

The National Association of Broadcasters

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JAMES W. BALDWIN, Managing Director

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IN THIS ISSUE

	Page
Favorable Report Ordered on Wheeler Radio Bill.....	1211
Copyright Hearings Announced.....	1211
Federal Radio Education Committee Meets.....	1211
American Society of Recording Artists.....	1211
Georgia Station Move Recommended.....	1211
C. C. I. R. Meeting.....	1212
Denial Recommended for Georgia Station.....	1212
Securities Act Registrations.....	1212
Renewal of WRBL Recommended.....	1212
KABC Labor Case.....	1212
Recommends Dismissal with Prejudice.....	1212
Recommends Ohio Station Denial.....	1212
FCC Report on Alleged Bribery Charges.....	1213
Stations Using Warner Brothers Music.....	1214
Deen Talks on Copyright Bill.....	1214
Connery Talks on FCC.....	1216
Federal Trade Commission Action.....	1216
FTC Case Closed.....	1218
Federal Communications Commission Action.....	1218

FAVORABLE REPORT ORDERED ON WHEELER RADIO BILL

The Senate Committee on Interstate Commerce has ordered a favorable report on the Wheeler radio bill (S. 2243) relating to the allocation of radio facilities. The bill was slightly amended and as it was ordered reported it provides that Section 302 of the Communications Act of 1934 be repealed and that Section 2, subsection (b) of Section 307 of the Act be amended to read as follows:

"(b) In considering applications for licenses, and modifications and renewals thereof, when and in so far as there is demand for the same, the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient and equitable distribution of radio service to each of the same."

COPYRIGHT HEARINGS ANNOUNCED

The House Committee on Patents on Wednesday announced that it will hold hearings on various copyright bills three days a week for four weeks.

The dates announced include February 25, 26 and 27, and March 3, 4, 5, 10, 11, 12, 17, 18 and 19.

The first hearings will be devoted to ASCAP, the next to the Authors League and the American Dramatists and other writing interests, while the third and fourth weeks' hearings will be devoted to radio, hotel and motion picture interests.

FEDERAL RADIO EDUCATION COMMITTEE

Plans and methods of securing greater cooperation between educators and broadcasters for the extension and improvement of the use of radio, were the subjects of a two-day conference on Monday and Tuesday of this week.

United States Commissioner of Education, J. W. Studebaker, presided over the sessions of the Committee, which was named by the Federal Communications Commission.

After considering suggestions for a number of surveys and successful practices in the educational and public service uses of radio, and adequate training of personnel, the Committee voted to set up five sub-committees to report at the next meeting.

Members of the Federal Radio Education Committee attending the meeting were:

Waldo Abbot, University of Michigan; James W. Baldwin, National Association of Broadcasters; Morse A. Cartwright, American Association for Adult Education; W. W. Charters, Ohio State University; H. W. Chase, New York University; A. G. Crane, Uni-

AMERICAN SOCIETY OF RECORDING ARTISTS

The new attempt by the American Society of Recording Artists to license stations apparently grows out of the decision in the so-called "Waring-WDAS" case. The decision rendered in this case by Judge McDevitt of the Court of Common Pleas in Philadelphia does not, in my opinion, justify the interpretation placed upon it by the Society. The opinion of Judge McDevitt, of course, has no effect outside the State of Pennsylvania. Further, through special counsel, the NAB has filed exceptions to Judge McDevitt's decision and these exceptions are scheduled for argument before a three-judge court on February 27. If Judge McDevitt's decision is affirmed we will take an appeal.

The important thing for members to consider is that the issues in this case have not been finally adjudicated. It is my recommendation that members do not recognize the American Society of Recording Artists until their rights have been finally determined.

JAMES W. BALDWIN,
Managing Director.

versity of Wyoming; Walter Damrosch, National Broadcasting Company; M. S. Eisenhower, Department of Agriculture; Willard E. Givens, National Education Association; Tom C. Gooch, Daily Times Herald, Dallas, Texas; Rev. George Johnson, Catholic University of America; Lambdin Kay, Radio Station WSB, Atlanta, Georgia; John F. Killeen, Federal Communications Commission; Cline M. Koon, Office of Education; Mrs. B. F. Langworthy, President, National P. T. A.; Luella S. Laudin, Women's National Radio Committee; L. R. Lohr, National Broadcasting Company; H. B. McCarty, University of Wisconsin; C. S. Marsh, American Council on Education (for Dr. Zook); Allen Miller, University Broadcasting Council; E. R. Murrow, Columbia Broadcasting System; A. D. Ring, Federal Communications Commission; Morse Salisbury, Department of Agriculture; John Shepard, III, Yankee Network; Levering Tyson, National Advisory Council; Judith C. Waller, National Broadcasting Company; Frederick S. Willis, Columbia Broadcasting System; William Dow Boutwell, Office of Education; C. F. Klinefelter, Office of Education; J. W. Studebaker, U. S. Commissioner of Education, Presiding.

Other members of the Committee are: Edgar Bill, Radio Station WMBD; Dr. S. Parkes Cadman, Federal Council of Churches of Christ in America; Gardner Cowles, Jr., Des Moines Register; Lester E. Cox, Radio Station KWTO; Edwin Craig, Radio Station WSM; John Elmer, Radio Station WCBM; O. D. Fisher, Radio Station KOMO; Leo J. Fitzpatrick, president, National Association of Broadcasters; William Green, American Federation of Labor; Mrs. Rose Jacobs, Hadassah Women's Zionist Organization; Dr. C. B. Jolliffe, Radio Corporation of America; A. J. McCosker, Bamberger Broadcasting Service; Mrs. Harold B. Milligan, Women's National Radio Committee; Dr. Robert A. Millikan, California Institute of Technology; and Dr. William S. Paley, Columbia Broadcasting System.

GEORGIA STATION MOVE RECOMMENDED

The Liberty Broadcasting Company (WTFI) applied to the Federal Communications Commission to move the station from Athens to Atlanta, Ga. The station operates on 1450 kilocycles, 500 watts power, and unlimited time.

Examiner Ralph L. Walker, in Report No. I-195, recommends that the change be granted on condition that the antenna to be installed shall comply with the provisions of the Commission's rules and regulations and upon the further condition that the exact station location to be hereafter selected shall be subject to the approval of the Commission. The Examiner said also that "it appears from the record that there is a need in the Atlanta area for the additional service which the applicant proposes to render, and that the operation of WTFI as contemplated will not result in any material increase in objectionable interference to existing stations."

C. C. I. R. MEETING

In preparation for the participation of the United States in the Bucharest 1937 Conference of the International Consulting Committee on Radio, the Federal Communications Commission held a meeting on Friday, February 14, of the various governmental and private interests involved. T. A. M. Craven, chief engineer of the Commission, presided and was made chairman of the general committee. Four subcommittees were appointed. The names of the respective chairmen and vice chairmen and the questions to be handled by each of the subcommittees follow:

ORGANIZATION AND TECHNICAL COMMITTEE—Chairman, Dr. J. H. Dellinger; Vice Chairman, Major J. H. Gardner, Jr. Questions: Selectivity curves; wave propagation curves; revision and renumbering of opinions; radio symbols and terminology; methods of measuring field intensity and noise.

FREQUENCY ALLOCATION AND RELATED PROBLEMS—Chairman, E. K. Jett; Vice Chairman, Gerald C. Gross. Questions: Harmonics; shared bands; anti-fading antennas.

OPERATIONS—Chairman, Capt. S. C. Hooper; Vice Chairman, E. M. Webster. Questions: Wave characteristics in respect to direction finding; field intensities necessary for reception; high-frequency mobile calling.

BROADCASTING QUESTIONS—Chairman, A. D. Ring; Vice Chairman, Raymond Asserson. Questions: Synchronization of broadcast stations; broadcast frequency separation; reduction of electrical interference; single sideband in broadcasting; measurements and tolerances, electrical interference to broadcasting; mitigation of electrical interference in receiving equipment; measurement and tolerances, background noise.

These subcommittees will meet again March 3 and 4, and the full committee will meet March 26.

