

The National Association of Broadcasters

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DUFFY BILL HEARINGS COMMENCE

Broadcasters were characterized as "termites," "racketeers" and "pirates" by spokesmen for the American Society of Composers, Authors and Publishers during hearings on the Duffy copyright bill which commenced before the House Committee on Patents on Tuesday, February 25.

Appearing for the Society, Gene Buck, president, stated that his organization was opposed to removal of the \$250.00 minimum damages provision from the law and charged that the "power trust" was behind the provisions of the Duffy bill under which the two-cent royalty on phonograph records would be retained.

Mr. Buck, Nathan Burkan, attorney for the Society, and E. C. Mills, general manager, testified for the Society. Mr. Buck introduced to the committee during the hearings Charles Wakefield Cadman, Irving Berlin, George Gershwin, Mrs. Nevin, widow of the composer, Ethelbert Nevin, Billy Hill, and Rudy Vallee. Vallee was the only one of this group to testify.

Early in his testimony, Buck admitted that "copyright is a mystic maze" and argued that the composers of the nation were not receiving adequate revenue from the use of their works by broadcasters, hotels, taverns, motion picture exhibitors and other public places where music is used.

"There is not a composer or author in these United States getting 50 per cent of the income that he got before this tremendous mechanical invasion came upon us, Buck said.

Removal of the \$250.00 damages clause from the law would "legalize piracy."

"Congressmen have frequently said to me, 'If I buy that sheet of music, why can't I play it, why can't I do anything I want with it?'" said Buck. "It just so happens that that sheet of music is bought by you for private use, like a phonograph record; but the minute you take that piece of music, if there is an admission charged at the door for commercial purposes, or if you are going to sell that piece of music over again, either on a broadcasting station or in a theater or in a hotel, that is the so-called public performing right that is involved here, which these termites would like to eliminate."

Buck stated that "never in the history of the Society has a bootblack stand, a bot-dog stand, or a barber shop been approached."

In 22 years only \$8,800 was collected by the Society in court proceedings for infringement, Buck said.

During the time Buck was on the stand he gave some statistical information about the Society's licensing activities. He said his salary was \$35,000 a year. Broadcasters in 1935 paid more than \$2,500,000 to the Society; the hotels \$190,000 and the movie theaters nearly \$860,000. The total collections last year were about \$4,000,000.

He said he favored the Sirovich bill as against the Duffy bill and that the American Federation of Labor "stands with this Society because they are in the same boat."

NOTES TO SALES STAFF

The continued gain of radio advertising presages increased time sales during the spring months, especially in the regional network and national non-network fields. (See Total Broadcast Advertising, page 1234).

The marked rise during the month in national transcription volume also should be of interest, as should be the continued strong showing of both national and local live talent volume. (See Non-network Advertising by Type of Rendition, page 1235).

The downward trend in announcement volume, combined with the marked upswing in both talent and transcriptions, shows what can be done in the way of selling full radio broadcast advertising facilities (See same, page 1235).

ADVERTISING UNDER ATTACK

The American system of broadcasting came under attack while Buck was on the stand. He said that American authors and composers receive less money than they receive in England or any country in Europe where the nations do not permit advertising.

Discussing wired radio, which he said was controlled by the "power trust" and had a hand in writing the Duffy bill, Buck said:

"It is intensively interesting. It eliminates all static. It is clear reception. There is no advertising; you do not have to listen to some of this 'blah' to get some of the fine stuff that we get on the air.

"Do you believe that the members of your organization would be better off financially if the Government were to take over the broadcasting stations?" asked Congressman Dunn of Pennsylvania.

"That is a very difficult question for me to answer, Mr. Dunn," said Buck. "I do not know enough about government ownership. I could not answer that question. It takes an exhaustive study of its effects."

"I am going to persist and continue, provided that you people do not believe it is a detriment, to advocate that the Government take over broadcasting," Dunn said.

BROADCASTERS ARE BLAMED

The broadcasters were held responsible for the "false propaganda" in Congress and were said to have advocated the institution of the suit against the Society by the Department of Justice, according to Society witnesses. The broadcasters, too, were blamed for the difficulties which are troubling the Society in the State of Washington.

Broadcasters likewise were blamed for the trouble the Society has found in Wisconsin. At one time during the questioning of Burkan by Congressman O'Malley of Wisconsin, Burkan said:

"We have been having a lot of trouble in your state."

"I know, and you are going to have some more," O'Malley retorted.

WHY THE GOVERNMENT CASE SAGGED

The Government suit against the Society came in for discussion during the hearings.

"This is the reason that the Government's case sagged and broke down, because the Government discovered that instead of us being the 'racketeers' the 'racketeers' were the broadcasters," Burkan said.

