Total	36.00	34.205	— 1.795	— 5

First Zone—Day

State	Due	Assigned	Units Over or Under	Percentage Over or Under
Conn.	3.85	3.34	— 0.51	— 13
Del.	0.57	0.33	— 0.24	— 42
D. C.	1.16	1.00	— 0.16	— 14
Maine	1.91	1.42	— 0.49	— 26
Md.	3.91	3.80	— 0.11	— 3
Mass.	10.17	6.75	— 3.42	— 34
N. H.	1.11	0.80	— 0.31	— 28
N. J.	9.67	4.985	— 4.685	— 48
N. Y.	30.14	20.56	— 9.58	— 32
R. I.	1.65	0.80	— 0.85	— 52
Vt.	0.86	0.86	— 0.0	— 0
Total	65.00	44.645	—20.355	— 31

Second Zone—Night

State	Due	Assigned	Units Over or Under	Percentage Over or Under
Ky.	3.38	3.95	+ 0.57	+ 17
Mich.	6.25	5.05	— 1.20	— 19
Ohio	8.58	9.88	+ 1.30	+ 15
Penna.	12.43	12.42	— 0.01	— 0
Va.	3.13	4.75	+ 1.62	+ 52
W. Va.	2.23	1.93	— 0.30	— 13
Total	36.00	37.98	+ 1.98	+ 6

Second Zone—Day

State	Due	Assigned	Units Over or Under	Percentage Over or Under
Ky.	6.10	4.25	— 1.85	— 30
Mich.	11.28	6.28	— 5.00	— 44
Ohio	15.50	12.06	— 3.44	— 22
Penna.	22.45	14.75	— 7.70	— 34
Va.	5.64	6.34	+ 0.70	+ 12
W. Va.	4.03	3.90	— 0.13	— 3
Total	65.00	47.58	—17.42	— 27

Third Zone—Night

State	Due	Assigned	Units Over or Under	Percentage Over or Under
Ala.	3.32	2.745	— 0.575	— 18
Ark.	2.32	2.67	+ 0.35	+ 15
Fla.	1.84	3.65	+ 1.81	+ 98
Ga.	3.64	4.21	+ 0.57	+ 16
La.	2.63	5.10	+ 2.47	+ 94
Miss.	2.52	0.99	— 1.53	— 61
N. Cor.	3.97	4.28	+ 0.31	+ 8
Okla.	3.00	3.36	+ 0.36	+ 12
S. Car.	2.18	1.30	— 0.88	— 40
Tenn.	3.28	6.05	+ 2.77	+ 84
Texas	7.30	11.09	+ 3.79	+ 52
Total	36.00	45.445	+ 9.445	+ 26

Third Zone—Day

State	Due	Assigned	Units Over or Under	Percentage Over or Under
Ala.	5.99	4.685	— 1.305	— 22
Ark.	4.19	4.75	+ 0.56	+ 13
Fla.	3.32	4.85	+ 1.53	+ 46
Ga.	6.58	4.95	— 1.63	— 25
La.	4.75	5.40	+ 0.65	+ 14
Miss.	4.55	2.11	— 2.44	— 54
N. Car.	7.17	4.85	— 2.32	— 32
Okla.	5.42	4.90	— 0.52	— 10
S. Car.	3.93	2.60	— 1.33	— 34
Tenn.	5.92	7.35	+ 1.43	+ 24
Texas	13.18	13.61	+ 0.43	+ 3
Total	65.00	60.055	— 4.945	— 8

Fourth Zone—Night

State	Due	Assigned	Units Over or Under	Percentage Over or Under
Ill.	10.14	11.06	+ 0.92	+ 9
Ind.	4.30	3.42	— 0.88	— 20
Iowa	3.28	5.22	+ 1.94	+ 59
Kans.	2.50	2.49	— 0.01	— 0
Minn.	3.41	4.18	+ 0.77	+ 23
Mo.	4.82	5.04	+ 0.22	+ 5
Nebr.	1.83	2.21	+ 0.38	+ 21
N. Dak.	0.90	1.40	+ 0.50	+ 56
S. Dak.	0.92	0.86	— 0.06	— 7
Wisc.	3.90	3.05	— 0.85	— 22
Total	36.00	38.93	+ 2.93	+ 8