Attendance at the meeting was as follows:

Lieut. W. B. Ammon, Navy Department; R. D. Armiger, Shortwave Institute of America; Raymond Asserson, Federal Communications Commission; E. K. Cohan, Columbia Broadcasting System; H. L. Cornell, American Steamship Owners Association; A. J. Costigan, Radio Corporation of America; T. A. M. Craven, Federal Communications Commission; Roland C. Davies, Editor, Telecommunication Reports; Dr. J. H. Dellinger, Bureau of Standards; Francis C. de Wolf, Department of State; Lloyd Espenschied, Bell Telephone Laboratories; Maj. J. H. Gardner, Jr., War Department; E. J. Girard, Mackey Radio and Telegraph Company; Gerald C. Gross, Federal Communications Commission; Capt. S. C. Hooper, Navy Department; C. W. Horn, National Broadcasting Company; E. K. Jett, Federal Communications Commission; Dr. C. B. Jolliffe, Radio Corporation of America; William N. Krebs, Federal Communications Commission; J. J. Lamb, American Radio Relay League; W. B. Lodge, Columbia Broadcasting System; J. C. McNary, National Press Building; Paul D. Miles, Mackay Radio and Telegraph Company; C. E. Pfautz, Radio Corporation of America; A. D. Ring, Federal Communications Commission; Oswald F. Schuette, Shortwave Institute of America; B. J. Shimeall, Federal Communications Commission; Judge Eugene O. Sykes, Federal Communications Commission; K. B. Warner, American Radio Relay League; E. M. Webster, Federal Communications Commission; L. E. Whittemore, American Telephone and Telegraph Company; W. V. Whittington, Federal Communications Commission.

DENIAL RECOMMENDED FOR GEORGIA STATION

The L & S Broadcasting Company filed an application with the Federal Communications Commission for the erection of a new station at Atlanta, Ga., to use 1210 kilocycles, 100 watts power and daytime hours of operation.

Examiner R. H. Hyde in Report No. I-196 recommended that the application be denied. He states that the evidence presented in support of the application does not show that there is a public need for the construction and operation of the proposed

new station. He says also that "there is no convincing proof that the interests of listeners, the requirements of religious, educational, civic, and charitable organizations or the demands of local talent, desiring means for expression, justify the construction of another station."

SECURITIES ACT REGISTRATIONS

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

Sunstrand Machine Tool Company, Rockford, Ill. (2-1899, Form A-2).

Iniskin Drilling Company, Los Angeles, Cal. (2-1900, Form A-1). American Electric Securities Corporation, New York City (2-1902, Form A-2).

Administered Fund Second, Inc., Jersey City, N. J. (2-1903, Form A-1).

Varnishes & Paints, Inc., Hamtrack, Mich. (2-1904, Form A-1). Northern Oklahoma Gas Company, Ponca City, Okla. (2-1905, Form A-1).

Iron Foreman Mfg. Company, Portland, Ore. (2-1907, Form A-2).

T. H. Banfield et al., Portland, Ore. (2-1908, Form F-1). Independence Fund of North America, Inc., New York City (2-1909, Form C-1).

RENEWAL OF WRBL RECOMMENDED

The facilities of Station WRBL, Columbus, Ga., were requested of the Federal Communications Commission and at the same time the station asked for license renewal.

Examiner George H. Hill in Report No. I-197 recommended that the license renewal be granted. The Examiner found that some of the programs of the station were objectionable but the applicant station "has assured the Commission that programs involving lottery or gift enterprise will not in the future be broadcast over the station and that the station will in all respects be operated in accordance with the rules and regulations of the Commission." The entire record considered, says the Examiner, it is his "opinion that the granting of the application of WRBL for renewal of license would serve the public interest."

KABC LABOR CASE

The National Labor Relations Board has announced that a complaint has been filed against Broadcasting Station KABC, San Antonio, Texas, by the Radio Division of Local No. 60, International Brotherhood of Electrical Workers et al.

The complaint alleges that the company discriminatorily discharged five employees, and has at all times refused to bargain collectively with the union. Hearing will be held at San Antonio on March 3.

RECOMMENDS DISMISSAL WITH PREJUDICE

Broadcasting Station WCMI, Ashland, Ky., applied to the Federal Communications Commission to change its frequency from 1310 to 1350 kilocycles, its power from 100 to 1,000 watts and to operate unlimited time as at present.

Examiner P. W. Seward in Report No. I-198 "recommends that the motion offered by the applicant for continuance of this case be denied" and "that the motion offered by respondents to dismiss with prejudice be granted and this case is dismissed with prejudice." Counsel for the applicant at the hearing stated that an amendment to the original application had been filed the day before the hearing with the Commission and that therefore the case was removed from the hearing docket.

RECOMMENDS OHIO STATION DENIAL

Carter & Wolfe applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Mansfield, Ohio, to use 1370 kilocycles, 100 watts LS and 50 watts night unlimited time operation.

Examiner Ralph L. Walker in Report No. I-194 recommended that the application be denied. The Examiner found that operation as proposed would "probably result in some slight curtailment of the already limited satisfactory service area of two existing stations. At the same time the proposed station, by reason of low power and interference from existing stations, would serve only a very limited area—considerably less than that expected from a local assignment."

FCC REPORT ON ALLEGED BRIBERY CHARGES

On February 14 the Federal Communications Commission made public the following report:

REPORT OF THE COMMITTEE APPOINTED BY THE COMMISSION JANUARY 9, 1936, TO INVESTIGATE THE FACTS AS TO THE CONVERSATION ALLEGED TO HAVE TAKEN PLACE IN THE WILLARD HOTEL ON SEPTEMBER 5, 1935.

On January 9, 1936, the Commission appointed the undersigned as a committee to investigate what was known as the Willard Hotel incident. The committee immediately began its work, and on January 10, 1936, it requested the Department of Justice to make a full and complete investigation of the matter. Pursuant to that request, a report was submitted to the committee on January 25, 1936. The committee then requested the Department of Justice to procure certain additional information, pursuant to which request a supplementary report was made by the Department on February 1, 1936. With this report the Department of Justice informed the committee that "this closes the investigation". The committee itself examined, among others, all persons now on the Commission's staff who participated in the hearings on the applications of the Howitt-Wood Radio Company, Inc., owners of Station WNBZ, Binghamton, N. Y., and the Knox Broadcasting Company, Schenectady, N. Y., for facilities on 1240 kc.

The committee has obtained sworn statements from all persons interrogated either by the Department of Justice or by it. Upon the basis of those statements and of other information obtained by it, the committee submits the following report:

On September 5, 1935, after the recess of the afternoon session of the hearing on the application of the Knox Broadcasting Company, Mr. Cecil D. Mastin, of Binghamton, N. Y., Mr. Harold E. Smith, of Albany, N. Y., Mr. C. M. Jansky, Jr., and Mr. Alfons B. Landa, of Washington, and Mr. Maurice Jansky, of Madison, Wisconsin, met in Mr. Mastin's room (803) at the Willard Hotel. There they discussed and criticized the hearing which they had just left. Highballs were served, but some of those present state that they did not participate.

Mr. A. Mortimer Prall was registered in Room 804, which adjoined Mr. Mastin's room. With him that afternoon was Major Malcolm M. Kilduff.

Mr. Prall and Major Kilduff joined Mr. Anning S. Prall, Chairman of the Federal Communications Commission, and Mr. Herbert L. Pettey, Secretary of the Commission, at Chairman Prall's apartment for dinner that evening. There they told the substance of a conversation which they said they had overheard late that afternoon in Room 803. The essential feature of the overheard conversation, as Mr. Mortimer Prall and Major Kilduff state it was told to Chairman Prall and Mr. Pettey, was that Mr. Harry Butcher could straighten out Station WNBZ's difficulties with the Commission for \$25,000, and that one of the speakers was prepared to pay \$25,000 or \$50,000. This story was told to an agent of the Department of Justice who came to the apartment that evening to begin an investigation in response to a request from Chairman Prall.

Mr. Pettey has informed the committee that the alleged conversation as it was reported to Chairman Prall and himself that evening also included (1) a description of a person connected with the Commission who could be "gotten to", which description was discussed by those present, although the person was not identified; and (2) an intimation that the described person had been in the pay of some company for a number of years. Mr. Pettey's recollection was that the description was given to the agent of the Department of Justice; this does not accord with the agent's report. The intimation that the described person had been in the pay of some company was not passed on to the agent.