Burkan then proceeded to tell of his cross-examination of Government witnesses at the adjourned trial and accused the National Broadcasting Company of "pirating" songs of non-members of the Society.

"You do not say that the Department of Justice is guilty of improper motives in bringing the suits?" O'Malley asked.

"I do not say that, but they (the broadcasters) stuck a gun up against our bellies and said, 'If you do not give us a renewal of the contract for five years, we are going to retain Newton D. Baker and Mr. Newton D. Baker is going to file a case with the Department of Justice.'"

"Is the Government to be called in for the purpose of seeing to it that we give them a better contract or a worse contract?" Burkan asked.

DEEMS TAYLOR TESTIFIES

Deems Taylor, nationally known composer, testified on behalf of the Society. He opposed the compulsory license provisions in the bill and objected to the elimination of the \$250.00 statutory damages.

"That is the rock upon which ASCAP rests," he said.

Congressman O'Malley questioned Mr. Taylor, as he had previously questioned both Buck and Burkan, about the qualifications for membership in the Society. It was brought out that usually a composer must have five songs published to be eligible for membership; that the publisher must be a "recognized" publisher; and that "recognition" means, almost in every case, that the publisher be a member of ASCAP.

DIFFERENCES IN COMMITTEE

During the tense days of the hearings, members of the House Patents Committee differed upon questions of procedure. Congressman Church of Illinois objected to the procedure under which opponents of the bill were heard first and frequently there were requests for rulings from the chair on the admissibility of documentary evidence. In each instance, however, documentary evidence offered was admitted.

SIGMUND ROMBERG TAKES STAND

Sigmund Romberg, composer, member of ASCAP Board, and president of the Songwriters Protective Association, also testified against the Duffy bill. He spoke briefly, pointing out the possible dangers to entering the International Convention at this time when works of American authors were not receiving proper protection in European countries. Mr. Romberg said his works had been excluded from Germany.

WARNER BROTHERS DISCUSSED

The split between the Society and Warner Brothers was injected into the hearings by Congressman Deen while questioning Buck.

Buck said that it was the contention of the Society that they had the right to license the works of their composer members and that they would defend NBC and CBS in the suits filed by Warner Brothers against the network companies.

"Why did Warner Brothers break away from the Society," Deen asked.

"Because they wanted more money; human greed. Yes, plain greed, g-r-e-e-d," Buck explained.

LICENSING PRACTICES SCRUTINIZED

Congressman O'Malley of Wisconsin, and Congressman Deen of Georgia, took a leading part in interrogating representatives of the Society on its methods of fixing fees.

Buck explained the factors considered by the Society in fixing license fees in the following language:

"The custom that we have in the society is to set what we call a sustaining fee, which is based on first the hours granted to them by the Government on their wave lengths. Some great stations can operate twenty-four hours a day. Some stations will have only six hours a day, and some four hours. There is a limited number of wave lengths. So when we set a fee to give this man accessibility to all our works, we take into consideration first the number of hours he has allocated to him by the United States Government; second, the location of their broadcasting station—and I will show you how important that is.

"You can have a broadcasting station of 50,000 watts broadcast in New York City tonight and you will hit twenty-two million listeners because it is a densely populated section of country.

"On the other hand, let us take Mr. Lanham's country down in Texas, the same operation, 50,000 watts, can not hit that radius of listeners. They also possibly might have to have a lot of power in that station to overcome a static condition that they may have all the year around. So we take that into consideration.

"We take in the first place that the Government has given them a free wave length or a limited wave length, and next the location of the station, and then the very important thing, the power of the station. Those are the three factors."

UNWILLING TO LET COURTS DECIDE

Spokesmen for the Society said that they needed the \$250.00 provision in the law for the purpose of protecting the composers against piracy of their works. Throughout the hearing, these spokesmen were careful to confine their remarks to the composer and only incidentally did reference to publisher members creep into their testimony.

Some members of the Committee were of the opinion that the rights of composers would be adequately protected by permitting courts to fix damages and believed courts would be fair about it. Witnesses for the Society dodged each question on this issue.

The question of using the \$250.00 damages as a bargaining basis for rights came up time and again.

"Now will you tell me what restrictions there are under the present law that would in any way curb this amount that you set as the license value? Assuming, for the sake of argument, that you were greedy, could you set any arbitrary figure without any control whatever?" asked Congressman Barry.

"If I understand your question, sir—that they must take what price we set?" said Buck.

"That is right," explained Barry, "Must they take what price you set?"

"True, true, true," replied Buck.

RUDY VALLEE SERVES WARNING

Rudy Vallee had his day on the stand on March 3. He said he opposed the Duffy bill and favored the Sirovich bill although he admitted he had read neither but depended upon a memorandum prepared by Burkan.

