

# The National Association of Broadcasters

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

## NAB REPORTS

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### NOTICE

The following item should have the immediate attention of station licensees and executives.

### RADIO ADVERTISING AND THE FEDERAL TRADE COMMISSION

Much of the confusion and uncertainties attending the broadcast of commercial copy is seen eliminated in the latest developments at the Federal Trade Commission. Henceforth, the Federal Trade Commission will afford to members of the radio broadcasting industry the same notice, and opportunity to sign stipulations as heretofore has been extended to other forms of advertising media. Approval of this procedure, which was requested by the Managing Director, was given yesterday (27).

Details of the Trade Commission's procedure in handling matters arising out of their examination of advertising copy and the form of stipulation that will be offered broadcasters are set forth below in a letter addressed to the Chairman of the Federal Trade Commission.

The procedure therein outlined will be found reasonable. It is authorized by statute. It affords a judicial review of all controversies in the light of scientific opinion. It avoids any threat of boycott. It provides in clear and unambiguous language what should not be done.

The stipulation which will be offered to broadcasters is fair. In substance it is identical with the stipulation afforded publishers and agencies. It is a means by which members can insure observance of those standards contained in paragraphs four and seven of the NAB Code of Ethics. By signing such stipulation the broadcaster agrees that he has broadcast the copy in question; waives any right he might have to defend the copy against the Commission's action (opinion is divided on the question whether he actually has any such right); and that he will abide by any stipulation or cease and desist order entered against the advertiser. In short the broadcaster accepts notice, steps aside pending settle-

### NOTES FOR THE SALES STAFF

Broadcast advertising has made the greatest gains of any medium since the depression, it is indicated in the July report of radio advertising volume appearing elsewhere in this bulletin. (See page 944.)

The current report makes available for radio as a whole, for the first time, information extending over a two-year period. This comparison for July shows radio far to have outstripped other media in recovery. This is all the more significant when one remembers that, except for a brief setback in 1932 and 1933, radio continued to grow rapidly throughout the depression.

Of particular interest will be the growth of regional network and national non-network advertising during the period. Station managers also will note with gratification that the decline in national non-network volume in July was considerably less than what seems to be the usual seasonal decrease.

The strength shown in local transcription business and the continued strong showing of studio programs in the national non-network field both present sales opportunities to the station sales department. The volume of broadcast advertising by national advertisers using station talent presentations in July of this year was 176.1% above that of the corresponding month of 1933.

Those interested in local business will be interested to note that radio advertising by department stores showed a gain of 27.6% over July of last year, while department store newspaper lineage increased by only .4%.

The automotive and housefurnishing fields have been joined in their recent rapid growth of volume by the food advertisers, while national non-network and regional network tobacco advertising continues its recent remarkable development. Since this latter seems concentrated at the moment, it would seem that additional stations can utilize this as a sales opportunity.

ment between the advertiser and the Federal Trade Commission, and agrees to abide by whatever decision is made in the matter.

Each case will require a separate stipulation. In order that stations may be brought up to date stipulations will be sent to cover all cases now pending before the FTC for which the broadcaster has submitted copy. That is to say, for each piece of copy that has been submitted by a broadcaster, and which has reached the investigation stage, the broadcaster will receive a stipulation which he may sign and return to the FTC.

The inhibitions contained in stipulations and cease and desist orders entered against the advertiser will be carried in NAB REPORTS so that members may be currently informed in all cases of which they have had notice.

This procedure is the answer to the various suggestions made to the NAB and to the many inquiries received from members concerning what service the Association might render to members. Any opinion which the NAB might render in the case of any product would require the services of professionals equal in qualifications to those available to the FTC from the several departments of the government; and when rendered it would be extrajudicial and could not take precedence over a decision of the FTC which is the only agency of government authorized by

statute to investigate and regulate matters relating to fraudulent and misleading advertising.

Combined with the exercise of good judgment and a careful appraisal of the sensibilities of the audience this procedure, which has proved successful in the field of printed media, offers a means for making radio broadcasting the most reliable and most respected advertising medium in the United States.

The cooperation of each member is therefore urgently requested.

The full text of the Managing Director's letter in the matter follows:

August 23, 1935.

Honorable Ewin L. Davis  
Chairman, Federal Trade Commission  
Washington, D. C.

My dear Judge Davis:

This letter is addressed to you as a result of several discussions had with members of your staff concerning the procedure of the Federal Trade Commission in handling matters arising out of your examination of advertising copy.

As I understand it this procedure may be summarized as follows:

When a radio commercial continuity or a published advertisement has been examined by the preliminary reviewer and noted for further attention, it is referred for consideration from a legal point of view after which it is submitted to the Special Board of Investigation. If the Board decides there is prima facie evidence of false or misleading representations, a questionnaire, is sent to the advertiser.

Upon receipt of the information called for in the questionnaire together with samples of advertising copy and all follow-up literature, etc., the formula, for example, in cases of drugs and cosmetics is submitted to appropriate departments of the government for opinion. The Board then considers the matter in the light of scientific opinion.

If the statements contained in the advertising copy appear to be justified, the matter is reported to the Commission for filing without action.

If the statements contained in the advertising copy are not justified in the light of such scientific opinion the Board forwards to the advertiser a list of the statements in question and a copy of the scientific opinion relative thereto, and the advertiser is afforded the opportunity to produce all the evidence he can to support his claims.

When this has been done, either through correspondence or by personal conferences, the advertising copy is again reviewed in the light of new evidence, if any, and those statements which have not yet been justified in the opinion of the Board are thereupon reported to the Commission accompanied by all evidence in the case with the recommendation that an application for a complaint be docketed, but that before further action is taken the matter be referred back to the Board to negotiate a stipulation with the advertiser in settlement of the matter.

If the Commission concurs in the recommendation of the Board a stipulation is prepared reciting the objectionable statement and providing inhibitions wherein the advertiser agrees to cease and desist publishing such claims in the future.

If, however, the Commission is of the opinion that the statements contained in the advertising copy are justified, the case is reported for filing without action.

At the time the case is docketed as an application for complaint the advertising medium, if a publisher, is notified and extended an opportunity to sign and return a publisher's stipulation enclosed with the notice. In this stipulation, the publisher agrees to observe and abide by the terms of any stipulation signed by the advertiser in the case, or of any cease and desist order entered by the Commission against the advertiser in such case.

The effect of the publishers stipulation is not to stop the advertising forthwith, but to place the publisher on notice and get his agreement that he will abide by the outcome of the investigation.

When the terms of the advertisers' stipulation have been accepted by the Commission, copies of the same are available to the medium.

In the few cases where the advertiser and the Board cannot agree the matter is reported to the Commission with the advice that a stipulation could not be negotiated, whereupon, as a rule, a complaint is prepared and served by the Commission and the matter takes its usual course of litigation.

Where the stipulation as agreed upon is tendered and accepted by all parties, it is treated as a settlement and the Commission enters an order closing the proceedings.

Your procedure in this matter has been summarized for two reasons—

First, that our understanding of the matter may be verified, that we may be able to better inform our members on a subject that has caused very great confusion.

Secondly, if our understanding of the matter is correct, then in that event we request that the Federal Trade Commission afford to the members of the radio broadcasting industry the same notice, and opportunity to sign a publishers' stipulation, as is now afforded other advertising media. If approval is given this request we understand that the form of the stipulation that would be offered to the licensees of radio broadcasting stations will be substantially as described in the form attached to and made a part of this letter and marked Exhibit "A."

The success with which the procedure above outlined has been met in the field of printed media is well known; and I am confident that our 393 members will contribute toward the same success in the field of radio advertising.

With expression of my high esteem, I am

Sincerely yours,

JAMES W. BALDWIN, Managing Director.

EXHIBIT "A"

UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION

In the matter of a certain } FILE NO.  
proposed complaint against }

*Waiver and Stipulation.*

The Federal Trade Commission, acting in the public interest, pursuant to the provisions of 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," ordered that an application for a complaint be docketed against

(hereinafter called the advertiser)

based upon charges of false and misleading advertising by radio broadcast in violation of Section 5 of said Act.

The Federal Trade Commission directed that any party participating in the broadcasting of said advertisement be afforded the opportunity of settling the matter by stipulation; and the undersigned, being the operator of Radio Station \_\_\_\_\_, over which on or about \_\_\_\_\_ such advertisement was broadcast, hereby tenders to the Federal Trade Commission this waiver and stipulation as a means of closing the proceedings in so far as they may effect this broadcasting company (hereinafter referred to as the broadcaster).

The broadcaster disclaims any interest in the business of the advertiser, or the subject matter, or the continued broadcasting of said commercial continuity which the broadcaster desires to defend in the proceedings proposed against the advertiser; waives all right to be joined therein as a respondent; and to such end asserts and stipulates as follows, to wit:

(2) That the broadcaster accepted and broadcast the said continuity as stated;

(3) That the broadcaster is now and was operating said radio station at the time and over which such continuity was broadcast; and

(4) That the broadcaster hereby agrees to observe and abide by the terms and provisions of any cease and desist order based on the aforesaid charges which may hereafter be issued by the Federal Trade Commission; and also agrees to observe and abide by the terms and provisions of any stipulation or other agreement between the aforesaid advertiser and the Federal Trade Commission in this matter of which the broadcaster has notice.

This waiver and stipulation is tendered to the Federal Trade Commission for its consideration and approval, and upon its acceptance is to be entered of record, at which time it shall become binding upon the undersigned.

IN WITNESS WHEREOF, the broadcaster has duly signed and executed this waiver and stipulation this \_\_\_\_\_ day of \_\_\_\_\_,

A. D., 193 \_\_\_\_\_.

Accepted and approved:

, 193 \_\_\_\_\_.

FEDERAL TRADE COMMISSION

OTIS B. JOHNSON,  
Secretary.



## BROADCAST ADVERTISING DURING JULY

### Highlights of the Month

Broadcast advertising during July totaled \$5,848,004, a decline of 11.1% from the June level. This represented a normal seasonal decrease at this period of the year.

Marked gains were experienced as compared to corresponding months of preceding years. Advertising volume over stations and networks was 33.2% greater in July than during the same month of 1934, and 49.5% greater than that of the corresponding period of 1933.

Compared to radio broadcasting, July national magazine volume remained unchanged from 1934, and showed an increase of 32.0% over the corresponding month of 1933. Newspaper lineage showed an increase of 5.0% over July, 1934, and 10.2% over the same month of 1933.

National non-network advertising declined less than the usual seasonal amount during July, and showed a gain of 68.6% over the same month of last year. Regional network volume experienced a three-fold increase as compared to 1934.

In the non-network field, local station business experienced the greatest increase, rising 56.1% as compared to July, 1934, and more than doubling 1933 volume.

Electrical transcription business showed new strength in both the national and local fields, especially in the latter. The national use of live talent programs continued its growth, though at a slightly reduced rate.

National and local automotive advertising, national network accessory volume, food advertising of practically all types, national non-network and local beverage advertising, household equipment advertising, national non-network soap volume and national non-network and regional network tobacco advertising showed the greatest gains as compared with July of last year.

General retail advertising rose 35.0% as compared with the corresponding period of 1934, while department and general store advertising increased 27.6%. Principal gains occurred in the automotive and housefurnishing fields. Newspaper department store advertising was 4% ahead of last July, while general retail advertising in newspapers was 2.9% greater than during the same month of 1934.