Mr. Mortimer Prall states that on September 6 he told Chairman Prall and Mr. Pettey that upon his return to his room about 12:40 a.m. he had heard one man in Room 803 tell another that a described, but not named, Commissioner had instructed the examiner what to recommend. That same day Mr. Mortimer Prall told the Department of Justice agent that he had given the agent all the information in his possession, but he did not mention the description or the purported instructions to the examiner. A short time thereafter Chairman Prall and Mr. Pettey informed the agent that they had no information in addition to that which had already been furnished to him.

The investigation by the Department of Justice was suspended

early in September, after Chairman Prall had told the agent that the psychological moment for pursuing it had passed and that the investigation could be more advantageously pursued later.

Upon receiving a report on the matter from Chairman Prall on December 18, 1935, the Commission directed the Chairman to request the Department of Justice to continue the investigation. Except for a letter of December 30, 1935, reciting developments as they stood early in September, the committee has seen no report from the Department of Justice prior to that of January 25, 1936.

Each of the occupants of Room 803 has sworn that he made no such statements as those reported by Mr. Mortimer Prall and Major Kilduff; likewise each has reported that he did not hear any such statements made by anyone in the room. Mr. Butcher has sworn that never upon any occasion did he make any statement that anyone on the Commission "could be bought or controlled". All of the persons involved have declared that they have never made any statements reflecting upon the character and integrity of any member of the Commission.

The examiner who heard the Knox Broadcasting Company application has testified that no member of the Commission, or any other person, spoke to him about his recommendation or about any phase of the hearing. The committee's investigation within the Commission reveals no irregularities in the handling of either the Binghamton or the Schenectady application.

The committee is unable to state whether the alleged conversation ever took place. If the purported statements were made, they have been completely repudiated. Grave responsibility for unsupported statements attacking the integrity of a Government official lies at the door of some person involved in this matter. If the individuals responsible could be identified, they should be prosecuted as relentlessly as the maligned person should have been had the charges been substantiated. While we conclude that there is no basis for the charges made, we keenly regret that we can not fix the responsibility for them.

Respectfully submitted, Irvin Stewart, Chairman. Thad H. Brown. Paul A. Walker. Norman S. Case. George Henry Payne. List of documentary evidence considered by the committee:

- (1) Letter of December 19, 1935 to the Federal Bureau of Investigation;
- (2) Letter of December 30, 1935 from Federal Bureau of Investigation;
- (3) Letter of December 31, 1935 from Mr. Harold E. Smith to Mr. Harry Butcher;
- (4) Letter of January 2, 1936 from Mr. Cecil D. Mastin to Mr. Harry Butcher;
- (5) Transcript of telephone conversation between Mr. Harry Butcher and Mr. Alfons B. Landa;
- (6) Transcript of telephone conversation between Mr. Harry Butcher and Mr. Cecil D. Mastin;
- (7) Transcript of telephone conversation between Mr. Harry Butcher and Mr. Harold Smith;
- (8) Memorandum of telephone conversation with Mr. E. A. Tamm, January 10, 1936;
- (9) Letter of January 10, 1936 from Chairman Prall to Federal Bureau of Investigation;
- (10) Letter of January 14, 1936 to Federal Bureau of Investigation;
- (11) Letter of January 21, 1936 from Federal Bureau of Investigation;
- (12) Letter of January 25, 1936 from Federal Bureau of Investigation containing copy of report and copies of sworn statements by:
 - (a) Harry C. Butcher.
 - (b) C. M. Jansky, Jr.
 - (c) Aaron Kellert.
 - (d) Malcolm M. Kilduff.
 - (e) Alfons B. Landa.
 - (f) Horace L. Lohnes.
 - (g) Cecil D. Mastin.
 - (h) A. Mortimer Prall.
 - (i) Harold E. Smith.
- (13) Letter of January 27, 1936 to Federal Bureau of Investigation;
- (14) Letter of February 1, 1936 from Federal Bureau of Investigation inclosing copy of report and sworn statement of Mr. Maurice Jansky;
- (15) Letter of February 3, 1936 to Federal Bureau of Investigation;
- (16) Transcript of statement by Miss Mary Belle Anthony;
- (17) Transcript of statement by Mr. Tyler Berry;

- (18) Transcript of statement by Mr. John P. Bramhall;
- (19) Transcript of statement by Mr. Herbert L. Pettey, Jan. 10, 1936;
- (20) Transcript of statement by Mr. Herbert L. Pettey, Feb. 6, 1936;
- (21) Transcript of statement by Mr. P. W. Seward;
- (22) Transcript of statement by Judge E. O. Sykes;
- (23) Transcript of statement by Mr. John Wesley Weekes;
- (24) Letter of February 10, 1936 to Judge E. O. Sykes;
- (25) Letter of February 10, 1936 to Chairman Anning S. Prall;
- (26) Memorandum of conversation with Chairman Anning S. Prall, Feb. 10, 1936;
- (27) Summary of information relating to application of Knox Broadcasting Company, Inc.
- (28) Summary of information relating to application of Howitt-Wood Radio Company, Inc.
- (29) List of participants in hearing on application of Knox Broadcasting Company, Inc.
- (30) List of participants in hearing on application of Howitt-Wood Radio Company, Inc.

STATIONS USING WARNER BROS. MUSIC

In response to many inquiries there is furnished below a list of stations that have signed the Warner Brothers contract as of February 4, 1936:

KALE—Portland, Oregon; KAST—Astoria, Oregon; KBTM—Jonesboro, Arkansas; KDLR—Devils Lake, North Dakota; KDON—Del Monte, California; KDYI—Salt Lake City, Utah; KFAC—Los Angeles, California; KFBB—Great Falls, Montana; KFEL, KVOB—Denver, Colorado; KFH—Wichita, Kansas; KFIZ—Fond du Lac, Wisconsin; KFJB—Marshalltown, Iowa; KFJJ—Klamath Falls, Oregon; KFJR—Portland, Oregon; KFJZ—Fort Worth, Texas; KFNF—Shenandoah, Iowa; KFOR—Lincoln, Nebraska; KFOX—Long Beach, California; KFPL—Dublin, Texas; KFPW—Fort Smith, Arkansas; KFRO—Longview, Texas; KFSD—San Diego, California; KFVD—Los Angeles, California; KFVS—Cape Girardeau, Missouri; KFWB—Hollywood, California; KFXD—Nampa, Idaho; KFXM—San Bernardino, California; KFXX—Oklahoma City, Oklahoma; KGBX—Springfield, Missouri; KGC—Mandan, North Dakota; KGDM—Stockton, California; KGEK—Sterling, Colorado; KGFI—Corpus Christi, Texas; KGFJ—Los Angeles, California; KGFK—Moorhead, Minnesota; KGFW—Kearney, Nebraska; KGGC—San Francisco, California; KGGM—Albuquerque, New Mexico; KGHL—Billings, Montana; KGNC—Amarillo, Texas; KGVO—Missoula, Montana; KHSL—Chico, California; KIDO—Boise, Idaho; KIEM—Eureka, California; KIEV—Glendale, California; KIUI—Santa Fe, New Mexico; KIUL—Garden City, Kansas; KJBS—San Francisco, California; KLPM—Minot, North Dakota; KLS—Oakland, California; KLZ—Denver, Colorado; KMAC—San Antonio, Texas; KMBC—Kansas City, Missouri; KMLB—Monroe, Louisiana; KMPC—Beverly Hills, California; KNOW—Austin, Texas; KNX—Los Angeles, California; KOIL—Council Bluffs, Iowa; KONO—San Antonio, Texas; KORE—Eugene, Oregon; KOY—Phoenix, Arizona; KPAC—Port Arthur, Texas; KPCL—Lake Charles, Louisiana; KQW—San Jose, California; KRE—Berkeley, California; KRGV—Weslaco, Texas; KRLC—Lewiston, Idaho; KRLD—Dallas, Texas; KRLH—Midland, Texas; KRMD—Shreveport, Louisiana; KRNR—Roseburg, Oregon; KSL—Salt Lake City, Utah; KSUN—Lowell, Arizona; KUMA—Yuma, Arizona; KVOA—Tucson, Arizona; KVOB—Denver, Colorado; KVOE—Santa Ana, California; KVOO—Tulsa, Oklahoma; KWBG—Hutchinson, Kansas; KWJJ—Portland, Oregon; KWTO—Springfield, Missouri; KWYO—Sheridan, Wyoming; KXL—Portland, Oregon; KXO—El Centro, California.