Fourth Zone—Day

State	Due	Assigned	Units Over or Under	Percentage Over or Under
Ill.	18.30	14.94	— 3.36	— 18
Ind.	7.77	5.52	— 2.25	— 29
Iowa	5.93	7.86	+ 1.93	+ 33
Kans.	4.51	3.32	— 1.19	— 26
Minn.	6.15	5.77	— 0.38	— 6
Mo.	8.70	8.49	— 0.21	— 2
Nebr.	3.30	5.92	+ 2.62	+ 79
N. Dak.	1.63	2.10	+ 0.47	+ 29
S. Dak.	1.66	2.13	+ 0.47	+ 28
Wisc.	7.05	5.86	— 1.19	— 17
Total	65.00	61.91	— 3.09	— 5

Fifth Zone—Night

State	Due	Assigned	Units Over or Under	Percentage Over or Under
Ariz.	1.32	1.17	— 0.15	— 11
Calif.	17.18	18.82	+ 1.64	+ 10
Colo.	3.13	4.61	+ 1.48	+ 47
Idaho	1.35	1.50	+ 0.15	+ 11
Mont.	1.63	1.75	+ 0.12	+ 7
Nev.	0.27	0.35	+ 0.08	+ 30
N. Mex.	1.28	1.13	— 0.15	— 12
Ore.	2.89	4.04	+ 1.15	+ 39
Utah	1.54	3.30	+ 1.76	+114
Wash.	4.73	7.28	+ 2.55	+ 54
Wyo.	0.68	0.40	— 0.28	— 41
Total	36.00	44.35	+ 8.35	+ 23

Fifth Zone—Day

State	Due	Assigned	Units Over or Under	Percentage Over or Under
Ariz.	2.38	1.79	— 0.59	— 25
Calif.	31.02	22.32	— 8.70	— 28
Colo.	5.66	5.08	— 0.58	— 10
Idaho	2.43	2.05	— 0.38	— 16
Mont.	2.94	2.55	— 0.39	— 13
Nev.	0.49	0.35	— 0.14	— 29
N. Mex.	2.31	2.90	+ 0.59	+ 26
Ore.	5.21	6.09	+ 0.88	+ 17
Utah	2.78	3.30	+ 0.52	+ 19
Wash.	8.54	8.74	+ 0.20	+ 2
Wyo.	1.24	0.40	— 0.84	— 68
Total	65.00	55.57	— 9.43	— 15

INFORMATION WANTED

An NAB member wishes information concerning the address of Mr. Gordon Hyam, a radio personality known as "Bob White, the Old Lamplighter." Anyone having this information is requested to inform NAB headquarters.

COMMUNICATIONS COMMISSION APPROPRIATIONS

The Senate has passed the Independent Office appropriation bill which contains the appropriation for the Federal Communications Commission for the next fiscal year amounting to $1,500,000. There was no discussion at all in connection with this sum. The House has already passed the bill so that effective July 1 next the Commission will have this amount to work with.

The House also has passed a deficiency appropriation bill which contains an appropriation of $480,000 for the Commission for the present fiscal year ending June 30. While the activities of the Commission have been very materially increased under the change from the old Radio Commission Congress had not appropriated any additional money for its use, therefore the need for the deficiency.

ACCOUNTING FORMS IN PREPARATION

Special forms, designed for use with the system of accounts sent recently to stations, are now in process of preparation and will be mailed to NAB members as soon as they become available. It is suggested that all questions regarding forms to be used with the uniform accounting system be held until these have been received and examined.

SECURITIES ACT REGISTRATION

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

Avocalon Mining Syndicate, Toronto, Canada (2-1251, Form A-1)

Seneca Plumas Gold Mining Company, Reno, Nev. (2-1252, Form A-1)

Protective Committee for Lord's Court Bldg., New York City (2-1253, Form D-1).