### Total Broadcast Advertising

Broadcast advertising over stations and networks is found in Table I.

TABLE I

### TOTAL BROADCAST ADVERTISING

Class of Business	1935 Gross Time Sales		
	June	July	Cumulative Jan.-July
National networks .....	\$3,536,615	\$3,175,042	\$29,295,452
Regional networks .....	94,521	92,102	558,001
National non-network .....	1,400,910	1,297,065	9,888,118
Local .....	1,551,930	1,283,795	11,182,405
Total .....	\$6,583,976	\$5,848,004	\$50,923,976

While total broadcast advertising volume declined 11.1% as compared with June, national network volume dropped 10.2%, national non-network advertising 7.4%, and local broadcast advertising 10.8%. Regional network volume remained practically unchanged.

### Comparison with Previous Years

National network advertising during July was 27.2% greater than during the same month of 1934, and 88.0% greater than during July 1933. Regional network advertising was triple the 1934 figure for July and more than five times the 1933 level.

National non-network advertising experienced a gain of 68.6% as compared to the same month of last year and an increase of 75.8% as against July 1933. Local broadcast advertising rose 18.8% as compared with the corresponding period of last year, but showed a decrease of 5.3% from the July 1933 level. The abnormal increase in local advertising during the summer of 1933, and a shift of some local business, principally the joint advertising of manufacturers and local dealers, to the national classification, constitute a partial explanation of the local situation.

## Comparison with Other Media

Advertising volume for major media for July and the preceding month is presented in Table II.

TABLE II

### ADVERTISING VOLUME BY MAJOR MEDIA

Advertising Medium	1935 Gross Time and Space Sales		
	June	July	Cumulative Jan.-July
Radio broadcasting .....	\$6,583,976	\$5,816,064	\$50,923,976
National magazines <sup>1</sup> .....	11,368,313	8,086,053	76,040,873
National farm papers .....	475,889	340,300	3,313,525
Newspapers <sup>2</sup> .....	42,345,000	36,994,000	291,545,000
Total .....	\$60,773,178	\$51,236,417	\$421,823,374

<sup>1</sup> National magazine totals for 124 periodicals prepared by Publishers' Information Bureau, Inc., from which source national farm paper and a portion of national network figures also are taken.

<sup>2</sup> Estimated.

National magazine advertising declined 28.1% from the June level, and remained comparatively the same in volume as during the corresponding month of last year. National magazine advertising was 32.0% greater than during July 1933.

Newspaper advertising was 5.0% greater than during the same month of 1934, and 10.2% above the July 1933 level. Newspaper lineage dropped 14.7% as compared to June.

National farm paper advertising decreased 40.0% as compared to June, and remained at approximately the July 1934 level. It was 44.0% greater than during the corresponding month of 1933.

### Non-network Advertising

General non-network advertising decreased 12.6% during the month. Non-network volume during July was 13.2% greater than during the same month of the preceding year and 23.3% above the 1933 level.

Non-network advertising by size of station is found in Table III.

TABLE III

### NON-NETWORK ADVERTISING BY POWER OF STATION

Power of Station	1935 Gross Time Sales		
	June	July	Cumulative Jan.-July
Over 1,000 watts .....	\$1,388,800	\$1,160,000	\$9,968,965
250-1,000 watts .....	1,151,060	1,016,860	8,250,915
100 watts .....	412,980	404,000	2,850,653
Total .....	\$2,952,840	\$2,580,860	\$21,070,533

Non-network advertising over stations of more than 1,000 watts in power decreased 16.3% as compared to June, that of stations of between 250-1,000 watts in power 7.8%, while local station volume remained comparatively unchanged.

Clear channel and high-powered regional station non-network volume showed an increase of 46.6% over last July, regional station advertising experienced a gain of 40.7% and local station business a rise of 56.1%. Clear channel non-network business was approximately at the 1933 level during July, regional volume 50.0% greater, and local volume more than double.

Non-network advertising by geographical districts is represented in Table IV.

TABLE IV

### NON-NETWORK ADVERTISING BY GEOGRAPHICAL DISTRICTS

Geographical District	1935 Gross Time Sales		
	June	July	Cumulative Jan.-July
New England-Middle Atlantic Area .....	\$784,407	\$649,950	\$5,537,037
South Atlantic-South Central Area .....	489,368	428,580	3,329,288
North Central Area .....	1,091,225	926,740	7,902,447
Pacific and Mountain Area .....	587,840	575,590	4,301,761
Total .....	\$2,925,840	\$2,580,860	\$21,070,533

Declines of 15.5% and 12.2% were experienced in the Mid-West and South respectively during the month, while eastern and far-western volume decreased approximately 4.0% as compared to June. Non-network advertising in the New England-Middle Atlantic area was comparatively unchanged from the July 1934 level. Mid-western volume rose 36.3%, southern advertising dou-

bled and gross time sales in the Pacific and Mountain districts rose 88.7%.

#### Non-network Advertising by Type of Rendition

National non-network and local broadcast advertising by type of rendition is shown in Table V.

**TABLE V**  
**NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION**

Type of Rendition	National Non-network		1935 Gross Time Sales		Total		Cumulative Jan.-July
	June	July	June	July	June	July	
Electrical transcriptions .....	\$528,420	\$439,170	\$153,740	\$146,090	\$682,160	\$585,260	\$4,390,998
Live talent programs.....	600,000	639,705	730,150	610,835	1,330,150	1,250,540	10,067,785
Records .....	12,990	4,325	60,460	51,355	73,450	55,680	490,831
Announcements .....	259,500	213,865	607,580	475,515	867,080	689,380	6,120,919
Total .....	\$1,400,910	\$1,297,065	\$1,551,930	\$1,283,795	\$2,952,840	\$2,580,860	\$21,070,533

In the national field, transcription volume declined 18.8% as compared to June, while announcement volume dropped 17.5%. Live talent business increased 6.6%. Transcription volume was 87.6% ahead of July 1934 and approximately the same figure above the 1933 level. Live talent business was 60.5% above July 1934 and 176-1% higher than during the same month of 1933. Announcement business was 50.8% above 1934 and 22.0% below 1933.

In the local field, declines from June were as follows: transcription, 14.0%; live talent, 6.0%; records, 24.0%, and announcements, 20.4%. Local transcription business in July was 51.1% greater than during the same month of 1934 and 76.0% above 1933. Live talent business was 10.0% ahead of last year and 12.0% under 1933. Record programs was 87.6% above 1934, and 15.0% below 1933. Announcement volume was 20.3% greater than during the same month of last year and 4.0% below July 1933.

#### Broadcast Advertising Sponsorship

The following are the highlights with regard to broadcast advertising sponsorship during July. Automotive advertising of all

types increased markedly. National network food advertising experienced an increase of 54.3% over the corresponding month of 1934, regional network volume doubled and national non-network advertising tripled. National non-network beverage advertising rose 72.0% and local volume increased 44.2%.

Housefurnishing advertising rose to a considerable degree. National network volume increased 250% over July 1934, local volume doubled and national non-network advertising increased by one-sixth.

National non-network soap and kitchen supply advertising rose 150%. The marked gains of recent months in tobacco advertising over regional networks and in the national non-network field continued.

General retail advertising rose 35.0% and department store advertising 27.6%.

Advertising volume by various sponsor groups is found in Table VI, while an analysis of these various groups is presented below.

**TABLE VI**  
**RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS**  
(July, 1935)

Type of Sponsoring Business	Gross Time Sales			Local	Total
	National Networks	Regional Networks	National Non-network		
1a. Amusements .....	—	—	\$7,635	\$39,000	\$46,635
1-2. Automobiles and accessories:					
(1) Automobiles .....	\$131,675	\$1,684	166,000	79,465	378,824
(2) Accessories, gas and oils.....	393,991	15,594	68,410	71,130	549,125
3. Clothing and apparel.....	15,336	4,536	31,280	140,330	191,482
4-5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals.....	350,586	5,025	148,450	47,560	551,621
(5) Toilet goods.....	768,974	—	35,290	19,445	823,709
6-8. Food products:					
(6) Foodstuffs .....	757,303	22,819	315,550	175,400	1,271,072
(7) Beverages .....	188,337	1,984	74,125	99,835	364,281
(8) Confections .....	30,586	250	28,335	4,985	64,156
9-10. Household goods:					
(9) Household equipment and furnishings.....	25,714	6,166	28,750	155,750	216,380
(10) Soap and kitchen supplies.....	180,131	5,253	161,080	3,725	350,189
11. Insurance and financial.....	29,612	464	18,640	42,520	91,236
12. Radios .....	61,906	—	1,205	13,535	76,646
13. Retail establishments.....	—	—	3,290	112,450	115,740
14. Tobacco products.....	187,566	23,160	43,940	5,335	260,001
15. Miscellaneous .....	53,325	5,167	165,085	273,330	496,907
Total .....	\$3,175,042	\$92,102	\$1,297,065	\$1,283,795	\$5,848,004

1a. **Amusements.** Decline 25.5% as compared to June. Local volume mainly responsible. Decline 26.0% as compared to July, 1934.

1. **Automotive.** National networks 29.0% below June, local volume unchanged, and national non-network increased 15.3%. National networks 31.0% above July, 1934, local business 35.0% greater, and national non-network four times 1934 level. Material increase regional volume.

2. **Gasoline and accessories.** National network volume 12.4% above June level. Regional unchanged, national non-network 43.8% below, local 28.6% lower. National network business 41.8% above last July, regional volume up 11.3%. National non-network and local comparatively unchanged.

3. **Clothing.** National network business 16.0% below preceding month, regional networks 8.0%, and local 23.7%. National non-network unchanged. Compared to corresponding month of



previous year, national network 50.0% lower, regional network five times greater, national non-network 24.0% greater, and local up 14.7%.

4. **Drugs and pharmaceuticals.** National networks 12.5% below June, 1934. Regional networks up 4.0%, national non-network down 22.1%, and local down 43.3%. Compared to last July, national network up 26.1%, national non-network down 10.0%, and local down 25.0%.

5. **Toilet goods.** National network 8.7% below July, national non-network volume down 50.0%. Local business up 19.6%. National network business 24.2% above July of last year. National non-network volume up 37.1%, and local up 76.0%.

6. **Foodstuffs.** Regional network volume up 10.0% as against June, and national non-network up 8.0%. National network unchanged and local down 14.8%. Compared to corresponding month of previous year, national network up 54.3%, regional network almost double, and national non-network tripled. Local business down 2.8%.

7. **Beverages.** National network volume 5.5% under June level, regional down 15.0%, and local 4.0%. National non-network unchanged. National network business 36.3% under July, 1934, and regional down 61.5%. National non-network up 72.0% and local 44.2%.

8. **Confectionery.** National non-network down 21.0% and local 67.0%. National non-network up 22.0% contrary to seasonal trends. Regional volume up slightly. Compared to preceding July, national network up 42.8%, national non-network up fivefold, and local up three times last year's level.

9. **Household equipment.** National network volume down 30.0% from June, regional networks 21.9%, national non-network 46.6%, and local 14.4%. Compared to July of the previous year, national network up 250.0%, regional up materially, national non-network increased 16.7%, and local nearly doubled.

10. **Soaps and kitchen supplies.** National network volume down 12.7% and local down 40.0% as against preceding month. Regional volume up 30.0% and national non-network unchanged. National network volume 27.1% above last July, regional up materially, national non-network increased one and one-half times, and local down 66.0%.