WAAB—Boston, Massachusetts; WAAF—Chicago, Illinois; WAAT—Jersey City, New Jersey; WAAW—Omaha, Nebraska; WAGF—Dothan, Alabama; WAIM—Anderson, South Carolina; WAIU—Columbus, Ohio; WALR—Zanesville, Ohio; WATR—Waterbury, Connecticut; WBNX—New York, N. Y.; WBOW—Terre Haute, Indiana; WCAX—Burlington, Vermont; WCAZ—Carthage, Illinois; WCBD—Waukegan, Illinois; WCBS—Springfield, Illinois; WCLO—Janesville, Wisconsin; WCLS—Joliet, Illinois; WCMI—Ashland, Kentucky; WCOC—Meridian, Mississippi; WCOP—Boston, Massachusetts; WCPO—Cincinnati, Ohio; WDAF—Kansas City, Missouri; WDAS—Philadelphia, Pennsylvania; WDBJ—Roanoke, Virginia; WDEV—Waterbury, Vermont; WDZ—Tuscola, Illinois; WEAN—Providence, Rhode Island; WEBC—Superior, Wisconsin; WEBQ—Harrisburg, Illinois; WEED—Rocky Mount, North Carolina; WEEI—Boston, Massachusetts; WELI—New Haven, Connecticut; WELL—Battle Creek,

Michigan; WEMP—Milwaukee, Wisconsin; WEXL—Royal Oak, Michigan; WFAA—Dallas, Texas; WFAS—White Plains, New York; WFBM—Indianapolis, Indiana; WFDF—Flint, Michigan; WGBF—Evansville, Indiana; WGBI—Scranton, Pennsylvania; WGES—Chicago, Illinois; WGH—Newport News, Virginia; WGN—Chicago, Illinois; WHAT—Philadelphia, Pennsylvania; WHAZ—Troy, New York; WHB—Kansas City, Missouri; WHBC—Canton, Ohio; WHBL—Sheboygan, Wisconsin; WHBQ—Memphis, Tennessee; WHBU—Anderson, Indiana; WHDF—Calumet, Michigan; WHDH—Boston, Massachusetts; WHDL—Olean, New York; WHK—Cleveland, Ohio; WHO—Des Moines, Iowa; WIBG—Glenside, Pennsylvania; WIBM—Jackson, Michigan; WIBU—Poynette, Wisconsin; WIBW—Topeka, Kansas; WIBX—Utica, New York; WICC—Bridgeport, Connecticut; WIL—St. Louis, Missouri; WIND—Gary, Indiana; WJAC—Johnstown, Pennsylvania; WJAG—Norfolk, Nebraska; WJAY—Cleveland, Ohio; WJBC—Bloomington, Illinois; WJBK—Detroit, Michigan; WJIM—Lansing, Michigan; WJJD—Chicago, Illinois; WKBB—East Dubuque, Illinois; WKBH—La Crosse, Wisconsin; WKBZ—Muskegon, Michigan; WKEU—Griffin, Georgia; WKOK—Sunbury, Pennsylvania; WKZO—Kalamazoo, Michigan; WKY—Oklahoma City, Oklahoma; WLBC—Muncie, Indiana; WLBF—Kansas City, Kansas; WLLH—Lowell, Massachusetts; WLS—Chicago, Illinois; WLVA—Lynchburg, Virginia; WLW—Cincinnati, Ohio; WMAS—Springfield, Massachusetts; WMAZ—Macon, Georgia; WMBC—Detroit, Michigan; WMBD—Peoria, Illinois; WMBH—Joplin, Missouri; WMC—Memphis, Tennessee; WMFG—Hibbing, Minnesota; WMFR—High Point, North Carolina; WNAC—Boston, Massachusetts; WNBC—New Britain, Connecticut; WNBK—Binghamton, New York; WNBH—New Bedford, Massachusetts; WNBK—Memphis, Tennessee; WNOX—Knoxville, Tennessee; WOAI—San Antonio, Texas; WOC—Davenport, Iowa; WOOD, WASH—Grand Rapids, Michigan; WOPI—Bristol, Tennessee; WORL—Needham, Massachusetts; WORC—Worcester, Massachusetts; WOW—Omaha, Nebraska; WPAD—Paducah, Kentucky; WPAY—Portsmouth, Ohio; WQBC—Vicksburg, Mississippi; WRGA—Rome, Georgia; WRJN—Racine, Wisconsin; WROK—Rockford, Illinois; WRR—Dallas, Texas; WSAI—Cincinnati, Ohio; WSBC—Chicago, Illinois; WSFA—Montgomery, Alabama; WSM—Nashville, Tennessee; WSVA—Harrisonburg, Virginia; WSYB—Rutland, Vermont; WTAG—Worcester, Massachusetts; WTBO—Cumberland, Maryland; WTEL—Philadelphia, Pennsylvania; WTIC—Hartford, Connecticut; WTMJ—Milwaukee, Wisconsin; WTMV—East St. Louis, Illinois; WTRC—Elkhart, Indiana; WWJ—Detroit, Michigan; WWRL—Woodside, New York; WXYZ—Detroit, Michigan; W6XAI—Bakersfield, California.

DEEN TALKS ON COPYRIGHT BILL

Representative Braswell Deen of Georgia on Wednesday night talked over the red network of NBC in favor of the Duffey copyright bill as follows:

There is pending before the United States Senate for consent to ratification the International Copyright Convention, to which Convention approximately forty of the leading countries of the world are parties, including all of the English-speaking nations. The essential purpose of the Convention is to furnish protection to authors, composers and producers of literary, musical and artistic productions from infringement.

In 1931 the Convention was before the Senate for consideration. Hearings were held on the entire copyright situation by the Senate Committee on Patents in 1931 and by the Committee on Patents of the House of Representatives in 1931 and 1932.

In 1934 a sub-committee of the Senate Committee on Foreign Relations conducted hearings. At the request of the Senate Committee on Foreign Relations, the Inter-departmental Committee on Copyright, named by the Departments of State and Commerce and the Copyright Office in the Library of Congress, undertook the work of assisting and cooperating with members of Congress in the preparation of appropriate copyright legislation which was deemed necessary and essential, prior to further consideration of the International Copyright Convention by the Senate.

The Copyright Convention in revised form was again transmitted to the Senate on February 19, 1934, with the request from the President of the United States that the advice and consent of the Senate to adherence thereto on behalf of the United States should be accorded. After consideration by the Foreign Relations Committee of the Senate, the Committee reported to the Senate the Copyright Convention Treaty on April 18, 1935, and it was approved by the Senate on April 19, 1935, without

a dissenting vote, but a few days later it was placed back on the Senate Calendar to await legislation from the Senate Committee on Patents. After hearings which gave all persons who had any objections to the Bill as introduced an opportunity to be heard, and after careful consideration by the Committee, the Duffy Bill, S. 3047, was reported to the Senate by the Committee on Patents and the Bill was passed by the Senate without a roll call vote on August 7, 1935. The Senate now proposes to approve the Copyright Convention as soon as appropriate action is taken by the House of Representatives.

As a member of the Committee on Patents of the House of Representatives to which the Duffy Bill has been referred, I am advocating prompt and favorable consideration of this legislation. Doubtless the House of Representatives will wish to make a few amendments designed to improve the Bill, but in its essential features the Bill seems to fulfill the outstanding needs of copyright legislation.

Under the provisions of our existing Copyright Laws there is a minimum statutory penalty of \$250.00 for infringement, with a maximum penalty of \$5,000.00. I contend that the owner of the copyright should be justly compensated in case of infringement. This is a property right guaranteed under the Constitution, however, there is no more justification for minimum damages of \$250.00, irrespective of the loss or damage done, than there is for a minimum penalty of \$250.00 in case of a collision between two automobiles.

Because of the unfairness of this provision of existing law public sentiment has not been in sympathy with its enforcement. Federal Courts have therefore found it exceedingly difficult to enforce the provision of minimum damages. The Duffy Bill eliminates this provision and leaves it discretionary with the courts to determine the minimum amount of damage or liability in case of infringement.