Whippoorwill Realty Company, Inc., New York City (2-1254, Form E-1)

Protective Committee for Eleventh & Baltimore Corp, Kansas City, Mo. (2-1255, Form D-1)

Viking Oil Company, Los Angeles, Cal. (2-1256, Form A-1)

Pinellas Water Company, St. Petersburg, Fla. (2-1257, Form A-1)

Riverside Drive—82nd. St. Corp., New York City (2-1259, Form E-1)

EXAMINER REPORTS ON PENNSYLVANIA STATIONS

Broadcasting Station WBAX, Wilkes-Barre, Pa., operating with 100 watts specified hours on a frequency of 1210 kilocycles asked the Federal Communications Commission for full time operation with 250 watts power until local sunset. It shares time with Station WKOK, Sunbury, Pa., also using 100 watts power. This station also asked full time.

Ralph L. Walker (E.) in his Report No. 1-18 this week recommends that the application of WBAX and its license renewal be denied and that the application of WKOK be granted including license renewal. The Examiner found that station WBAX "has been unsuccessful from a financial viewpoint in operation as a commercial enterprise, and that it cannot under its present management be successfully operated from that point of view." On the other hand, he found that, concerning WKOK, "it appears that this station is well managed."

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, January 28, 1935

WNBO—John Brownlee Spriggs, Silver Haven, Pa.—Renewal of license; **1200 kc.**, 100 watts, specified hours.

WNBO—John Brownlee Spriggs, Silver Haven, Pa.—Assignment of license to Voice of Southwestern Pennsylvania, Inc.; **1200 kc.**, 100 watts, specified hours.

WNBO—John Brownlee Spriggs, Silver Haven, Pa.—C. P. to move transmitter to near Elco, Pa.; **1200 kc.**, 100 watts, specified hours.

Wednesday, January 30, 1935

NEW—Utah Radio Educational Society, Salt Lake, Utah.—C. P., **1450 kc.**, 1 KW, unlimited time.

NEW—Louis H. Callister, Provo, Utah.—C. P., **1200 kc.**, 100 watts, unlimited time.

NEW—Paul Q. Callister, Salt Lake City, Utah.—C. P., **1370 kc.**, 100 watts, unlimited time.

NEW—Great Western Broadcasting Assn., Inc., Logan, Utah.—C. P., **1500 kc.**, 100 watts, unlimited time.

NEW—Great Western Broadcasting Assn., Inc., Provo, Utah.—C. P., **1200 kc.**, 100 watts, unlimited time.

NEW—Munn Q. Cannon, Logan, Utah.—C. P., **1210 kc.**, 100 watts, unlimited time.

NEW—Jack Powers, Frank C. Carman, David G. Smith, and Grant Wrathall, d/b as Utah Broadcasting Co., Salt Lake City, Utah.—C. P., **1500 kc.**, 100 watts, unlimited time.

APPLICATIONS RECEIVED

First Zone

WHN—Marcus Loew Booking Agency, New York, N. Y.—Con-
1010 struction permit to make equipment changes and increase day power from 1 KW to 5 KW.

WICC—Southern Connecticut Broadcasting Corporation, Bridge-
600 port, Conn.—Modification of license to increase power from 500 watts, 1 KW day, to 1 KW night and day.

WJAR—The Outlet Co., Providence, R. I.—Construction permit
890 to make equipment changes and move transmitter from Outlet Co. Bldg., 176 Weybosse St., Providence, R. I., to junction Newport Ave. and Ferris Ave. (Rumford), East Providence, R. I.

WESG—Cornell University, Ithaca, N. Y.—Modification of license
850 to change frequency from **1040 kc.** to **850 kc.**

WTBO—Associated Broadcasting Corporation, Cumberland, Md.—
800 Transfer of control of Corporation from Herbert Lee Blye; 74 shares to Frank V. Becker, 75 shares to Roger W. Clipp.