11. **Insurance and Financial.** National network down 6.0%, local 18.0%, and regional unchanged. National non-network up materially from June. Compared to same month of 1934, national network down 20.0%, regional down 80.0%, national non-network nearly doubled, and local up 14.0%.

12. **Radios.** National network down 22.5% from June, national non-network down 50.0%, and local up 70.0%. National non-network 82.4% ahead of same period of last year, national non-network unchanged, and local up 70.0%.

13. **Department and general stores.** Volume 5.7% under June and 27.6% above corresponding month of 1934.

14. **Tobacco products.** National network 34.1% under June, regional 14.8%, national non-network 22.8%, and local unchanged. National network volume more than double July, 1934, level, regional increased from nothing to \$23,160, and national non-network more than double. National non-network increased since July, 1933, from \$517 to \$43,940 during the current July.

15. **Miscellaneous.** National network down 36.1% and local 20.0%. National non-network unchanged and regional up 9.6%. National network up 8.0% as compared to same month of last year, regional up fourfold, national non-network nearly doubled, and local up 14.8%.

### Business Conditions

July business showed some resistance to the usual seasonal decline, and some slight gains have occurred since then. The *New York Times* index was 86.2% of the 1923-1925 level for the week of August 10, as compared to 83.6% for the week of July 13. Car loadings were slightly ahead, while automobile production dropped off in preparation for new models. Steel production on August 17 was at approximately 50%, and was 25% above the July average. Electric power production also showed slight gains.

New passenger car sales in July were 20.0% above the corresponding month of last year. Rural retail sales were 28.5% greater in spite of the Department of Agriculture estimate that the June decline in cash farm income was larger than usual and that there had been less than the usual rise in July.

Grocery chain store sales in July were 4.0% above those of the corresponding period of the previous year, while variety store sales showed a gain of 3.0%.

### Retail Broadcast Advertising

General retail broadcast advertising declined 18.8% as compared to June, but remained 35.0% above the July, 1934, level. Principal gains as compared with June were in the retail automotive field where advertising increased 17.0%, and furniture which rose 6.0%. Retail automotive, gasoline and accessory, household equipment and furniture advertising all were nearly double the July, 1934, figure, while clothing increased 16.0%.

Retail broadcast advertising during July is found in Table VII.

**TABLE VII**  
**RETAIL BROADCAST ADVERTISING OVER**  
**INDIVIDUAL STATIONS**

Type of Sponsoring Business	1935 Gross Time Sales	
	June	July
Automobiles and accessories:		
Automobile agencies and used car dealers	\$78,250	\$91,275
Gasoline stations, garages, etc.....	66,720	48,570
Clothing and apparel shops.....	193,435	134,460
Drugs and toilet goods:		
Drug stores .....	14,000	10,910
Beauty parlors .....	10,025	8,240
Food products:		
Grocery stores, meat markets, etc.....	42,325	29,410
Restaurants and eating places.....	26,940	22,428
Beverage retailers .....	2,500	2,550
Confectionery stores .....	220	2,300
Household goods:		
Household equipment dealers.....	69,390	54,700
Furniture stores .....	70,780	74,810
Hardware stores .....	23,465	15,235
Radio retailers .....	10,270	13,328
Department and general stores.....	122,855	115,740
Tobacco shops .....	325	290
Miscellaneous .....	77,350	69,170
Total .....	\$808,850	\$693,416

### FEDERAL TRADE COMMISSION ACTIVITIES

#### Complaints

The Commission has alleged unfair competition in complaints issued against the following companies. They will be given an opportunity to appear at hearings to show cause why cease and desist orders should not be issued against them.

**No. 2520. California Vineyards Co., Chicago.** The respondent corporation, engaged in the sale and distribution of artificially carbonated fermented apple juice, is charged with using the word "champagne" in its advertising and in other representations so as to imply that the product is genuine champagne, when such is not the fact.

**No. 2522. Gottlieb Brothers, New York City.** The respondent corporation is engaged in the manufacture and sale of women's underwear, which the Commission's complaint charges it represents to be of pure silk, when in fact it contains other substances than silk varying from 11 to 52% of the total content.

**No. 2523. Gillette Safety Razor Co.** The Gillette Company is charged with employing illegal coercive methods to force jobbers, wholesalers and retailers to observe resale prices fixed by the respondent manufacturing company.

**No. 2524. National Institute of Accountancy, Inc., Chicago.** The complaint sets out that the respondent, in the sale of such correspondence courses through the medium of salesmen, distributes to prospective customers enrollment blanks, written contracts and advertising material containing numerous representations which, the complaint alleges, are false and misleading.

**No. 2525. Davis Knitting Mills, Inc.,** trading under its own name and as **Yorke Knitting Mills, New York City.** The complaint sets out that the respondent corporation is engaged in the business of selling men's and boys' knitted underwear. It is alleged that use by the respondent of the words "Knitting Mills" or the word "Mills" in corporate name and trade name, on letter-heads, etc., tends to mislead purchasers into the belief that the company owns or operates a mill or factory wherein the products which it sells are made, and to believe that in purchasing such products customers are buying direct from a manufacturer and saving middlemen's profits.



**No. 2526. Mid West Mills, Inc., Chicago.** The complaint alleges that use of the word "Mills" in its trade name, on letter-heads and in printed material implies that the respondent corporation manufactures the products which it sells, when in fact the respondent corporation does not manufacture any of the products it sells.

**No. 2527. Old Trusty Dog Food Co., Needham Heights, Mass.** The respondent company is engaged in the manufacture, sale and distribution of dog foods, including a brand designated as "Old Trusty Bovex" which brand is represented by advertisements in magazines, circulars and other means as containing "62½% government inspected beef and beef products," and has been "U. S. inspected and passed by Department of Agriculture." In truth and in fact, the complaint alleges, the brand of dog food in question is not made of government inspected beef or beef products, and actually contains considerably less than 62½% beef or beef products.

**No. 2528. National Salesmen's Training Association, Chicago.** The complaint sets out that the respondent is engaged in the sale, through salesmen and by advertising, of a correspondence course for traveling salesmen. The complaint alleges that the respondent makes numerous false or misleading representations.

#### Cases Closed

**Royal Distillers Products, Ltd., New York City.** The case was closed for the reason that the respondent corporation has been declared bankrupt, its physical assets sold, and it is no longer engaged in business.

**Northeastern Maine Wholesale Confectioners' Association, Bangor, Maine.** The case was closed for the reason that the respondent association has dissolved.

#### REPRESENTATIVE SCOTT INTRODUCES 3 BILLS AND RESOLUTION

Representative Byron N. Scott, of California, introduced during the last few days of the first session of the 74th Congress three bills and a resolution pertaining to the broadcasting industry. The full texts, together with comment of the author, are reprinted below from the *Congressional Record* of August 23:

"Mr. Scott. Mr. Speaker, I have today introduced three bills and a resolution upon which I should like to see some action in the second session of the Seventy-fourth Congress. These were introduced at this time so that the Members of the House could have an opportunity to look them over during the coming recess. Under permission granted to extend my remarks, I have included a copy of the bills and the resolution with a brief explanation of each.

"H. R. 9230

#### "A BILL

"to amend Section 315 of the Communications Act of 1934.

"*Be it enacted, etc.,* That section 315 of the Communications Act of 1934 be and hereby is amended by striking out the whole of said section and by inserting in lieu thereof the following:

"SEC. 315. Each licensee of a radio broadcasting station shall be required to set aside regular and definite periods at desirable times of the day and evening for uncensored discussion of a non-profit basis of public, social, political and economic problems, and for educational purposes. When any such licensee permits any speaker of any controversial social, political, or economic issue to use its facilities during any such period, it shall afford to at least one exponent or advocate of each opposing viewpoint equivalent facilities. The licensing authority shall without delay make rules and regulations to carry this provision into effect, and in proceeding hereunder it shall appoint, and, in its discretion, act upon the recommendations of an advisory committee consisting of disinterested, representative citizens: *Provided*, That the licensing authority, the advisory committee, and licensees shall have no power of censorship of any kind, nor shall any license be subject to liability, civil or criminal, in any State or Federal court for material so broadcast under the provisions of this section, nor shall any license be revoked or renewal be refused because of material so broadcast."

"Section 315 of the Communications Act of 1934 was taken over from the Radio Act of 1927. It provides that licensees shall afford equal treatment—that is, time, rates, and so forth—to legally qualified candidates for public office; that the Commission shall make rules and regulations to carry the provision into effect; that licensees shall have no power of censorship over materials

so broadcast; and that no obligation is imposed on any licensee to allow the use of its station by any such candidate.

"Section 315 in its present form is unsatisfactory from the standpoint of the industry as well as the public.

"Neither the old Radio Commission nor the new Communications Commission has made rules or regulations to carry the provision into effect, though network companies and a number of station owners have promulgated and generally adhered to fixed policies and rules in this regard.

"Under section 315 the networks and certain stations have reaped a harvest from the major political parties in national elections and from leading factions in State and local contests. The provision has, of course, favored the party or person with the largest war chest to the prejudice of minority groups and individuals of small means.

"The provision is fundamentally unsound in assuming that the public desires only the uncensored discussions on social, economic, and political issues of legally qualified candidates for office. Campaign periods are relatively short; candidates are not always the leading or most capable advocates of the parties' or candidates' views; controversial discussion is not a seasonal product demanding attention only before elections; too frequently political campaigns are used to avoid or obscure rather than meet and illuminate issues.

"The censorship provision is of little value. Though it protects the candidate himself from censorship by networks and stations, and protects stations from actions for slander or libel when a candidate is on the air, it does not extend to speakers other than candidates and stations have been found guilty of defamation for the remarks of such other speakers.

"It is law at present that network and station owners, managers, program directors, and even announcers and technicians in charge of the electrical controls, must, at the peril of the station, determine at the moment of utterance whether a remark is actionable, a feat that no responsible judge or lawyer would presume to perform except in the plainest cases. This has led necessarily to direct and indirect censorship, to the vicious practice of requiring the submission of manuscripts for approval of networks and stations on an editorial basis.

"At certain times networks and stations are delighted to obtain political broadcasts. They fill time and supply revenue. But at other times and in certain communities, especially with the growth of volume of profitable advertising, this is not the case. Political broadcasts are refused. It is believed that all stations as an incident of the right to operate as public callings under Federal franchises should be required to devote certain periods to political broadcasts without profit or censorship.

#### THE PROPOSED AMENDMENT

"Under the proposed bill all stations would be required, subject to regulations to be made by the Commission on the advice of a disinterested advisory committee, to give over desirable periods on a regular basis and without revenue to unrestricted discussion of public issues; speakers on such issues would receive equal treatment; licensees would be relieved of all responsibility to the Commission and in the local courts for such broadcasts.

"This means that the American system of private ownership, control, profit, and responsibility would be continued, except that during periods reserved for public discussion there would be no revenue to the station and no responsibility by the station to the Commission or the public.

"It has been said that under the proposal the pressure for time would tend to squeeze out minority groups; that the agency charged with administration of the provision would exercise a form of censorship; that the proposal would lead to interminable arguments as to what are public, social, political, and economic problems, etc. All of these arguments and difficulties have been canvassed and considered, but no reasonable alternative has been suggested, and I am satisfied that, given a measure of intelligence and cooperation, the provision can be made to work to the satisfaction of the industry and the public. The lack of any satisfactory provision in the present act and of any constructive proposal for change have led year after year to greater and greater confusion and disillusionment as to the value and use of radio as a means of public discussion.