The Bill provides that the Federal Courts shall award sufficient statutory damages to prevent infringement and such as may be just, proper and adequate, in view of the circumstances of the particular case.

The maximum penalty is changed from \$5,000.00 to \$20,000.00. This is deemed appropriate in view of the increased value of copyrighted works. It should be emphasized that under these provisions of the Duffy Bill larger benefits will accrue to producers, composers and authors.

One of the outstanding features of the Bill consists in what is generally referred to as the "Right of Divisibility"—that is, the copyright may be divided so that the sale of the right for one purpose does not include the right for any other purpose. Although it is possible under existing law to secure the right of divisibility by private contract, such procedure, as is required under existing law, is unsatisfactory. The proposed law specifically recognizes that an author can sell book rights to a publisher; serial rights to a magazine publisher; motion picture rights to a producer of motion pictures, dramatic rights to a dramatist, etc. This will result in larger remuneration to authors, producers and composers.

Sub-section (d) of section 1 of the Act of 1909 is amended by adding, "That the right to produce a motion picture shall include the right to exhibit it. This provision is added to prevent an author who has sold motion picture producing rights from contending that he is entitled to prevent the picture from being exhibited.

Under existing law the right of registration of unpublished manuscripts is permitted only in a very limited number of cases, for a period of 28 years, renewable for a like period of time. The Duffy Bill provides for a single term of 56 years and permits the registration of manuscripts of all kinds.

Under the present Copyright Law, a photographer may copyright a photograph which he has made of a person and the person cannot publish or permit his friends to publish his own photograph. The Duffy Bill corrects this ridiculous situation by inserting in sub-section (c) of section 62 of the Act, as amended by section 28 of the Bill, as follows: "Copyright in the photograph of a single individual shall not be had except with the written consent of the person photographed."

In order to protect their interests many producers of literary and artistic works years ago formed an organization which is appropriate and indispensable—just as are organizations among those who labor and among farmers. A large percentage of the song writers and composers of this country maintain an organization known as The American Society of Composers, Authors and Publishers to which have been confided the performing rights of their music. This organization has grown strong and powerful in its operation. The presence in the law of the inflexible pro-

vision requiring the courts to award not less than \$250.00 for each infringement, regardless of the damage done or loss sustained, is a sort of legalized subsidy to this organization in the form of a super-charge or extraordinary bargaining power, frequently resulting in high license fees and often in double license fees to those who desire, as consumers, to use copyrighted works.

Whenever a work in which it holds performing rights is broadcast, the broadcaster remunerates the copyright owners, usually by a fixed percentage of the advertising returns of the broadcast. After a broadcasting company has paid the organization for the right to broadcast copyrighted music, there should be no further charges, either to the affiliated radio stations or to the consuming public who have radios or receiving sets; however, under the provisions of our present Copyright Laws as enacted in 1909 and now stand on the statute books, every owner of a radio in the United States which is used for the least possible commercial purpose is liable for the minimum damages of \$250.00.

In other words, every drug store, dry goods store, furniture store, hardware store, grocery store, barber shop, bootblack stand, cafe, restaurant, hotel, boarding house, beer parlor, amusement and dance halls, newsstands, and any and all other commercial places of business where radios and receiving sets are maintained and through which copyrighted music is received are subject to damages of not less than \$250.00 for each infringement on a copyrighted piece of music, unless they have obtained a license from the copyright holder. The minimum penalty or damage of \$250.00 furnishes copyright owners a basis for bargaining with consumers, with the result that the charge to the consuming public is almost prohibitive.

Proprietors or managers of these places of commercial business have no way of knowing whether or not music is copyrighted. Under the provisions of existing law if they receive copyrighted music over their radios in their places of business they can be sued in the Federal Courts, and the judges of which have, under the law, no discretion in respect to the minimum damages which are fixed at \$250.00 for each infringement. If a radio in a drug store, or any other place of business, by way of illustration, receives 25 pieces of copyrighted music in one day then the minimum amount of damage would be \$6,250.00. This would be rather expensive music for one store in one day.

How can a proprietor or manager know when to cut off his radio in order not to infringe on a piece of copyrighted music? He has no way of knowing. The broadcasting companies cannot be blamed because they have already paid the copyright holder for the right to broadcast the music.

A recent and concrete illustration of what occurred in New York City on February 3rd will serve to show the seriousness of the present situation. Damages in the amount of \$670,000.00 were asked by the Remick Music Corporation in a suit filed in United States District Court against the Columbia Broadcasting Company. The Remick Music Corporation contends that the song "That Old Fashioned Mother of Mine" was broadcast over a network of 66 stations, and the song entitled "Some Sunny Day" was broadcast over a network of 68 stations. The Music Corporation is asking the maximum penalty of \$5,000 each for the 134 stations, or a total of \$670,000 for the two songs. Of course, the Remick Music Corporation has no definite way of knowing or proving what commercial places of business had their radios tuned in to receive these songs. It is therefore difficult and practically impossible for the company to single out and name individual places of commercial business and undertake to collect damages, hence the suit is filed against the Columbia Broadcasting Company, even though the broadcaster had paid or will pay for the right to broadcast the two songs.

Granting that there was infringement, the amount of damages asked for is absurd, but it impressively illustrates the essential and absolute importance of needed revision and amendment of our existing Copyright Laws. Since the broadcaster pays for the right to broadcast copyrighted music it is nothing less than pyramiding of fees to require affiliated stations and consumers by means of receiving sets in their places of business to pay for it again. This is wrong. It would be equally wrong for a manufacturer or owner of a patent on a manikin or model of the human body to undertake to collect additional fees or charges on his product from proprietors of dry goods stores, after these places of business had purchased the manikins or models on which to display their merchandise. This supercharge in the form of a license or penalty of \$250.00 will, if continued, destroy the source of consumption of musical and dramatic works.

Because of this condition, it seems clearly evident to me that the time has come when Congress should speedily and quickly enact legislation to correct this situation. I have read and studied

carefully Senate Report No. 896 from the Committee on Patents, also Senate Executive Report No. 4 from the Committee on Foreign Relations; also the Duffy Bill, Senate 3047, and after due consideration I am convinced that the Duffy Bill should be promptly and forthwith enacted into law. There is every reason why the International Copyright Convention, if agreed to by the Senate and made effective by participation on the part of the United States, will do justice to authors, composers and producers. Likewise provisions of the Duffy Copyright Bill, when enacted into law will be fair to authors, composers and producers and at the same time will be most beneficial to the consuming public.

Article 1, section 8 of the Constitution empowers Congress "To promote the progress of science and useful arts, by securing for limited times to authors and inventors and exclusive right to their respective writings and discoveries."

The Convention for the protection of industrial property comprising patents and trademarks was established and signed originally at Paris on March 20, 1883. The United States has been a party to this Convention for the protection of industrial property rights since 1887. The Convention, of course, has been revised from time to time and our patent laws have also been revised and amended accordingly. This protection provided for on behalf of the United States for the owners of patents and trademarks is highly essential and important. It is as equally important that the same protection be given producers in the literary and artistic fields.

The United States has become a great exporter of books, magazines, musical and artistic productions, and the rights of American authors, producers and composers should be safe-guarded by the Federal Government against infringement in foreign countries.

Two months of the present session of Congress will soon have passed and no action on the part of the Committee on Patents of the House of Representatives has been taken on the Duffy Copyright Bill or on any other copyright legislation. No hearings have been held by the Committee on Patents of the House of Representatives, either at this session or during the session of 1935. In my humble judgment and opinion prompt and immediate consideration should be given this matter by the committee. Meritorious legislation should never be pigeon-holed, but should be considered and enacted or defeated on its merit or lack of merit. I sincerely believe you will join me in the hope that the Duffy Bill should forthwith and promptly be considered and enacted into law. Thank you.

CONNERY TALKS ON FCC

Representative Connery of Massachusetts made another speech in the House on Monday of this week asking the Rules Committee of the House to report out his resolution providing for a thorough investigation of "radio broadcasting from top to bottom."

Mr. Connery addressed the House in connection with the report of the Federal Communications Commission committee regarding certain alleged facts which were investigated. The Commission's report will be found in another part of this issue.