WORC—Alfred Frank Kleindienst, Worcester, Mass.—Special ex-
1280 perimental authorization to make equipment changes, operate on **1280 kc.**, 1 KW power, unlimited time, using directional antenna, period ending 4-1-35.

WLWL—Missionary Society of St. Paul the Apostle, New York,
810 N. Y.—Modification of license to increase time from specified hours to unlimited and change frequency from **1100 kc.** to **810 kc.**, facilities of WNYC, amended also request facilities of WCCO.

WKEM—American Radio News Corp., Portable and Mobile, initial location 235 E. 45th St., New York, N. Y.—Modification of license to change name to "Hearst Radio, Inc."

NEW—Clarence Wheeler, Rochester, N. Y.—Construction permit
1210 to erect a new broadcast station to be operated on **1210 kc.**, 100 watts power, daytime, amended to request change in hours of operation from 100 watts to 250 watts.

WCAO—The Monumental Radio Co., Baltimore, Md.—Construc-
600 tion permit to make changes in antenna equipment and increase power from 500 watts, 1 KW LS, to 1 KW.

WICC—Southern Connecticut Broadcasting Corp., Bridgeport,
600 Conn.—License to cover construction permit (1-P-B-3300) to install new equipment and increase power.

WLBZ—Maine Broadcasting Co., Inc., Bangor, Maine.—License to
620 cover construction permit (B1-P-41) to increase power and make changes in equipment.

WOCL—A. E. Newton, Jamestown, N. Y.—Voluntary assignment
1210 of license to Edward J. Doyle.

WEAN—Shepard Broadcasting Service, Inc., Providence, R. I.—
780 Extension of special experimental authorization to use additional 250 watts power night from 3-1-35 to 9-1-35.

Second Zone

WMBG—Havens and Martin, Inc., Richmond, Va.—Construction
1350 permit to change frequency from **1210 kc.** to **1350 kc**; install new equipment; increase power from 100 watts (construction permit for 100 watts night, 250 watts day) to 500 watts; and change location of transmitter from 914 W. Broad St., Richmond, Va., to intersection of Broad St. Road and Staples Mill Rd., near Richmond, Va. (Consideration under Rule 6 (g).)

WLW—The Crosley Radio Corp., Cincinnati, Ohio.—Extension of
700 special experimental authorization to use power of 500 watts, using transmitter of W8XO, for period ending 8-1-35.

WPHR—WLBG, Inc., Petersburg, Va.—Modification of construc-
880 tion permit authorizing for transmitter location northeast corner Franklin and Adams St., Petersburg, Va., and extending commencement and completion dates; amended: site changed to 1½ miles northeast of Petersburg, Va.

NEW—P. A. McBride, Ironton, Ohio.—Construction permit to erect
1500 a new broadcast station to be operated on **1500 kc.**, 100 watts, unlimited.

WLEU—Leo J. Omelian, Erie, Pa.—Modification of construction
1420 permit authorizing construction of new station to be operated on **1420 kc.**, 100 watts, 250 watts daytime, unlimited, to request further change in equipment.

WADC—Allen T. Simmons, Akron, Ohio.—License to cover con-
1320 struction permit (2-P-B-3295) as modified to install new equipment, increase power from 1 KW to 1 KW, 2½ KW daytime.

W8XCQ—A. M. Rowe, Inc., Portable-Mobile.—License to cover construction permit for **31100, 34600, 37600, 40600 kc.**, 10 watts. General experimental.

Third Zone

WMC—Memphis Commercial Appeal, Memphis, Tenn.—Authority
780 to determine operating power by direct measurement of antenna.

WSGN—R. B. Broyles, tr/as R. B. Broyles Furniture Co., Birmingham, Ala.—Modification of construction permit authorizing changes in equipment and increase in power from 100 watts to 100 watts, 250 watts day, to request extension of completion date from 10-10-34 to 2-15-35.

WSGN—R. B. Broyles, tr/as R. B. Broyles Furniture Co., Birming-
1310 ham, Ala.—License to cover construction permit (3-P-B-3034) as modified to increase daytime power and make equipment changes.