"H. R. 9231

#### "A BILL

"to add Section 315 (a) to the Communications Act of 1934.

"*Be it enacted, etc.,* That the Communications Act of 1934 be and hereby is amended by adding thereto the following:



"SEC. 315 (a) Each licensee of a radio broadcasting station shall keep complete and accurate records open to reasonable public inspection:

- "(1) Of all applications for time;
- "(2) Of all rejected applications and the reasons for such rejections;
- "(3) Of all additions and changes requested in arranged programs on public, social, political, and economic issues, and on educational subjects;
- "(4) Of interference with and substitution of programs on public, social, political, and economic issues, and on educational subjects.

"The licensing authority shall make rules and regulations to effectuate this provision."

"The proposed addition to section 315 would require stations to keep complete and accurate records open to reasonable inspection of applications for time, rejected applications, and the reasons for such rejections, additions, and changes requested in programs on public issues and on educational subjects and interference with programs on public issues and on educational subjects.

"This proposal represents a further attempt to limit censorship by network companies and station owners. It will implement the proposed amendments of sections 315 and 326.

"H. R. 9229

"A BILL

"to amend Section 326 of the Communications Act of 1934.

"*Be it enacted, etc.,* That section 326 of the Communications Act of 1934 be and hereby is amended by striking out the whole said section and by inserting in lieu thereof the following:

"SEC. 326. Nothing in this act shall be understood or construed to give the licensing authority the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the licensing authority which shall interfere with the right of free speech by means of radio communication. No action, civil or criminal, shall be commenced or prosecuted against any licensee in any court, Federal or State, because of anything said or done in the course of any broadcast on any public, social, political, or economic issue: *Provided*, That this provision shall not be understood or construed to exempt any licensee from liability for any defamatory, profane, indecent, or obscene language or action broadcast by any officer, employee, agent, or representative of such licensee."

"To implement the proposed revision of section 315 and to clarify the powers of the Communications Commission under the general standard of public interest, convenience, and necessity, I suggest the addition of a sentence to section 326 which will expressly protect station owners (licensees) against actions, civil or criminal, in the State and Federal courts for broadcasts on public questions.

"I do not recommend any change in the present language of section 326. I do recommend additional language which will free licensees from responsibility to the Commission or in the courts for broadcasts on public questions, except where licensees are responsible for defamatory or improper remarks.

"Under present conditions there is a very real danger that the licensee will be sued for a defamatory utterance that goes out from its transmitter. There is also a very real danger that the Communications Commission (like the old Radio Commission) will consider defamatory or improper utterances for which the licensee is not responsible in acting on applications for renewal of license and other privileges. Censorship has flourished under fear of these dangers, and in many, many cases the act of censorship has been performed by persons who have no qualification whatever to determine the very delicate question of what is and is not actionable or in bad taste.

"The suggested addition to section 326 will put an end to the danger of punitive action against the network and stations and will thus obviate the necessity for editorial treatment of public discussion. It will not, of course, free the speaker himself from responsibility in the courts and elsewhere for his remarks or his conduct on the air.

"H. RES. 370

"RESOLUTION

"Whereas the facilities available for radio broadcasting are severally limited; and

"Whereas such facilities should be so administered as to pro-

mote the maximum beneficial use thereof in the interest of the people of the United States; and

"Whereas the licensing authority established by the Congress has attempted to accommodate approximately six hundred radio broadcasting stations on the ninety frequencies or channels available for assignment in the United States; and

"Whereas the licensing authority has assigned most of the channels reserved by it for high power, full time, interference-free operations to stations owned and controlled by or affiliated with the National Broadcasting Company and the Columbia Broadcasting System; and

"Whereas the National Broadcasting Company and the Columbia Broadcasting System are engaged on a national scale in the business of supplying programs to and selling time to advertisers on broadcasting stations owned or controlled by or affiliated by contract with them and in this connection employ the facilities of a number of medium power, full time, regional stations as well as the high power, clear channel stations mentioned above; and

"Whereas the National Broadcasting Company and the Columbia Broadcasting System are private enterprises engaged in the pursuit of private gain, and in order profitably to supply high quality programs on a national network basis they have induced a large number of advertisers to sponsor programs to supply to and broadcast by their affiliated stations, in consequence of which the people of the United States receive through the medium of radio broadcasting a large amount of advertising matter; and

"Whereas the operations of the National Broadcasting Company and the Columbia Broadcasting System are so extensive that many listeners are able at night to receive the same program at the same time from two or more stations; and

"Whereas it has been the general policy and practice of the licensing authority to consolidate and strengthen the position and influence of said network companies; and

"Whereas a large number of stations are licensed to operate with lower power on relatively undesirable channels designated by the licensing authority as local channels and approximately three hundred stations are permitted to operate only until sunset, during the daytime or during specified hours; and

"Whereas in the case of stations not operated on a full time, interference-free basis the policies, assignments, and regulations of the licensing authority promote waste of broadcasting facilities, substantial and continuing losses to station owners as well as inferior and unsatisfactory program service; and

"Whereas it is claimed that the right of freedom of speech has been seriously curtailed by the licensing authority, the network companies, and individual station owners; and

"Whereas the soundness of the system under which the facilities of immediate mass communication have been turned over to private agencies without choice to them or to the public and without restrictions and supervision ordinarily imposed on public callings has been widely questioned and many proposals for changes in the system have been advanced; and

"Whereas piecemeal consideration and revision of the broadcasting system established in the United States would be wasteful, dilatory, and disappointing; and

"Whereas the nature of the subject is such as to require careful and comprehensive study by a disinterested, expert, non-partisan body responsible to the President of the United States: Now, therefore, be it

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That there is hereby established and created a commission of members to be known as the 'Broadcasting Research Commission,' hereinafter called the 'Commission,' to be appointed by the President of the United States. The chairman of the Commission shall be compensated at the rate of \$15,000 per year, payable monthly, and shall devote the major part of his time to the business of the Commission.

"SEC. 2. The Commission is authorized and directed to make a careful and comprehensive investigation of radio broadcasting as conducted in the United States and abroad, to the end that the President may have a complete and authoritative body of information as the basis for reports and recommendations to the Congress with respect to legislation and administrative changes designed to promote the maximum beneficial use of the facilities available for radio broadcasting in the interest of the people of the United States.

"Without limiting the generality of the foregoing, the Commission is authorized and directed to study and report on the following matters:

"(a) All known instances of interference with and interruption



and substitutions of programs involving public, social, political, or economic issues, and the reasons therefor;

"(b) The economic structure, operating expense, earnings, profits, and corporate affiliations of all broadcasting stations;

"(c) The expediency of reducing the number of broadcasting stations;

"(d) The expediency of assigning to broadcasting stations frequencies below the present broadcast band;

"(e) The reasonableness of rates and fees charged by broadcasting stations and the feasibility of public relations thereof;

"(f) The scientific and economic status of television and facsimile transmission and the ownership and control of patents pertinent thereto; and

"(g) The feasibility of a Government-owned and/or controlled broadcast network.

"SEC. 3. The Commission shall submit its final report to the President of the United States within two years from the date of the adoption of this resolution. The report shall contain a complete and accurate statement of the findings and conclusions of the Commission, together with its recommendations and legislation and administrative changes designed to promote the maximum beneficial use of the radio broadcasting facilities. The Commission may, from time to time, and at the request of the President of the United States it shall submit interim reports. Upon receipt of the final report of the Commission the President shall promptly transmit the same to the Congress, together with a statement of his conclusions with respect thereto and his recommendations for legislation designed to effect the purposes of this resolution.

"SEC. 4. The Commission is authorized to sit and act at such times and places, to hold hearings, to employ such experts and counsel and such clerical, stenographic, and other assistance, to require the attendance of such witnesses and the production of such records, papers, and documents, to take such testimony, to have such printing and binding done, and to make expenditures as it deems necessary. Oaths and affirmations may be administered by any member of the Commission or by any examiner authorized by it. At the direction of the Commission any member or examiner may hold hearings, take and report testimony, and transmit the same together with his findings to the Commission.

"SEC. 5. Subpenas shall be issued under the signature of the chairman of the Commission and shall be served by any person designated by him. The provisions of sections 102, 103, and 104 of the Revised Statutes shall be applicable to any person summoned as a witness under the authority of this resolution in the same manner as such provisions are applicable to any person summoned as a witness in the case of an inquiry before a committee of the House.

"SEC. 6. The final report of the Commission, the transcript of all testimony taken before it, and studies made by or for it shall be printed and opened to public inspection.

"SEC. 7. The expenses of the Commission, including the traveling expenses of the members not to exceed 15 cents per mile shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, upon vouchers approved and signed by the chairman of the Commission.

"Nothing can be added to the information and statement of purposes contained in the proposed resolution. It may be necessary, however, to justify the appointment of a further commission.

"It is believed that the Communications Commission does not desire and is in no position and is not qualified to undertake the investigation specified in the resolution. The members of that Commission are engaged in the performance of administrative and other duties in connection with the regulation of electrical communications as a whole which require full-time attention and it would be unreasonable to expect them to take the time necessary for the intensive investigation described in the proposed resolution.

"The Commission is separated into divisions, but the chairman serves as a member of each division and some or all of the other members serve on two divisions. These divisions are concerned with the regulation of interstate and foreign communication by means of telephony and wire and radio telegraphy, not to mention amateur and aviation services and other branches of the communications business and art.

"It should be noted that the proposed Broadcasting Research Commission would be a temporary body, appointed by and responsible to the President, the chairman, who would, presumably, give full-time attention to the work. The object of proposing a commission of this type is to make available for the investigation the services of persons who could and would not ordinarily accept appointment on a Federal commission. It is believed that dis-

tinguished and disinterested citizens would be attracted by the opportunity of taking part in a nonpartisan attempt to formulate a sound and permanent policy regarding broadcasting.

"In the fall of 1934 the Communications Commission held hearings in Washington on a proposal to set aside a fixed percentage of facilities for educational programs and stations. At these hearings the industry, represented by network companies and the National Association of Broadcasters, presented a consolidated and effective case against the specific proposal before the Commission and against any departure from the status quo, while the outside groups presented half-baked irreconcilable proposals that had no effect whatever on the Commission, and the Commission decided to recommend disapproval of the proposal. The Commission has now called a conference on May 15 for the purpose of considering means of further cooperation between educational interests and the industry, and it is expected that the industry will again appear with a well-organized case to oppose the proposals of the so-called "pressure groups." It is believed that this method of meeting the claims and proposals of persons and groups not associated with the industry and not satisfied with broadcasting will continue to produce confusion and disappointment, that piecemeal revision of the act or regulations will prove to be unsatisfactory.

"It is for these reasons that we advocate the appointment of the Broadcasting Research Commission to investigate the industry and the proposals of outside groups and to lay down a policy and program for the future."

### FCC REQUESTS ULTRA-HIGH FREQUENCY DATA

The Communications Commission this week addressed the following statements to licenses of ultra-high-frequency stations:

"Although many valuable contributions of data, both theoretical and experimental, have been published or reported to the Commission during the previous license period of radio stations operating on the ultra-high frequencies, the Commission has not been convinced that the available material has at any time been sufficient to warrant an allocation of these frequencies to commercial services.