Mr. Connery said in part: "Last Friday the people of the United States celebrated Valentine's Day. The Federal Communications Commission took advantage of the day to present to the American people a valentine, the like of which I hesitate to believe has ever been presented by a governmental agency to the Congress or to the American people.

"With a Commission of five of the seven members having sat for the past 6 weeks investigating alleged corruption or misconduct on the part of some of those officially connected with this governmental agency, this body, with the signatures of five of the seven members attached to the report, state that the Chairman and the secretary of the Commission were told by the son of the Chairman and an associate, one Major Kilduff, that they had overheard a conversation wherein the vice president of one of the national broadcasting companies was alleged to be able, on payment of \$25,000, to straighten out the difficulties of an applicant for favor at the hands of the Commission. Further, that the applicant was prepared to pay \$25,000 or \$50,000.

"The report further states that the secretary of the Federal Communications Commission told the committee of five of the seven members of the Federal Communications Commission that the alleged conversation which was heard, or supposed to have been heard by the son of the Chairman of the Commission and Major Kilduff, included a description of a person connected with the Commission who could be "gotten to", which description was discussed by those present, although the person was not identified, and, further, an intimation that the described person had been in the pay of some company for a number of years.

"The committee in its findings states:

The committee is unable to state whether the alleged conversation ever took place. If the purported statements were made, they have been completely repudiated. Grave responsibility for unsupported statements attacking the integrity of a Government official lies at the door of some person involved in this matter.

"Is it the belief of any Member of this House that those who made such statements or who were alleged to have discussed the possibility of bribing a public official are going to admit willingly that they entered into such a conspiracy?"

"In conclusion, many Members of the House feel that this investigation of radio is a very important matter and should be acted upon by this House. I have had letters from all over the United States protesting about conditions on the radio and conditions in the Federal Communications Commission. Many Members of this House are anxious to have these conditions cleaned up and believe that the Rules Committee ought to report to this House a resolution for a thorough investigation of radio broadcasting from top to bottom."

FEDERAL TRADE COMMISSION ACTION

Complaints

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

No. 2712. The **Marion Vault Manufacturing Co.**, 274 North Main St., **Marion, Ohio**, is named respondent in a complaint alleging unfair methods of competition in the sale of two types of metal burial vaults, one designated "The New Imperial Burial Vault," and the other, "Gold Seal Burial Vault."

In circulars distributed to undertakers, funeral directors and morticians for their use in selling the vaults, the respondent is alleged to have made representations to the effect that the New Imperial Burial Vault "will protect through the years" and is "inherently qualified to provide enduring protection," and that the Gold Seal Burial Vault is equipped with a patented double seal, represented to be "permanently secure" and "improving as time goes on."

No. 2714. Alleging unfair competition in the use of the word "distilling," a complaint has been issued against **Keystone Distilling Co.**, 1824 North Fourth St., **Harrisburg, Pa.**

The respondent sells in interstate commerce whiskies, gins, and other spirituous beverages which it purchases, rectifies, blends and bottles, according to the complaint.

By use of the word "distilling" in its corporate name and on its labels and stationery, the respondent, the complaint charges, represents to its customers and furnishes them with the means of representing to their vendees, both retailers and ultimate consumers, that it is a distiller and manufactures its products by the process of distillation, when in fact it is not a distiller, and does not own a plant where the products it sells are distilled.

No. 2715. Unfair competition in the sale of powdered and liquid ink is charged in a complaint against **Milton Tock**, trading as **Universal Ink Co.**, 1847 68th St., **Brooklyn, N. Y.**

It is alleged that the respondent, through letters, labels and circulars, represents he has been established in business since 1895, that he manufactures writing inks of the highest quality, and that his powdered ink is manufactured and distributed by Universal Ink Co., when in fact, according to the complaint, his business was established in 1934, he does not manufacture powdered ink products, and does not own or operate a factory in which powdered ink is made.

No. 2716. False and exaggerated representations in connection with the sale of "Neet," a depilatory, are alleged in a complaint issued against **Neet, Inc.**, 4316 North Kilpatrick Ave., **Chicago.**

In its advertising, the respondent is alleged to have represented that "Neet" permanently eradicates hair, discourages its growth and delays its reappearance for a substantial length of time, when, according to the complaint, these claims are untrue. The respondent also advertises that "Neet" is not caustic, and gives results unlike other methods of hair removal, whereas, the complaint charges, the product is caustic, particularly when introduced into the eye, and the results it produces are similar to those of other depilatories, and it is an ordinary hair remover.

No. 2717. Charging violation of Section 3 of the Clayton Act, a complaint has been issued against **Soft-Lite Lens Co., Inc.**, 119 West 57th St., **New York City**, engaged in the sale of a line of optical lenses distributed under the general trade name "Soft-Lite."

It is alleged that the respondent, in marketing its products, uses a sales service plan and enters into agreements, contracts and understandings with wholesalers, retailers and dealers, the effect of which practices may be to substantially lessen competition and tend to create a monopoly in favor of the respondent in the optical lens business in the United States.

According to the complaint, the respondent corporation is selling and making contracts for the sale of its products upon condition and with the agreement and understanding that the purchasers who are wholesalers, retailers and dealers shall not sell or deal in any lenses or goods of any competitor similar in tint, color, shade or type to "Soft-Lite" lenses.

No. 2718. In a complaint issued against **Economy Rubber Products Co.**, 600 Burkhardt Ave., **Dayton, Ohio**, the company is charged with making false representations in the sale and distribution of "Tiger-Grip Tire Patches."

The respondent is said to have represented in advertising matter and in radio broadcasts that, among other things, its product is "guaranteed 10,000 miles" and "saves motorists 50 per cent"; that it "insures permanent tire repairs" and "tire mileage," and that it "permanently repairs blow-outs, rim cuts, etc., by self-vulcanizing," when, according to the complaint, such assertions are untrue.

No. 2719. **Michael Whitehouse**, 800 Washington Boulevard, **Detroit**, trading as **International Tableware Co.**, and engaged in the sale of tableware and dishes, is named respondent in a complaint alleging false representations in the use of a sales promotion plan to advertise his products and increase his volume of business.

The complaint alleges that the respondent, through personal solicitation by his agents, sells to retail dealers for \$4.50 a thousand trade cards to be distributed to retailers' customers, which cards the respondent represents will be redeemed by him in tableware or dishes when returned to him by the customers. He also represents, according to the complaint, that he will refund to the retailers \$4.50 for each thousand cards returned.

Under this sales promotion plan, it is said, retailers contract to buy from the respondent, for 20 cents each, gift boxes to be distributed to their customers and purportedly containing four pieces of tableware, and a certificate entitling the customer to match the four pieces by making additional purchases of tableware from the respondent at specified special prices.

No. 2720. A complaint has been issued against **Granada Vineyards, Inc.**, 95 Harvey St., **Cambridge, Mass.**, alleging unfair competition in the sale of wines in interstate commerce.

The respondent has a plant at Cambridge where it bottles wines purchased in California, but, according to the complaint, by use of the word "Vineyards" in its corporate name, on stationery and on labels attached to bottles, it represents to customers and furnishes them with the means of representing to retailers and consumers that it owns vineyards and manufactures wine without intervention of a middleman's profit, when such are not the facts.

Stipulations

The Commission has issued the following cease and desist orders:

No. 1600. **Diamond Silver Co.**, **Lambertville, N. J.**, engaged in manufacturing and selling flatware and hollow ware for table use, agrees to desist from use in printed matter of the coined words "Diamondgold" and "Goldcraft" as descriptive of products not composed of gold, in whole or in part. The respondent also agrees to discontinue use of the word "Gold," either alone or in connection with the prefix "Diamond," or with the suffix "craft," or with any words which tend to mislead purchasers into the belief that its products are composed partly or wholly of gold, when such is not the fact.

No. 1601. **John C. Koch**, trading as **St. Louis Wilbert Vault Co.**, 3239 Alfred St., **St. Louis**, manufacturing and selling the "Wilbert Asphalt Burial Vault," agrees to discontinue use in advertising matter of the word "eternal," alone or in connection with other words tending to mislead purchasers into the belief that these products are of infinite duration, or will give permanent protection to the bodies encased therein, when such are not the facts. Under the stipulation, the respondent will cease advertising his product as "The only dual vault in the world."