"I ask for the privilege of warning, more or less, the organizations that are attacking this Society, among whom are many of my friends in the radio, night club and hotel field, that are attacking the American Society, the creators of music, so vital to their welfare and organizations, that it might be called digging their own graves, throwing a boomerang that will react to our own detriment and doing themselves irreparable damage," Vallee predicted.

"I feel especially that radio, more even than the motion picture or the hotel, is going to kill the goose that lays the golden eggs, if they persist in their refusal to pay the society the money that the Society feels is due to the creators of music which furnish such a tremendous part of each radio program," he went on.

According to Vallee, composers write primarily for money.

"I do not think any man can be a bricklayer during the day and come home and write great songs at night," he opined.

"I do not see how anyone would want to write for the glory of it," he said.

Vallee said the present rates paid to ASCAP are a "joke."

"I am putting myself in jeopardy with interests that I today serve and will probably serve in the future," said the bandsman. "As most of you know, I am engaged in radio work today; in fact, it is the greater part of my work. I hope some day to be an executive in radio," he said.

Vallee said he had written about 20 songs and was one of the lowest paid members of the Society. He said he was appearing for the "little fellow."

HEARINGS ECHO IN HOUSE

On Wednesday, March 3, Chairman Sirovich addressed the House on the pending Duffy copyright bill.

He said he opposed entering the International Union because of restrictions imposed against American authors and motion picture producers by European countries.

He vigorously defended the American Society, urged defeat of the Duffy bill, and pleaded for retention of the \$250.00 minimum damage clause.

He was followed by Congressman Zioncheck of Washington, who spoke briefly in support of the Duffy bill and characterized the copyright hearings as "somewhat in the nature of a circus."

PRALL REAPPOINTED CHAIRMAN

President Roosevelt has reappointed Commissioner Anning S. Prall chairman of the Federal Communications Commission until March 11, 1937. The Communications Act provides that the chairman of the Commission shall be appointed by the President.

COUZENS ASKS REPORTS

Senator Couzens of Michigan introduced a resolution (S. Res. 240) this week calling upon the Federal Communications Commission to send full reports on its recent investigation to the Senate. The resolution which is awaiting action and was not sent to any committee is as follows:

"Whereas the Federal Communications Commission, on January 9, 1936, appointed a subcommittee from its membership to investigate what was known and described by the Commission as 'The Willard Hotel Incident'; and

"Whereas on February 14, 1936, the Commission issued a report of its findings on that investigation; and

"Whereas it would be helpful to the Committee on Interstate Commerce of the United States Senate to have all memoranda, statements, testimony, and reports made to or obtained by the Commission and by the Department of Justice for the Commission during the investigation herein referred to: Therefore be it

"Resolved, That the Federal Communications Commission shall forward to the United States Senate all of the memoranda, documents, statements, testimony, reports made to or obtained by the Commission and by the Department of Justice for the Commission in relation to and as part of that investigation."

NEW CONNECTICUT STATION RECOMMENDED

The Thames Broadcasting Corporation filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new broadcasting station at New London, Conn., to use 1500 kilocycles, 100 watts power, and daytime operation.

Examiner Ralph L. Walker, in Report No. I-202, recommends that the application be granted. He found that the applicant is in all ways qualified to construct and operate the proposed station, that there is need for daytime broadcast service in the area to be served, and that the operation of the proposed station will not adversely affect the interests of any existing station by reason of interference.

TEL. & TEL. ACCEPTS DECISION

The American Telephone & Telegraph Company has notified the Federal Communications Commission that it has accepted its decision of February 26 in connection with the proposed construction of the coaxial cable between New York and Philadelphia for experimental television work.

In its decision the Commission found that it had jurisdiction over the construction of the cable and that it is in the public interest that it be constructed. A number of restrictions were put on its construction, including a clause that there shall be no discrimination between television experimenters who wish to make use of the cable as agreed to by the telephone company.

NEWSPAPER STATISTICS AVAILABLE

Copies of Section D, Volume IV, of "Market and Newspaper Statistics," and of "Totals of Cities," are available at \$2.00 each for the former and \$1.00 each for the latter by the American Association of Advertising Agencies.

Cities included in Section D are:

Freeport-Lynbrook (New York)	New Orleans
Gary	Staten Island (New York)
Hartford	Paterson
Long Beach	Salt Lake City
Lowell	San Antonio
Lynn	Scranton
New Haven	Utica

NEW FLORIDA STATION RECOMMENDED

The Fountain of Youth Properties, Inc., has filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new broadcasting station at St. Augustine, Florida, to use 1210 kilocycles, 100 watts power, and unlimited time on the air.

Examiner R. H. Hyde, in Report No. I-203, has recommended that the application be granted. "It is concluded from the evidence," says the Examiner, "showing a lack of broadcast facilities in the applicant's area, either of transmission or dependable reception, and the showing of interest on the part of the public, that there is a need for the station the applicant proposes to construct."