"Accordingly, the licensees of experimental stations operating on the ultra-high frequencies were renewed in June for the next license period, namely, until October 1, 1936, with the hope that within this period sufficient data might be obtained on which to base an allocation for at least a portion, if not all, of the frequency bands for which commercial equipment is obtainable.

"The experimental reports of all licenses submitted with applications for renewal of license have been carefully studied, and the Commission appreciates the efforts that have been made and the pains that have been taken to make these reports complete and useful.

"You will find enclosed Memorandum No. 14019a containing some notes on the ultra-high frequency allocation problem, and you are requested to read it carefully. It is sent to you with the hope that it may be of some assistance in directing your experimental work, when such can be done, in such manner as to obtain for the Commission as much of the required data as possible.

"While it is realized that the allocation problem as a whole requires consideration of material and data which normally transcends the experimental objective of any one licensee, it is hoped that contributions from all will eventually bring forth sufficient data to permit the Commission to proceed with this important work.

"In addition, it may often be possible in the course of experimental work, with apparatus already set up, to extend the observations, without material additional expense or expenditure of time, beyond the limits required to reach the immediate objective of the experiment at hand, and in this way obtain data of great value to the Commission in the solution of the broader allocation problem.

"The Commission will appreciate the efforts of its licensees in this respect and will welcome any contributions of material which may be forwarded prior to the time when the next experimental reports are due. In this connection, attention is invited to the provisions of Rule 312."

### FCC CONTEMPLATES HIGH FREQUENCY ALLOCATIONS

The Communications Commission this week issued the following statement concerning allocation of frequencies above 30,000 kc.:

"The Commission has endeavored during the past three or four years to obtain all available data on the transmission characteristics of the very high frequencies above 30,000 kilocycles and their pos-



sible application for radio communication in various radio services. This material will be needed when the time is at hand to allocate the ultra-high frequencies to various services for commercial use. Considerable information has been obtained from various sources, including the progress reports submitted by the licensees of experimental stations, the laboratories of commercial manufacturing and communication companies, Government departments, and technical papers which have appeared from time to time in the technical literature. The data at hand are still believed to be insufficient to permit an equitable distribution of the frequencies to radio services for commercial use at this time.

"It is the purpose herein to explain the Commission's need for the material above mentioned and to outline briefly the kind of data sought. It would be very helpful to the Commission to obtain for preliminary study any material which you may have available on the subjects outlined.

"Although the physical properties of the frequencies within the range 30,000-100,000 kilocycles, considering the entire band as a whole, are fairly well known, there is very little quantitative material available such as is required to determine the advantages or disadvantages of various portions of this band for use by specific radio services. Since frequencies above 30,000 kilocycles have many characteristics in common which render them particularly useful for a great many services, it has been found that the majority of licenses operating in the experimental service, in reporting the results of their work, report in substance as follows:

"That the frequencies used in their experimental work—no matter what portion of the frequency band used—are ideally suited for the particular service in which they have been endeavoring to determine their practical application."

"Such information, although of value in establishing the probable need of frequencies of the various commercial interests and the numerous applications of the frequencies, is not very helpful in attempts to evaluate various portions of the entire frequency range for various services, the requirements and operating conditions in which are all very different. In addition, regardless of certain transmission characteristics typical of the entire band, there are physical properties and factors to be considered by reason of which certain sections or portions of the band are particularly suitable for specific purposes, and these also are known to vary widely throughout the frequency range to be considered for allocation.

"Some comprehensive reports containing very useful material on the subject of ultra-high frequency wave propagation have been received from the licensees of experimental stations. Many valuable papers on the subject have also been published by research organizations. Research work undertaken by commercial companies, however, usually has a specific objective, which naturally limits the ground covered.

"The factors which enter into the allocation problem must be considered by the Commission over a much broader field. The problem may be conveniently divided into three parts.

"I. A study of the frequency band to be allocated from the technical side alone. This requires a study of:

"1. Frequency versus field intensity characteristics for various ranges and specific area;

"2. The effect of altitude of receiving and transmitting antennas;

"3. The transmission characteristics of various frequency bands throughout the total range as determined by natural transmission phenomena, such as reflection, absorption, diffraction, refraction, polarization, and noise.

"II. Evaluation of the services as such from the standpoint of public need and benefit. This requires consideration of such matters as:

"1. The dependence of the service on radio rather than wire lines;

"2. The number of stations needed to assure the service;

"3. The probable number of people who will receive its benefits;

"4. The social and economic importance of the service;

"5. The safety of life and protection of property factors;

"6. The probability of practical establishment of the service and the degree of public support which it is likely to receive.

"III. The apparatus available for, and the operating conditions obtaining within each service. This involves such matters as:

"1. The distances over which communication will be required for point-to-point services;

"2. The areas which it will be necessary to cover for services such as broadcast, television and police;

"3. The field intensities required, which will vary greatly for different types of services;

"4. The relative amount of radio and industrial interference likely to be encountered;

"5. The relative amount of noise which may be tolerated in the different services;

"6. The receivers available and their selectivity and stability characteristics;

"7. The types of antennas which are practicable;

"8. The frequency tolerances which may be maintained and the channel widths which may be prescribed.

"All of the above factors must be considered with respect to the total number of frequencies available for allocation.

"It is in connection with parts I and III that data is lacking. Information relative to the transmission characteristics of the frequencies within the range of 100,000-500,000 kilocycles is very meager compared to that available within the range 30,000-100,000 kilocycles. In addition, certain phenomena are being reported in regard to which no definite connection with theory and experiment has as yet been made. Among these may be mentioned the reception of usable signals far beyond the ranges predictable by the diffraction theory, the diurnal variation of signals, and the appearance of fading at the greater ranges, although most recent experimental studies indicate that variations in transmission below the line of sight may be due to refraction and the changing moisture content of the atmosphere.

"The Commission appreciates the desirability of allocating all or a part of the ultra-high frequencies for commercial use as soon as this can be done in such manner as to best meet the needs of all services. Such would probably release frequencies in the lower frequency bands, thereby relieving the congestion which now exists in some services, thus increasing the efficiency of these services. It would in all probability also provide many new services by reason of which the public would receive many benefits.

"On the other hand, the deleterious effects of an allocation prematurely made are apparent. The allocation must be based on a firm foundation of engineering facts, in order that it may stand the test of time. There should be no necessity—if such can possibly be avoided—for revision of the plan at some later date, requiring shifts of the frequencies among the services and consequent redesign or replacement of equipment. Such would retard rather than accelerate the progress of the radio communication art. In order to avoid such contingency it has been the Commission's policy to proceed with caution and to strictly maintain the experimental status of the frequencies until such time as the requisite information becomes available. At the same time it has also been the policy to encourage all experimental licensees in their efforts to find practical applications for the frequencies, to the end that the desired information may be brought forth as soon as possible.

"At the present time there are 991 licensed general and special experimental stations operating on the ultra-high frequencies. Of these, many are engaged in pure research work, but the greater number are particularly interested in specific services and are endeavoring to obtain recognition and eventual establishment of these services. The services in which licensees have shown the greatest interest are aviation, municipal police, state police, broadcast pickup, broadcast, visual broadcast, special emergency, geophysical, a proposed service for railroads, a proposed service for forestry, fixed public and public coastal, fixed public press, and coastal and ship harbor. There are, for example, 111 municipalities now operating 97 fixed stations and 248 portable-mobile stations on police automobiles furnishing two-way communication service on the ultra-high frequencies on an experimental basis.

"Most of the experimental work is being carried on in the band 30,000-42,000 kilocycles. In order to avoid congestion and minimize interference in this band, certain groups of frequencies have been chosen for experimental work, the frequencies in each group being selected with considerable spread throughout the band in order to afford an opportunity to determine the most suitable frequencies for various services within this range. These groups are:

<i>Experimental Service</i>	<i>Frequencies (kc)</i>
General experimental station (police) . . . . .	30100, 33100, 37100, 40100
General experimental station (broadcast-pickup) . . . . .	31100, 34600, 37600, 40600
General experimental station (miscellaneous services) . . . . .	31600, 35600, 38600, 41000

"The frequencies within the band 42,000-56,000 kilocycles and 60,000-86,000 kilocycles are being used for experimental visual broadcasting. Some work is being done on frequencies above 86,000 kilocycles by licensees essentially interested in fixed point-to-point telephone and telegraph communication.

"The frequencies in all of the ranges mentioned above are being used also by Government departments for their experimental work, under authority granted by Executive Order of the President.

"The following outline gives the types of data which are most needed:

"1. The total frequency range over which communication will be practicable, utilizing conventional vacuum tube circuits and new tubes. By new vacuum tubes is meant those not now commercially available, but which may be obtained for experimental purposes from the commercial laboratories, and it may reasonably be presumed, will become available for commercial use in the near future;

"2. The field intensity characteristics of the entire frequency band for specific ranges and for coverage of specific areas, considering the height above ground of transmitting and receiving antennas, reasonably expected to be obtained in practice;

"3. The favorable or unfavorable trend of various sections or portions of the entire frequency band as determined by or limited by:

"a. Transmitter design.

"b. Receiver design.

"c. Antennas and antenna locations.

"d. Character of terrain.

"e. Polarization.

"f. Attenuation, through that portion of the paths of the direct and indirect ray where buildings, trees, vegetation, and other absorbing materials are encountered.

"g. Reflection phenomena and interference patterns.

"h. Refraction.

"i. Diffraction.

"j. Noise.

"4. The advantages or disadvantages of the various portions of the entire frequency band for radiocommunication as determined or limited by the amount that the favorable or unfavorable trends as found above are augmented, reduced, or nullified by others.