No. 1602. **London House, Ltd.**, 411 Fifth Ave., **New York City**, is engaged in the sale of a soap and brush kit designated "Devon Milk Pre-Facial," by **Kent of London**." The respondent agrees to discontinue use of the words "By Kent of London," either independently or in connection with the words "Devon Milk Pre-Facial" or with its trade name "London House, Ltd.," so as to imply or have a tendency to mislead purchasers into the belief that this product is of English origin and imported into the United States

when, according to the stipulation, the package is composed of parts which, with but one exception, are manufactured in the United States and not by **Kent of London**.

No. 1603. **Samuel Hansen and Thomas Kjorsvik**, 746 South **Figueroa St.**, **Los Angeles**, trading under the firm name "**Nu-Jo-Wa Institute**," agree to discontinue false and misleading advertising in the sale of a mineral water. According to the stipulation, the product is made from city tap water, and subjected to an alleged oxidation and aging process. The respondents will discontinue representing that this product provides a satisfactory relief from conditions such as hyperacidity, indigestion, and heartburn, that it is a positive neutralizer of stomach acids, that it tends to produce sleep, that it will relieve a rundown, nervous condition, or that it has practical value in the treatment of cuts, abrasions, or skin diseases, when such assertions are untrue. The respondents also stipulate that they will cease and desist from making any representations which may have a tendency to mislead purchasers into the belief that their product has a therapeutic value or properties in excess of those which it actually possesses.

No. 1604. **Anna E. McGrew**, 1837 W. Gage Ave., **Los Angeles**, trading as **Nu-Jo-Wa Process Water Co.**, manufactures the mineral water sold by **Samuel Hansen and Thomas Kjorsvik** (Stipulation No. 1603). She entered into a stipulation, the terms of which are the same as those in the agreement signed by **Hansen and Kjorsvik**.

No. 1605. **Goldie Bros., Inc.**, trading as **Goldie Bros. Co.**, 652 Main St., **Cincinnati**, engaged in the sale of barber and beauty shop supplies, has entered into a stipulation to cease and desist from use of the words "Hair Color Restorer" as a part of a trade name for its products which do not have the property of restoring gray hair to its natural color. The respondent will also cease representing that its "Goldie Lox Hair Color Restorer" is a food or tonic to the hair, or that the product is other than a dye or stain.

No. 1606. **Table Tennis Corporation of America**, 311 **Mountain Road**, **Union City, N. J.**, engaged in manufacturing and selling nets and other equipment used in the game of ping pong or table tennis, agrees to cease and desist from labeling or otherwise branding its nets with the word "Patented," when in fact it has not obtained a patent. The respondent company also is to discontinue use of any other word of equivalent meaning tending to mislead purchasers into the belief that it has a patent on its products, when such as not the fact.

No. 1607. **Pearson Co., Inc.**, 128 North **Pennsylvania St.**, **Indianapolis**, engaged in the sale of pianos, radios and other merchandise, has agreed to discontinue representing in its advertising matter or otherwise, that it has a piano or pianos of a given type, make or description in any designated community, when in fact it has no such pianos in such communities. The respondent is said to have advertised in certain newspapers that "We have in this community a small grand piano with bench being returned to us," and that the respondent would "transfer this account to responsible party, allowing all that has been paid," at a certain price.

No. 1608. **Newell Massey**, trading as **Reliable Monument Co.** and as **Burton Gray Co.**, with office and sales room at 1618 **Madison Ave.**, **Covington, Ky.**, and a plant at 530 **Hodge St.**, **Newport, Ky.**, is engaged in the sale and distribution of granite and marble monuments. He agrees to discontinue use of the words "Highest Quality Gray Granite" and "Highest Quality," as descriptive of his granite, when such representations are untrue. Under the agreement, he will also desist from using in advertising matter the phrase "Special for 30 Days Only," and "This Marker only \$27.50," implying that the price of \$27.50 is a special price for a 30-day period, when this is not true.

No. 1609. **A. Cohen & Sons Corporation**, 584 **Broadway**, **New York City**, wholesale dealer in watches, agrees to discontinue selling watches to which are affixed tags bearing what purport to be retail selling prices, but which prices are exaggerated, fictitious, and much in excess of the prices at which the watches are sold in the ordinary course of trade.

No. 2164. **Home Drug Co.**, 18 North **Fourth St.**, **Minneapolis, Minn.**, has been ordered to cease representing that its "Prescription No. 69," or any of its proprietary articles of substantially the same composition, is an effective remedy for gall stones or for diseases caused by the presence of gall stones.

Under the order, the respondent is directed to cease representing that "Prescription No. 69" will cause gall stones to be dissolved or evacuated from the body, or will relieve or cure diseases of the gall bladder or connected ducts.

No. 2437. **Vernon and Raymond G. Seitz**, trading as **Winona Monument Co.**, 172 West 3rd St., **Winona, Minn.**, have been

ordered to cease and desist from representing that the monuments and memorials they manufacture and sell are made of "Barre" granite, until and unless these products are made of granite quarried in the Barre district of Vermont. The respondents are directed to discontinue substituting any other type of granite where Barre granite is specified in an order or contract.

No. 2504. An order to discontinue false and misleading representations in the sale of flashlight and dry cell batteries has been issued against **United States Electric Manufacturing Corporation**, 222 West 14th St., New York City.

Under the order, the respondent is directed to cease and desist from representing in circulars, on labels, in catalogues, or in other advertising literature, that its flashlight and dry cell batteries have a "Special Patented Lok-Top," or are "Patented." Also, the respondent is prohibited from using other words of similar tenor to describe these products as being "patented" or as having a "Special Patented Lok-Top."

FTC CASE CLOSED

No. 2290. The Federal Trade Commission has issued an order closing its case against **Stefano Crisafulli**, trading as **Lucca Olive Oil Co.**, 20 Leonard St., New York City, who was charged with unfair competition in the sale of olive oil and blended vegetable and salad oils.

The Commission closed the case without prejudice to its right to reopen it at any time for further investigation and action. Closing of the case was ordered because the record failed to disclose interstate sales of the respondent's products alleged to be falsely labeled, advertised, or misbranded.

FEDERAL COMMUNICATIONS COMMISSION ACTION

The regular weekly meeting of the broadcast division of the Commission was not held early this week. It will be held later in the week.

HEARING CALENDAR

Thursday, February 27

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-127:

NEW—Bellingham Publishing Co., Bellingham, Wash.—C. P., 1420 kc., 100 watts, unlimited time.

Examiner's Report No. I-139:

KDFN—Donald Lewis Hathaway, Casper, Wyo.—Modification of license, 789 kc., 500 watts, unlimited time. Present assignment: 1440 kc., 500 watts, unlimited time.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—Modification of license, 780 kc., 1 KW, 2½ KW LS, unlimited time. Present assignment: 950 kc., 1 KW, 2½ KW LS, unlimited time.

KSOO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—Modification of license, 780 kc., 1 KW, 2½ KW LS, specified hours except used by KFDY. Present assignment: 1110 kc., 2½ KW, limited time.

KXL—KXL Broadcasters, Portland, Ore.—Modification of license, 780 kc., 250 watts, specified hours. Present assignment: 1420 kc., 100 watts, 250 watts LS, shares with KBPS.

KXL—KXL Broadcasters, Portland, Ore.—Modification of license, 780 kc., 250 watts, specified hours. Present assignment: 1420 kc., 100 watts, 250 watts LS, shares with KBPS.

KEHE—Evening Herald Publishing Co., Los Angeles, Calif.—C. P., 780 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 780 kc., 500 watts, 1 KW LS, shares with KELW.

APPLICATIONS RECEIVED

First Zone

NEW—North Jersey Broadcasting Co., Inc., Paterson, N. J.—620 Construction permit for a new station to be operated on 620 kc., 250 watts, daytime. Amended to make changes in equipment.

WHDI—Olean Broadcasting Co., Inc., Olean, N. Y.—Construction 1400 permit to install new equipment, change frequency from 1260 kc. to 1400 kc., move transmitter from Exchange

National Bank Bldg., corner Union and Laurens Sts., Olean, N. Y., to town of Allegany, N. Y. Amended to make changes in equipment and increase power from 250 watts to 500 watts.