WTAW—Agricultural and Mechanical College of Texas, College
1120 Station, Tex.—Modification of license to change specified hours (no increase).

WAGF—John T. Hubbard and Julian C. Smith, d/b as Dothan
1370 Broadcasting Co., Dothan, Ala.—Construction permit to make changes in equipment and increase power from 100 watts to 250 watts day, and change hours of operation from daytime and specified hours Sunday to daytime only.

WDAE—Tampa Times Company, Tampa, Fla.—Modification of
1220 special experimental authorization to install new equipment and increase power from 1 KW, 2½ KW day, to 1 KW, 5 KW day, for period ending 4-1-35.

WREC—WREC, Inc., Memphis, Tenn.—Construction permit to
600 increase power from 500 watts night, 1 KW day, to 1 KW, 2½ KW day; make equipment changes; amended: omit request for increase in power.

Harris County Broadcast Co., Houston, Tex.—Construction permit for general experimental relay broadcast station for **9510, 11770, 15150 kc.**, 500 watts.

WREC—WREC, Inc., Memphis, Tenn.—Extension of special ex-
600 perimental authorization to operate with 1 KW, 2½ KW day, from 3-1-35 to 9-1-35.

WMFD—Richard Austin Dunlea, Wilmington, N. C.—Modification
1370 of construction permit authorizing new station on **1370 kc.**, power 100 watts, daytime, to request extension of completion date from 2-11-35 to 4-11-35.

KWKH—International Broadcasting Corp., Shreveport, La.—Ex-
1100 tension of special authorization to operate unlimited time on **1100 kc.**

WFLA-WSUN—Clearwater Chamber of Commerce and St. Peters-
620 burg Chamber of Commerce, Petersburg and Clearwater, Fla.—Extension of special experimental authorization to operate on 1 KW, 5 KW day, for period ending 9-1-35.

NEW—G. L. Burns, Brady, Tex.—Construction permit for new
1500 station on **1500 kc.**, 100 watts, 250 watts day, limited time; amended: requesting **1210 kc.**, 100 watts power, daytime. Studio and transmitter sites to be determined, Brady, Tex.

KWKH—International Broadcasting Corp., Shreveport, La.—
1100 License to cover modification of special authorization to operate unlimited on **1100 kc.**

Fourth Zone

WDAF—The Kansas City Star Co., Kansas City, Mo.—Modifica-
610 tion of construction permit to increase power to 5 KW, make

equipment changes, to extend commencement date to 30 days after grant and completion date to 90 days thereafter; amended: change from modification of construction permit to a construction permit and to omit request for extension of commencement and completion dates.

WDAF—The Kansas City Star Co., Kansas City, Mo.—Modification of construction permit (4-P-B-3294) to increase power from 1 KW to 1 KW, 2½ KW day, also install new equipment, to further request change in equipment and extend completion date from 10-30-34 to 1-30-35.
610

WDAF—The Kansas City Star Co., Kansas City, Mo.—License to cover construction permit (4-P-B-3294) as modified to install new equipment and increase power.
610

WIBW—Topeka Broadcasting Assn., Inc., Topeka, Kans.—Modification of license to use old 1-KW transmitter as auxiliary when licensed for 2½ KW.
580

WCBS—WCBS, Inc., Springfield, Ill.—Modification of license to change from **1210 kc.** to **1370 kc.**, change hours of operation from share with WTAX to unlimited.
1370

KGBX—KGBX, Inc., Springfield, Mo.—Extension of special experimental authorization for operation on **1230 kc.**, 500 watts, from local sunset to midnight, period ending 6-1-35.
1230

WLBF—WLBF Broadcasting Co., Kansas City, Kans.—Transfer of control of corporation from WLBF Broadcasting Co. to the Kansas City Kansan.
1420

WNAX—The House of Gurney, Inc., Yankton, S. Dak.—Modification of construction permit authorizing increase in power, change of equipment, and move of transmitter, to request extension of commencement date to 4-18-35 and completion date to 7-18-35.
570