#### QUOTA FACILITIES DUE AND ASSIGNED TO BROADCAST STATIONS AS OF AUGUST 26, 1935

##### First Zone—Night

State	Due	Assigned	Units Over or Under	Percent 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	1.98	— 0.18	— 8
Mass. ....	5.63	5.16	— 0.47	— 8
N. H. ....	0.62	0.43	— 0.19	— 31
N. J. ....	5.36	4.105	— 1.255	— 23
N. Y. ....	16.69	18.13	+ 1.44	+ 9
R. I. ....	0.91	0.90	— 0.01	— 0
Vt. ....	0.48	0.06	— 0.42	— 88
Total	36.00	34.455	— 1.545	— 4

##### First Zone—Day

State	Due	Assigned	Units Over or Under	Percent Over or Under
Conn. ....	3.85	3.34	— 0.51	— 13
Del. ....	0.57	0.33	— 0.24	— 42
D. C. ....	1.16	0.90	— 0.26	— 22
Maine ....	1.91	1.42	— 0.49	— 26
Md. ....	3.91	4.30	+ 0.39	+ 10
Mass. ....	10.17	6.75	— 3.42	— 34
N. H. ....	1.11	0.80	— 0.31	— 28
N. J. ....	9.67	5.055	— 4.615	— 48
N. Y. ....	30.14	21.00	— 9.14	— 30
R. I. ....	1.65	1.00	— 0.65	— 39
Vt. ....	0.86	0.86	— 0.00	— 0
Total	65.00	45.755	— 19.245	— 30

##### Second Zone—Night

State	Due	Assigned	Units Over or Under	Percent Over or Under
Ky. ....	3.38	3.95	+ 0.57	+ 17
Mich. ....	6.25	5.05	— 1.20	— 19
Ohio ....	8.58	9.83	+ 1.25	+ 15
Pa. ....	12.43	12.18	— 0.25	— 2
Va. ....	3.13	4.75	+ 1.62	+ 52
W. Va. ....	2.23	2.09	— 0.14	— 6
Total	36.00	37.85	+ 1.85	+ 5

##### Second Zone—Day

State	Due	Assigned	Units Over or Under	Percent Over or Under
Ky. ....	6.10	4.25	— 1.85	— 30
Mich. ....	11.28	6.31	— 4.97	— 44
Ohio ....	15.50	12.31	— 3.19	— 20
Pa. ....	22.45	14.85	— 7.60	— 34
Va. ....	5.64	6.34	+ 0.70	+ 12
W. Va. ....	4.03	4.15	+ 0.12	+ 3
Total	65.00	48.21	— 16.79	— 26

##### Third Zone—Night

State	Due	Assigned	Units Over or Under	Percent Over or Under
Ala. ....	3.32	2.735	— 0.585	— 18
Ark. ....	2.32	2.67	+ 0.35	+ 15
Fla. ....	1.84	3.65	+ 1.81	+ 98
Ga. ....	3.64	4.26	+ 0.62	+ 17
La. ....	2.63	5.40	+ 2.77	+ 105
Miss. ....	2.52	1.26	— 1.26	— 50
N. Car. ....	3.97	4.19	+ 0.22	+ 6
Okla. ....	3.00	3.51	+ 0.51	+ 17
S. Car. ....	2.18	1.30	— 0.88	— 40
Tenn. ....	3.28	6.05	+ 2.77	+ 84
Texas ....	7.30	11.14	+ 3.84	+ 53
Total	36.00	46.165	+ 10.165	+ 28

##### Third Zone—Day

State	Due	Assigned	Units Over or Under	Percent Over or Under
Ala. ....	5.99	4.685	— 1.305	— 22
Ark. ....	4.19	4.75	+ 0.56	+ 13
Fla. ....	3.32	5.20	+ 1.88	+ 57
Ga. ....	6.58	5.20	— 1.38	— 21
La. ....	4.75	5.60	+ 0.85	+ 18
Miss. ....	4.55	2.35	— 2.20	— 48
N. Car. ....	7.17	4.85	— 2.32	— 32
Okla. ....	5.42	5.20	— 0.22	— 4
S. Car. ....	3.93	2.70	— 1.23	— 31
Tenn. ....	5.92	7.65	+ 1.73	+ 29
Texas ....	13.18	14.06	+ 0.88	+ 7
Total	65.00	62.245	— 2.755	— 47

##### Fourth Zone—Night

State	Due	Assigned	Units Over or Under	Percent Over or Under
Ill. ....	10.14	11.14	+ 1.00	+ 10
Ind. ....	4.30	3.64	— 0.66	— 15
Iowa ....	3.28	5.27	+ 1.99	+ 61
Kans. ....	2.50	2.49	— 0.01	— 0
Minn. ....	3.41	4.18	+ 0.77	+ 23
Mo. ....	4.82	5.24	+ 0.42	+ 9
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	3.00	— 0.90	— 23
Total	36.00	39.43	+ 3.43	+ 10

##### Fourth Zone—Day

State	Due	Assigned	Units Over or Under	Percent Over or Under
Ill. ....	18.30	15.62	— 2.68	— 15
Ind. ....	7.77	5.59	— 2.18	— 28
Iowa ....	5.93	8.06	+ 2.13	+ 36
Kans. ....	4.51	3.76	— 0.75	— 17
Minn. ....	6.15	5.77	— 0.38	— 6
Mo. ....	8.70	9.64	+ 0.94	+ 11
Nebr. ....	3.30	6.02	+ 2.72	+ 82
N. Dak. ....	1.63	2.20	+ 0.57	+ 35
S. Dak. ....	1.66	2.13	+ 0.47	+ 28
Wisc. ....	7.05	5.98	— 1.07	— 15
Total	65.00	64.77	— 0.23	— 0



### Fifth Zone—Night

State	Due	Assigned	Units	Percent
			Over or Under	Over or Under
Ariz. ....	1.32	1.37	+ 0.05	+ 4
Calif. ....	17.18	19.47	+ 2.29	+ 13
Colo. ....	3.13	4.61	+ 1.48	+ 47
Idaho ....	1.35	1.50	+ 0.15	+ 11
Mont. ....	1.63	2.15	+ 0.52	+ 32
Nev. ....	0.27	0.30	+ 0.03	+ 11
N. Mex. ....	1.28	1.13	— 0.15	— 12
Ore. ....	2.89	4.14	+ 1.25	+ 43
Utah ....	1.54	3.30	+ 1.76	+ 114
Wash. ....	4.73	7.53	+ 2.80	+ 59
Wyo. ....	0.68	0.40	— 0.28	— 41
Total	36.00	45.90	+ 9.90	+ 27

### Fifth Zone—Day

State	Due	Assigned	Units	Percent
			Over or Under	Over or Under
Ariz. ....	2.38	1.79	— 0.59	— 25
Calif. ....	31.02	23.27	— 7.75	— 25
Colo. ....	5.66	5.25	— 0.41	— 7
Idaho ....	2.43	2.05	— 0.38	— 16
Mont. ....	2.94	2.95	+ 0.01	+ 0
Nev. ....	0.49	0.30	— 0.19	— 39
N. Mex. ....	2.31	2.95	+ 0.64	+ 28
Ore. ....	5.21	6.19	+ 0.98	+ 19
Utah ....	2.78	3.30	+ 0.52	+ 19
Wash. ....	8.54	9.29	+ 0.75	+ 9
Wyo. ....	1.24	0.40	— 0.84	— 68
Total	65.00	57.74	— 7.26	— 11

## RADIO LEGISLATION DURING 74TH CONGRESS

The first session of the 74th Congress has adjourned. Of the many bills and resolutions introduced affecting the broadcasters in one way or another, few became law. It is to be borne in mind that all of these bills keep their same status at the next Congress, convening on January 3rd, as that will only be another session of this same Congress.

The copyright bill (S. 3047) in which the broadcasters are so much interested, passed the Senate but was stalled in the House Committee on Patents as Congress adjourned.

Congress passed a resolution (H. J. Res. 135) calling upon the Federal Communications Commission to make an investigation of the telephone companies of the country.

Following is a compilation of the radio bills and resolutions introduced in both Houses of Congress during the session and their status when the session adjourned.

### Senate

S. 4—Copeland, Vandenberg, Murphy bill "to prevent the promotion of fraud through interstate communication"—Committee on Commerce. No hearings held and no action.

S. 541—Capper bill "to prohibit the transportation in interstate commerce of advertisements of intoxicating liquors"—Committee on Interstate Commerce. No hearings and no action.

S. 820—Neely bill "relating to costs in radio proceedings before the Federal Communications Commission"—Committee on Interstate Commerce. No hearings and no action.

S. 1335—Wheeler bill "to amend section 202 of the Communications Act of 1934"—Committee on Interstate Commerce. Hearings held February 21 and 22. No report.

S. 1336—Wheeler bill "to amend paragraph (f) of section 4 of the Communications Act of 1934"—Committee on Interstate Commerce. Passed by the Senate and favorably reported by the House Committee but no action by the House.

S. 1418—Wheeler bill "to amend sections 210 and 602 (b) of the Communications Act of 1934"—Committee on Interstate Commerce. Hearing on February 25 but no report.

S. 2243—Wheeler bill "relating to the allocation of radio facilities"—Committee on Interstate Commerce. No hearings and no action.

S. 3261—Walsh bill to have foreign government programs approved by State Department—Committee on Interstate Commerce. No hearings and no action.

S. 3379—Copeland bill for radio reports by ships at sea—Committee on Interstate Commerce. No action.

S. J. Res. 46—Wheeler resolution for telephone investigation. Adopted.

### House

H. R. 55—Rudd bill "to amend the Radio Act of 1927"—Committee on Interstate and Foreign Commerce. No hearings and no action.

H. R. 197—Buckbee bill "to prohibit untrue, deceptive, or misleading advertising through the use of the mails or in interstate or foreign commerce"—Committee on Interstate and Foreign Commerce. No hearings and no action.

H. R. 3252—Sauthoff bill "to prohibit the use of the mails, certain periodicals, and broadcasting stations, having a range covering more than one State, to the advertising of loans for which interest in excess of 15 per cent per annum is charged"—Committee on Post Offices and Post Roads. Hearings held March 8. No report.

H. R. 4318—Rayburn bill "to amend section 202 of the Communications Act of 1934 with respect to exclusive contracts"—Committee on Interstate and Foreign Commerce. No hearings; no action.

H. R. 4319—Rayburn bill "to amend section 210 of the Communications Act of 1934 with respect to the issuing of franks and rendering of free service"—Committee on Interstate and Foreign Commerce. No hearings and no action.

H. R. 8404—Culkin bill "to prohibit advertising of alcoholic beverages in interstate commerce"—Committee on Interstate and Foreign Commerce. No hearings; no action.

H. R. 8475—Monaghan bill "to amend the Communications Act of 1934 by establishing a Radio Commission"—Committee on Interstate and Foreign Commerce. No hearings and no action.

H. R. 8852—McKeough bill to have foreign radio programs approved by the State Department—Committee on Interstate and Foreign Commerce. No hearings and no action.

H. R. 8980—McCormack bill to allow ships to radio news reports—Committee on Interstate and Foreign Commerce. No hearings and no action.

H. R. 9229—Scott bill "to amend section 326 of the Communications Act of 1934," dealing with censorship—Committee on Interstate and Foreign Commerce.—No hearings and no action.

H. R. 9230—Scott bill "to amend section 315 of the Communications Act of 1934" laying aside time for political and other uncensored broadcasts—Committee on Interstate and Foreign Commerce. No hearings and no action.

H. R. 9231—Scott bill "to add section 315 (a) to the Communications Act of 1934" making it obligatory for stations to keep certain records—Committee on Interstate and Foreign Commerce. No hearings and no action.

H. J. Res. 220—Sirovich resolution "providing for the establishment of an executive department to be known as the 'Department of Science, Art, and Literature'"—Committee on Patents. Extensive hearings but no report.

H. Res. 370—Scott resolution providing for the establishment of a "Broadcasting Research Commission"—Committee on Interstate and Foreign Commerce. No hearings and no action.

## RECOMMENDS WHBL CHANGE TO 1300 KC.

Station WHBL, Sheboygan, Wis., applied to the Federal Communications Commission for permission to change its frequency from 1410 to 1300 kilocycles, to decrease its power from 500 to 250 watts and to have unlimited time on the air instead of sharing it with WROK. At the same time Station WMBC, Detroit, Mich., asked that its frequency be changed from 1420 to 1300 kilocycles, that its power be increased from 100 watts and 250 watts LS to 500 watts and that its time on the air remain unlimited.

George H. Hill(e) in Report No. I-92 has recommended that the application of Station WHBL be granted and that the application of WMBC be denied. The Examiner found that there is need for additional service at Sheboygan and that no objectionable interference would be caused by granting the application of WHBL. On the other hand he found that the Detroit area is well served and that there is a possibility of interference if the application of WMBC should be granted.