W1XER—Shepard Broadcasting Service, Inc., Quincy, Mass.—License to cover construction permit for a new general experimental station.

W1XEH—The Travelers Broadcasting Service Corp., Avon, Conn.—Modification of construction permit for 63500 kc. to replace 63000 kc.

W2XIS—Standard Cahill Co., Inc., Bronx, N. Y.—Modification of construction permit to delete frequencies 1614, 2398, 3492.5, 4797.5, 6425, 12862.5 kc., and increase power to 100 watts and make changes in equipment.

Second Zone

NEW—WBNS, Inc., Portable.—Construction permit for a new broadcast pickup station to be operated on 1646, 2090, 2190, 2830 kc., 3 watts.

NEW—WBNS, Inc., Portable.—Construction permit for a new broadcast pickup station to be operated on 1646, 2190, 2090, 2830 kc., 20 watts.

Third Zone

WQAM—Miami Broadcasting Co., Miami, Fla.—Construction permit to install new equipment.

KWKH—International Broadcasting Corp., Shreveport, La.—Authority to install automatic frequency control.

WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—970 Construction permit to change frequency from 1300 kc. to 970 kc., install new equipment. Amended to change power from 1 KW, 5 KW day, to 5 KW, and transmitter site from 600 Biscayne Blvd., Miami, Fla., to site to be determined, Miami, Fla.

NEW—Voice of Corsicana, Corsicana, Tex.—Construction permit 1200 for a new station to be operated on 1200 kc., 100 watts, unlimited time. Amended to change hours of operation from unlimited to daytime.

NEW—Charles T. Copeland, Jr., and W. H. May, Troy, Ala.—1210 Construction permit for a new station to be operated on 1210 kc., 100 watts, daytime.

WFBC—Greenville News-Piedmont Co., Greenville, S. C.—Modification of construction permit (B3-P-220) to install new equipment, move transmitter, and increase power, requesting changes in equipment.

NEW—Jack E. Brantley, Savannah, Ga.—Construction permit for 1310 a new station to be operated on 1310 kc., 100 watts, unlimited time.

NEW—Isadore Goldwasser, Tuscaloosa, Ala.—Construction permit 1370 for a new station to be operated on 1370 kc., 100 watts, unlimited time. Amended to make antenna changes and to give transmitter site as First National Bank Bldg., 5th St. and 24th Ave., Tuscaloosa, Ala.

KBIX—Oklahoma Press Publishing Co., Muskogee, Okla.—Modification of construction permit (B3-P-353) for approval of transmitter and studio sites at Barnes Bldg., corner Third and Wall Sts., Muskogee, Okla., and make changes in antenna.

NEW—J. E. Churchwell, G. O. Russell, H. O. Freeman, Jr., d/b as 1500 Panama City Broadcasting Co., Panama City, Fla.—Construction permit for a new station to be operated on 1500 kc., 100 watts, daytime.

W3XEN—Havens & Martin, Inc., Portable-Mobile.—Modification of construction permit to increase power and change equipment, power increased to 40 watts.

W5XAQ—East Texas Broadcasting Co., Portable-Mobile.—License to cover construction permit for a new general experimental station.

WIEF—Miami Broadcasting Co., Portable, Miami, Fla.—License to cover construction permit to make changes in equipment and increase power.

NEW—Pape Broadcasting Corp., Portable-Mobile.—Construction permit for a new broadcast pickup station to be operated on 2830 kc., 20 watts. Amended to include frequencies 1646, 2090 and 2190 kc.

Fourth Zone

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Authority to 550 determine operating power by direct measurement of antenna.

WEW—The St. Louis University, St. Louis, Mo.—Construction 760 permit to make changes in equipment.

WCFL—Chicago Federation of Labor, Chicago, Ill.—License to 970 cover construction permit (B4-P-701) for auxiliary transmitter.

NEW—Winona Radio Service, a partnership, Harry Dahl, Otto M. 1200 Schlabac, Maxwell H. White, Herman R. Wiecking, Winona, Minn.—Construction permit for a new station to be operated on 1200 kc., 100 watts, unlimited time.

WHBL—Press Publishing Co., Sheboygan, Wis.—Construction permit to install a new transmitter, erect a new vertical antenna, and move transmitter from 636 Center Avenue, Sheboygan, Wis., to site to be determined, near Sheboygan, Wis. Amended to make changes in antenna and give exact transmitter site as near Sheboygan, Wis.

NEW—Midway Broadcast Co., by Emmons L. Abeles, Secy., Eau 1300 Claire, Wis.—Construction permit for a new station to be operated on 1310 kc., 100 watts, unlimited time. Amended to change frequency from 1310 kc. to 1210 kc. and hours of operation from unlimited time to daytime on 100 watts.

NEW—Saint Cloud Broadcasting Co., by Emmons L. Abeles, Secy., 1310 Saint Cloud, Minn.—Construction permit for a new station to be operated on 1200 kc., 100 watts, unlimited time. Amended to change frequency from 1200 kc. to 1310 kc., power from 100 watts to 50 watts night, 100 watts day.

WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Modification of construction permit (B4-P-412) authorizing changes in equipment and increase in power, requesting further changes in equipment, move of transmitter from Elkhart Hotel, Main and East Marion Sts., Elkhart, Ind., to at junction of State Highway 19 and Mishawaka Road, Elkhart, Ind., and for approval of antenna.

NEW—Evans Broadcasting Co., Kansas City, Mo.—Construction 1370 permit for a new station to be operated on 1370 kc., 100 watts, unlimited time. Requests facilities of KWKC.

KABE—National Battery Broadcast Co., Portable-Mobile.—License to cover construction permit for a new broadcast pickup station.

W9XAA—Chicago Federation of Labor, Chicago, Ill.—License to cover construction permit to change location of station.

NEW—Mississippi Valley Broadcasting Co., Portable-Mobile.—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 5 watts.

Fifth Zone

KMJ—James McClatchy Co., Fresno, Calif.—Authority to determine operating power by direct measurement of antenna.

KGHL—Northwestern Auto Supply Co., Inc., Billings, Mont.—780 Construction permit to install new equipment, change frequency from 950 kc. to 780 kc., power from 1 KW, 2½ KW day, to 1 KW, 5 KW day, and move transmitter 70 feet from present site at same address.

NEW—Smith, Keller & Cole, a partnership composed of Ralph E. 1200 Smith, A. H. Keller and H. Wadsworth Cole, San Diego, Calif.—Construction permit for a new station to be operated on 1200 kc., 100 watts, daytime.

NEW—Wm. B. Smullin, Sacramento, Calif.—Construction permit 1310 for a new station to be operated on 1310 kc., 100 watts, 250 watts day, unlimited time. Amended to make changes in equipment.

NEW—George Harm, Fresno, Calif.—Construction permit for a 1310 new station to be operated on 1310 kc., 100 watts, unlimited time. Amended to change transmitter site from McKinley and First Sts., Fresno, Calif., to southwest corner Clinton and N. First St., Fresno, Calif.

KRKO—KRKO, Inc., Everett, Wash.—Construction permit to install new equipment, increase power from 50 watts to 100 1370 watts, 250 watts day; change time from share-KVL to unlimited time; move transmitter from 2814 Rucker Avenue, Everett, Wash., to site to be determined, Everett, Wash. Requests time used by KVL, contingent upon KVL being granted permission to change frequency. (Filed under new name.)

KRKO—Lee E. Mudgett, Everett, Wash.—Voluntary assignment 1370 of license from Lee E. Mudgett to KRKO, Inc.

NEW—Harold H. Hanseth, Fresno, Calif.—Construction permit 1410 for a new station to be operated on 1410 kc., 1 KW, unlimited time. Amended to make changes in equipment.

NEW—The News Press Publishing Co., Santa Barbara, Calif.—1450 Construction permit for a new station to be operated on 1450 kc., 500 watts, unlimited time.

NEW—Nichols & Warinner, Inc., Portable-Mobile.—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 2 watts.

NEW—Don Lee Broadcasting System, Portable, San Francisco, Calif.—Construction permit for a new general experimental station to be operated on 31600, 35600, 38600, 41000 kc., 100 watts.