WLBF—WLBF Broadcasting Co., Kansas City, Kans.—Construction permit to move transmitter and studio from 905 N. Seventh St. to 901 N. 8th St., Kansas City, Kans., and make equipment changes (antenna).
1420

NEW—Walker Jamar, Duluth, Minn.—Construction permit to erect a new station on **1200 kc.**, 100 watts power, unlimited time.
1200

KSO—Iowa Broadcasting Co., Des Moines, Iowa.—Construction permit to move transmitter from 715 Locust St., Des Moines, Iowa, to north of Des Moines, Iowa.
1320

NEW—W. B. Greenwald, Hutchinson, Kans.—Construction permit to erect a new station to be operated on **1420 kc.**, 100 watts, unlimited time.
1420

NEW—Robert K. Herbst, Fargo, N. Dak.—Construction permit to erect a new station to be operated on **1310 kc.**, 100 watts power, unlimited time.
1310

NEW—Head of the Lakes Broadcasting Co., Virginia, Minn.—Construction permit to erect a new broadcast station to be operated on **1370 kc.**, 100 watts power, unlimited time.
1370

NEW—Milwaukee Broadcasting Co., Milwaukee, Wis.—Construction permit for new station on **1310 kc.**, 100 watts power, daytime.
1310

WBBM—WBBM Broadcasting Corp., Chicago, Ill.—Construction permit to increase power from 25 KW to 50 KW, make equipment changes; amended: change hours of operation from simul-day, shares with KFAB night, to unlimited day and synchronize with KFAB nighttime.
770

KGBX—KGBX, Inc., Springfield, Mo.—Modification of special experimental authorization for approval of transmitter site Rural (Melville and Bolivar Roads), Springfield, Mo.
1230

Fifth Zone

NEW—LeRoy Haley, Durango, Colo.—Construction permit to erect a new station to be operated on **1370 kc.**, 100 watts power, unlimited time.
1370

KGDM—E. F. Peffer, Stockton, Calif.—Modification of license to operate on 250 watts from 9 p. m. to 12 p. m., PST; amended: requesting 1 KW power, limited time.
1100

NEW—Paul R. Heitmeyer, Salt Lake City, Utah.—Construction permit to erect a new station to be operated on **1210 kc.**, 100 watts power, daytime.
1210

KGCX—E. E. Krebsbach, Wolf Point, Mont.—Modification of license to change specified hours (no increase).
1310

KFPY—Symons Broadcasting Co., Spokane, Wash.—Construction permit to install new equipment and increase power from 1 KW to 1 KW, 5 KW day.
1340

KYA—Pacific Broadcasting Corp., San Francisco, Calif.—Construction permit to install new equipment, increase power from 1 KW to 1 KW, 5 KW day.
1230

KIT—Carl E. Haymond, Yakima, Wash.—Modification of construction permit authorizing equipment changes, increase daytime power from 100 to 250 watts, to request further extension of commencement date from 11-10-34 to 1-10-35, and completion date from 2-11-35 to 4-11-35.
1310

KVL—KVL, Inc., Seattle, Wash.—Modification of license to change frequency from **1370 kc.** to **1070 kc.**, hours of operation from shares with KRKO to daytime only.
1070

NEW—E. L. Sherman and H. L. Corley, Trinidad, Colo.—Construction permit to erect a new station to be operated on **1370 kc.**, 100 watts power, unlimited.
1370

NEW—W. L. Gleason, Sacramento, Calif.—Construction permit for new station to be operated on **1490 kc.**, 5 KW, daytime, as amended.
1490

KTFI—Radio Broadcasting Corp., Twin Falls, Idaho.—Modification of license to change frequency from **1240 kc.** to **630 kc.**
630

W6XAI—Pioneer Mercantile Co., Bakersfield, Calif.—License for **1550 kc.**, 1,000 watts.

KIFO—Nichols & Warinner, Inc., Portable.—Construction permit for **1566, 2478 kc.**, 200 watts; amended to **1622, 2150 kc.**