## RECOMMENDS LICENSE RENEWAL FOR WRBL

David Parmer filed an application with the Federal Communications Commission asking for a construction permit to erect a new broadcasting station at Columbus, Ga., to use the facilities of Station WRBL and with call letters WDPI, on 1200 kilocycles, 100 watts power and unlimited time. Station WRBL, Columbus, Ga., asked for license renewal.



John P. Bramhall(e) in Report No. I-95 has recommended that the application of Parmer for leave to withdraw his application for the facilities of Station WRBL be granted "with prejudice" and that the application for license renewal of Station WRBL be granted.

The Examiner states that during the hearing Parmer, through his counsel, moved for leave to withdraw his application to which no objection was made by the other parties participating in the hearing. He states that the continued operation of Station WRBL would serve the public interest.

### SUGGESTS NEW KANSAS STATION

Charles G. Theis filed an application with the Federal Communications Commission asking for a construction permit to erect a new broadcasting station at Wichita, Kans., to operate on a frequency of 1210 kilocycles, 100 watts power and unlimited time on the air.

P. W. Steward(e) in Report No. I-96 recommends that the application be granted. The Examiner found that a need exists for additional local service in the area proposed to be served; that no interference would be caused with Station WREN and that the applicant is qualified in all ways to erect and operate such a station.

### SUGGESTS NEW MASSACHUSETTS GRANT

The Connecticut Valley Broadcasting Company applied to the Federal Communications Commission for a construction permit to erect a new broadcasting station at Springfield, Mass. The company requested assignment of 1140 kilocycles, 500 watts power, and limited time.

Melvin H. Dalberg(e) in Report No. I-93 recommends that the application be granted. The Examiner found that it is improbable that any interference would result from the granting of the application. He also found that there is need for local service around Springfield and the applicants are qualified to erect and operate such a station as proposed.

### 250 WATTS RECOMMENDED FOR WRJN

Broadcasting Station WRJN, Racine, Wis., applied to the Federal Communications Commission to increase its power from 100 watts to 100 watts and 250 watts LS. The station operates on a frequency of 1370 kilocycles with unlimited time.

P. W. Seward(e) in Report No. I-96 recommends that the application be granted. The Examiner found that the need for additional daytime service exists in the proposed area and that "the pendency of other applications from the state and zone does not materially interfere with the granting of this application."

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### HEARING CALENDAR

Wednesday, September 4, 1935

- WGST—Georgia School of Technology, Atlanta, Ga.—Modification of license, 890 kc., 1 KW unlimited time. Present assignment: 890 kc., 500 watts, 1 KW LS, unlimited time.
- WJAR—The Outlet Co., Providence, R. I.—Modification of license, 890 kc., 1 KW, unlimited time. Present assignment: 890 kc., 250 watts night (SA), 500 watts day.
- KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—C. P., 890 kc., 500 watts, 1 KW LS, unlimited time. Present assignment: 890 kc., 250 watts, 500 watts LS, unlimited time.

Thursday, September 5, 1935

- NEW—Bamberger Broadcasting Service, Newark, N. J.—C. P., 6020, 9510, 11850, 15170, 17800, 21480 kc., 5 KW Emission A3, unlimited time.
- NEW—Knox Broadcasting Co., Schenectady, N. Y.—C. P., 1240 kc., 1 KW, unlimited time.
- NEW—Advertiser Publishing Co., Ltd., Honolulu, T. H.—C. P., 11850 and 15230 kc., 2 KW, specified hours.

### APPLICATIONS GRANTED

- KVOR—S. H. Patterson, Colorado Springs, Colo.—Granted C. P. to move transmitter outside city limits of Colorado Springs and make changes in equipment.
- WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Granted modification of C. P. to extend completion date to November 4, 1935.

- KGMB—The Honolulu Broadcasting, Ltd., Honolulu, T. H.—Granted modification of C. P. to move station locally, make changes in equipment, extend commencement date to 60 days after this date and completion date to 90 days hereafter.
- WDBO—Orlando Broadcasting Co., Inc., Orlando, Fla.—Granted extension of special temporary authority to operate with 1 KW daytime power for period ending March 1, 1936.
- WTCN—Minn. Broadcasting Corp., Minneapolis, Minn.—Granted modification of license to make changes in specified hours so as to relieve station WCAL of the period 9:43 to 9:45 a. m., CST, on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday of each week until such time as WCAL might again desire such period.
- WPHR—WLBG, Inc., Petersburg, Va.—Granted consent to transfer of control of WLBG, Inc., licensee of WPHR, to John Stewart Bryan, Tennant Bryan, and Douglas S. Freeman.
- KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Granted renewal of license for a period of 30 days.
- KFRU—KFRU, Inc., Columbia, Mo.—Granted renewal of license for a period of 30 days.
- WPEN—Wm. Penn Broadcasting Co., Philadelphia, Pa.—Granted renewal of license for the regular period.
- WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted renewal of license for the regular period.
- KEHE (formerly KTM)—Evening Herald Pub. Co., Los Angeles, Calif.—Granted renewal of license for a period of 30 days.
- KELW—Evening Herald Pub. Co., Burbank, Calif.—Granted renewal of license for a period of 30 days.
- WIP—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Granted renewal of license for a period of 30 days.
- WIBW—Topeka Broadcasting Asso., Inc., Topeka, Kans.—Granted renewal of license for a period of 30 days.
- WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted extension of special experimental authority to operate on 970 kc., 1500 watts, unlimited time instead of limited time, for period ending February 1, 1936.
- WOEB—Agricultural Broadcasting Co., Portable (Chicago, Ill.).—Granted license to cover C. P. (temporary broadcast pickup service); frequencies 1600, 2020, 2102, 2760 kc., 100 watts.
- W9XMD—Agricultural Broadcasting Co., Portable-Mobile (Chicago, Ill.).—Granted license to cover C. P. (exp. gen. exp. service), frequencies 31100, 34600, 37600, 40600 kc., 25 watts.
- W9XHE-W9XHF—Agricultural Broadcasting Co., Portable-Mobile (Chicago, Ill.).—Granted license to cover C. P. (exp. gen. exp. service), frequencies 31100, 34600, 37600, 40600 kc., 2 watts power.

### SET FOR HEARING

- WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Application for C. P. to make changes in equipment, increase daytime power to 5 KW, and install new directional antenna system. (Present assignment: 780 kc., 1 KW night, 2½ KW day, unlimited.)
- NEW—The Lifebuilders, Dr. Alvin J. Corbell, Founder, Fort Worth, Tex.—Application for C. P. for new station, 1200 kc., 100 watts, unlimited.
- KGDE—Charles L. Jaren, Fergus Falls, Minn.—Application for modification of license to change frequency from 1200 kc. to 630 kc., and power from 100 watts night, 250 watts day, to 250 watts night and day.
- KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Application for renewal of license.
- WOPI—Radiophone Broadcasting Station WOPI, Inc., Bristol, Tenn.—C. P., already in hearing docket, amended to read: Make changes in equipment, increase day power from 100 watts to 250 watts.
- KGKO—Wichita Falls Broadcasting Co., Wichita Falls, Tex.—Application for renewal of license.
- KMTR—KMTR Radio Corp., Los Angeles, Calif.—Application for renewal of license.
- KFAC—Los Angeles Broadcasting Co., Inc., Los Angeles, Calif.—Application for renewal of license.

### MISCELLANEOUS

- KFXR—Exchange Avenue Baptist Church of Oklahoma City, Oklahoma City, Okla.—Denied special temporary authority to operate with power of 250 watts from 8:15 to 10:30 p. m.,



CST, for period August 20 to September 15, 1935, in order to broadcast baseball games.

**KGKB**—E. Texas Broadcasting Co., Tyler, Tex.—Granted extension of special temporary authority to operate from 8 a. m. to 2 p. m., and 5 to 11 p. m., CST, instead of from 8 to 10 a. m., 12 noon to 2 p. m., 5 to 6, and 7:30 to 9 p. m., CST, during the month of September, pending action on formal application.

**E. E. Krebsbach**, Wolf Point, Mont.—Denied petition asking for immediate grant of application for new station to operate on 1450 kc., 1 KW, unlimited time. Final action on application withheld pending submission of Examiner's Report on hearing held August 16, 1935.

**WIP**—Pennsylvania Broadcasting Co., Philadelphia, Pa.—Affirmed grant made January 29, 1935, of special experimental authority to increase power from 500 watts to 1 KW, since WICC and WCAO have withdrawn protest.

**NEW**—Southern Oregon Pub. Co., Roseburg, Ore.—Reconsidered and granted application for new station to operate on 1500 kc., 100 watts, daytime, after applicant submitted new and satisfactory financial showing.

**KSO**—Cedar Rapids Broadcast Co., Des Moines, Iowa.—Reconsidered and granted application to increase power to 500 watts night and 1 KW day.

**WCFL**—Chicago Federation of Labor, Chicago, Ill.—Granted petition to intervene in application of WJJD for removal of transmitter from Mooseheart to Des Plaines, Ill. Denied petition to intervene in hearing of application of WIND for modification of license since Examiner has already filed his report and time for exceptions has expired.

**NEW**—Monocacy Broadcasting Co., Rockville, Md.—Suspended grant and designated for hearing application for new station because of protest of WCAU, Philadelphia, to operate on 1140 kc., 250 watts, daytime only.

**WOL**—American Broadcasting Co., Washington, D. C.—Denied petition protesting action of Commission on July 2, 1935, in granting application for new station at Rockville, Md., to be operated by the Monocacy Broadcasting Co. (since designated for hearing), as protestant has shown no basis for probable cause of injury nor any showing that it will in any wise be adversely affected by the grant.

**WCCO**—Northwestern Broadcasting, Inc., Minneapolis, Minn.—Denied petition of John G. Priebe asking Commission to cancel license of WCCO because protestant was denied the right to deliver speech in behalf of a candidate for Mayor of Minneapolis, unless and until he would agree to delete certain portions of the speech which were by the station held to be objectionable.

**WJBK**—James F. Hopkins, Inc., Detroit, Mich.—Granted petition to intervene at hearing of application of Hyman Altman for new broadcasting station at Detroit, to operate on 1370 kc., 100 watts, daytime.

**WTMJ**—The Journal Co., Milwaukee, Wis.—Denied petition asking Commission to strike from hearing docket application for renewal of license.

## RENEWAL OF LICENSES

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

**KARK**, Little Rock, Ark.; **KGBU**, Ketchikan, Alaska; **KGW**, Portland, Ore.; **KMJ**, Fresno, Cal.; **KOMO**, Seattle, Wash.; **KPRC**, Houston, Tex.; **KSAC**, Manhattan, Kans.; **WBAA**, W. Lafayette, Ind.; **WCOC**, Meridian, Miss.; **WFIL**, Philadelphia; **WGBF**, Evansville, Ind.; **WICC**, Bridgeport, Conn.; **WJAX**, Jacksonville, Fla.; **WJAY**, Cleveland, Ohio; **WKBN**, Youngstown, Ohio; **WKZO**, Kalamazoo, Mich.; **WMC** and auxiliary, Memphis, Tenn.; **WMCA** and auxiliary, New York; **WMT**, Cedar Rapids, Ia.

The following stations were granted renewal of licenses on a temporary basis only, subject to such action as the Commission may take on licensee's pending applications for renewals:

**KFRC**, San Francisco, Cal.; **KFYR**, Bismarck, N. Dak.; **WMMN**, Fairmont, W. Va.; **WOS**, Jefferson City, Mo.; **WTMJ**, Milwaukee, Wis.

**WIP**—Penna. Broadcasting Co., Philadelphia, Pa.—Granted extension of Special Temporary Authority to operate with 500 watts additional power during daytime hours only for the period Sept. 1 to Oct. 1, 1935.

**KFQD**—Anchorage Radio Club, Inc., Anchorage, Alaska—Present license extended on a temporary basis from Sept. 1 to Oct. 1, 1935, pending receipt and action on application for renewal.

**WQAN**—E. J. Lynett (Proprietor, the Scranton Times), Scranton, Pa.—Present license extended on a temporary basis from September 1 to October 1, 1935, pending receipt and action on application for renewal.

**WLBZ**—Maine Broadcasting Co., Inc., Bangor, Maine.—Present license extended on a temporary basis from September 1 to October 1, 1935, pending action on renewal application.

**WLBL**—State of Wisconsin Department of Agriculture and Markets, Stevens Point, Wis.—Present license extended on a temporary basis from September 1, to October 1, 1935, pending action on renewal application.

**KOB**—New Mexico College of Agriculture & Mechanic Arts, Albuquerque, N. Mex.—Present license extended on a temporary basis from September 1 to October 1, 1935, subject to such action as may be taken on pending application for renewal.

## APPLICATIONS DISMISSED

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

**WRDW**—Augusta Broadcasting Co., Augusta, Ga.—C. P. 1240 kc., 250 watts, 1 KW LS, unlimited time.

**WJBW**—Charles C. Carlson, New Orleans, La.—Modification of license, 1260 kc., 100 watts, unlimited time.

**NEW**—American Broadcasting Corporation of Ohio, Cleveland, Ohio—C. P., 890 kc., 500 watts 1 KW LS, unlimited time.

**WMMN**—A. M. Rowe, Inc., Fairmont, W. Va.—Modification of C. P., 850 kc., 1 KW, daytime.

## ACTION ON EXAMINERS' REPORTS

**NEW**—Ex. Rep. No. 1-73: Carl C. Strubel, The Dalles, Ore.—Denied C. P. for new broadcast station to operate on 1200 kc., 100 watts, unlimited time, sustaining Examiner John P. Bramhall. Order effective Sept. 11, 1935.

**NEW**—Ex. Rep. No. 1-74: F. L. Whitesell, Forty Fort, Pa.—Denied C. P. for new station to operate on 930 kc., 500 watts, daytime, sustaining Examiner R. H. Hyde. Order effective Sept. 11, 1935.

**NEW**—Ex. Rep. No. 1-80: Dr. Wm. J. Reynolds and Wm. J. Reynolds, Jr., Selma, Ala.—Granted C. P. for new broadcast station to operate on 1500 kc., 100 watts, daytime hours, sustaining Examiner R. H. Hyde. Order effective Sept. 18, 1935.

**WTAQ**—Ex. Rep. No. 1-82: Gillette Rubber Co., Eau Claire, Wis.—Granted voluntary assignment of license from Gillette Rubber Co. to WHBY, Inc. 1330 kc., 1 KW, simultaneous day with KSCJ, specified hours at night, sustaining Examiner George H. Hill. Order effective Sept. 18, 1935.

**WTAQ**—Gillette Rubber Co., Green Bay, Wis.—Granted C. P. to change studio and transmitter sites, install new directional antenna; change hours of operation from simultaneous day with KSCJ, specified hours night, to unlimited time. 1330 kc., 1 KW. Examiner Hill sustained. Order effective Sept. 18.

## APPLICATIONS RECEIVED

### First Zone

**WBZ**—Westinghouse Electric & Mfg. Co., Boston, Mass.—License 990 to cover construction permit (B1-P-613) to make changes in equipment.

**NEW**—Eastern States Broadcasting Corp., Bridgeton, N. J.—Construction permit for a new station to be operated on 1210 kc., 100 watts, daytime. Amended to make equipment changes.

**NEW**—Northern Broadcasting Corp., Watertown, N. Y.—Construction permit for a new station to be operated on 1270 kc., 250 watts, daytime.

**WFBR**—The Baltimore Radio Show, Inc., Baltimore, Md.—Construction permit to install a 250-watt auxiliary transmitter.

**WCOP**—Joseph M. Kirby, Boston, Mass.—License to cover construction permit (B1-P-82) as modified for a new station.

**NEW**—Thames Broadcasting Corp., New London, Conn.—Construction permit for a new station to be operated on 1500 kc., 100 watts, daytime. Amended to change transmitter site from Niles Hill Road, 2 miles from center of city to State Pier, between Winthrop Cove and Winthrop Point, New London, Conn., and make further changes in equipment (antenna).



W3XAI—RCA Manufacturing Co., Inc., Camden, N. J.—Modification of construction permit for special experimental station for extension of completion date to 3-15-36.

### Second Zone

NEW—John E. Fetzer, Saginaw, Mich.—Construction permit for 890 a new station to be operated on 800 kc., 1 KW, daytime.  
KDKA—Westinghouse Electric & Manufacturing Co., Pittsburgh, 980 Pa.—License to cover construction permit (B2-P-664) to make changes in equipment.

WSPD—Toledo Broadcasting Co., Toledo, Ohio—Construction permit to increase power from 1 kilowatt, 2½ kilowatts day to 1 kilowatt, 5 kilowatts day, and make changes in equipment.

NEW—Miami Valley Broadcasting Corp., Portable-Mobile—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 2.5 watts.

NEW—Miami Valley Broadcasting Corp., Portable-Mobile—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 2.5 watts.

### Third Zone

WSGN—Ormand O. Black and Mary Collett Black, Birmingham, 590 Ala.—Construction permit to install new equipment, change frequency from 1310 kc. to 590 kc., power from 100 watts, 250 watts day to 1 KW day and night and move transmitter from 1627 No. 20 Way, Birmingham, Ala., to site to be determined, Alabama.

WBHS—Virgil V. Evans, Huntsville, Ala.—Construction permit to 1200 move transmitter and studio from 121 West Clinton St., Huntsville, Ala., to site to be determined, Chattanooga, Tenn. Requests change of call letters from WBHS to WTVA. Amended: To change hours of operation from unlimited time to daytime only.

NEW—A. O. Jenkins, Jacksonville, Fla.—Construction permit for 1200 a new station to be operated on 1200 kc., 100 watts, unlimited time. Amended: To make changes in equipment.

KTRH—KTRH Broadcasting Co., Houston, Texas—Special experimental authorization to operate on 1290 kc., 1 KW, 2½ KW day, unlimited time for period from 5-1-35 to 11-1-35.

NEW—Hunt Broadcasting Association, Fred Horton, President, 1310 Greenville, Texas—Construction permit for a new station to be operated on 1310 kc., 50 watts, daytime.

WPFB—Forrest Broadcasting Co., Inc., Hattiesburg, Miss.—Construction permit to install new equipment, change hours of operation from specified hours to unlimited, move transmitter from Hattiesburg Hotel, Mobile and Pine Sts., to corner 7th St., West and North 25th Ave., Hattiesburg, Miss.

KCMC—North Mississippi Broadcasting Corp., Texarkana, Ark.—1420 Construction permit to make changes in equipment.

KNEL—G. L. Burns, Brady, Texas—Modification of construction permit (B3-P-212) for a new station, requesting an extension of commencement date from 9-16-35 to 10-16-35.

NEW—Southwest Broadcasting Co., Mobile, Ala.—Construction permit for a new broadcast pickup station on 1646, 2090, 2190, 2830 kc., 75 watts.

NEW—Wilton E. Hall, Portable-Mobile—Construction permit for general experimental station for 40600 kc., 0.5 watts. Resubmitted and amended: To include 31100, 37600, and 34600 kc.

### Fourth Zone

NEW—Mankato Broadcasting Co., Mankato, Minn.—Construction permit for a new station to be operated on 1210 kc., 100

watts, unlimited time. Amended: To make changes in equipment (antenna).

KOIL—Mona Motor Oil Co., Council Bluffs, Iowa—Voluntary 1260 assignment of license from Mona Motor Oil Co. to Central States Broadcasting Co.

WIBA—Badger Broadcasting Co., Inc., Madison, Wis.—Construction permit to make changes in equipment, install new antenna, increase power from 1 KW to 1KW; 5 KW day.

NEW—Clinton Broadcasting Co., Emmons L. Abeles, Secretary, 1310 Clinton, Iowa—Construction permit for a new station to be operated on 1310 kc., 100 watts, unlimited time. Amended: To make changes in equipment (antenna).

NEW—Wausau Broadcasting Co., by Emmons L. Abeles, Secretary, 1310 Wausau, Wis.—Construction permit for a new station to be operated on 1310 kc., 100 watts, unlimited time. Amended: To make changes in equipment (antenna).

NEW—Northern Broadcasting Co., Inc., Wausau, Wis.—Construction permit for a new station to be operated on 1370 kc., 100 watts, unlimited time.

NEW—F. A. Holmes and F. A. Haffa (a partnership), Waterloo, 1370 Iowa—Construction permit for a new station to be operated on 1370 kc., 100 watts, 250 watts day, unlimited time.

NEW—Grand Island Broadcasting Co., Emmons L. Abeles, Secretary, 1370 Grand Island, Nebr.—Construction permit for a new station to be operated on 1370 kc., 100 watts, unlimited time. Amended: To make changes in equipment (antenna).

NEW—Mason City Broadcast Co., by Emmons L. Abeles, Secretary, 1420 Mason City, Iowa—Construction permit for a new station to be operated on 1420 kc., 100 watts, unlimited time. Amended: To make changes in equipment (antenna).

NEW—Hastings Broadcasting Co., Emmons L. Abeles, Secretary, 1420 Hastings, Nebr.—Construction permit for a new station to be operated on 1420 kc., 100 watts, unlimited time. Amended: To make changes in equipment (antenna).

NEW—Winona Broadcasting Co., Emmons L. Abeles, Secretary, 1500 Winona, Minn.—Construction permit for a new station to be operated on 1500 kc., 100 watts, unlimited time. Amended: To make changes in equipment (antenna).

NEW—Fort Dodge Broadcasting Co., Fort Dodge, Iowa—Construction permit for a new station to be operated on 1500 kc., 100 watts, unlimited time. Amended: To make changes in equipment (antenna).

NEW—Donald A. Burton, Portable-Mobile—Construction permit for general experimental station for 31100, 34600, 37600 and 40600 kc., 2 watts.

W9XHA—Donald A. Burton, Portable-Mobile—License to cover construction permit (B-4-PE-53) for a new general experimental station.

NEW—The Star-Chronicle Publishing Co., St. Louis, Mo.—Construction permit for a new general experimental station to be operated on 31600, 35600, 38600, 41000 kc., 100 watts.

### Fifth Zone

NEW—Christina M. Jacobson, d/b as The Valley Electric Co., 1090 San Luis Obispo, Calif.—Construction permit for a new broadcast station to be operated on 1090 kc., 250 watts, daytime.

KFPY—Symons Broadcasting Co., Spokane, Wash.—Construction 1340 permit for a move of transmitter from Symons Bldg., Spokane, Wash., to E½ of E½ of N½, Lot 10, Sec. 4, Twp. 24, N. Range 43, E.W.M. Spokane, Wash.