SECURITIES ACT REGISTRATIONS

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

Campbell Transportation Company, Pittsburgh, Pa. (2-1910, Form A-2)
Stuart Court Property Corp., New York City. (2-1911, Form E-1)
Voting Trust for same, New York City. (2-1912, Form F-1)
Citizens Independent Telephone Co., Terre Haute, Ind. (2-1913, Form A-2)
Indiana Associated Telephone Corp., Lafayette, Ind. (2-1914, Form A-2)
Properties & Construction Co., New York City. (2-1915, Form A-1)
Silvercote Products, Inc., Chicago, Ill. (2-1917, Form A-1)
Hepburn & McTavish, Inc., Los Angeles, Calif. (2-1918, Form A-1)
H. R. Holtzman Corp., Detroit, Mich. (2-1919, Form A-1)
Lincoln Service Corp., Washington, D. C. (2-1920, Form A-2)
Bondholders Committee for Madison Ave. Offices, Inc., New York City. (2-1922, Form D-1)
Arthur Fels Bond & Mortgage Co., Kansas City, Mo. (2-1923, Form D-1)
I. F. Steinmeyer, St. Louis, Mo. (2-1924, Form E-1)
National Fund, Inc., Jersey City, N. J. (2-1926, Form C-1)
Comstock Cedar Hill Gold Mines, Inc., Reno, Nev. (2-1927, Form A-1)
Bondholders Committee for First Baptist Church, New Orleans, La. (2-1928, Form D-1)
Coastland Oil Corporation, Houston, Tex. (2-1931, Form A-1)
Parker-Wolverine Company, Detroit, Mich. (2-1933, Form A-1)
Prudential Investing Corporation, Detroit, Mich. (2-1934, Form A-1)
General Houses, Inc., Chicago, Ill. (2-1935, Form A-1)
Time Controlled Indicators, Inc., Wilmington, Del. (2-1936, Form A-1)
Rochester Distilling Company, Inc., Rochester, N. Y. (2-1940, Form A-1)

LOTTERIES DISCUSSED IN EXAMINER'S REPORT

Of considerable significance is the Report of FCC Examiner George H. Hill (Examiner's Report I-197) relating to the application for renewal of license of Station WRBL, Columbus, Georgia.

This report contains a discussion of lotteries and gift enterprises, and in it the Examiner reaches the conclusion that certain programs broadcast constitute violations of Section 316 of the Communications Act of 1934. While the report is not final and although the Examiner's findings are subject to review by the Commission, it is nevertheless significant of a trend in the regulation programs which no broadcaster can afford to overlook.

The report is printed here in full:

The application of WRBL Radio Station, Inc., for renewal of license was designated for hearing because of the filing of an application by David Parmer for a construction permit requesting the facilities of Station WRBL. These applications were heard before an Examiner on June 28, 1935.

During the hearing the applicant, David Parmer, entered a motion to withdraw his application for a construction permit and the Examiner, on August 24, 1935, made his report (No. I-95) recommending that the motion for withdrawal of the application for a construction permit be granted, and that the application of WRBL Radio Station, Inc., for renewal of license also be granted.

Thereafter complaints were filed with the Commission concerning certain programs broadcast over Station WRBL by Muscogee Chevrolet Company, Burrus Motor Company, Better Housing Exposition, Police Benefit Wrestling Matches, and Woodcrest Hardware Company. The Commission reopened the case and directed that a hearing be held at Columbus, Georgia, to determine the following issues:

(1) To determine the nature and character of the program service rendered by Station WRBL;

(2) To determine whether or not Station WRBL has operated in violation of Section 316 of the Communications Act of 1934;

(3) To determine whether the granting of this application would serve the public interest, convenience and necessity.

The Facts

Station WRBL is licensed to operate at Columbus, Georgia, on the 1200 kilocycle frequency with power of 100 watts, unlimited time. The station is owned and operated by WRBL Radio Station, Inc., and prior to July 7, 1935, the stock of the licensee corporation was owned by J. W. Woodruff, Sr., and David Parmer, each owning fifty per cent of the stock. Mr. Woodruff was President and Mr. Parmer Vice-President of the corporation. Mr. Parmer was also Director and Program Manager of the station.

It was shown that serious dissension arose between Mr. Woodruff and Mr. Parmer prior to July 7, 1935, with the result that proper supervision of the programs broadcast over Station WRBL was not exercised. Mr. Roy Luttrell now owns the stock formerly owned by Mr. Parmer. Mr. Parmer has not been connected with the station in any capacity since July 7, 1935. WRBL is the only radio broadcast station located at Columbus, Georgia, and is the only station rendering consistent service of a local nature to the Columbus area.

A number of officials of local governmental, civic, religious, cultural and labor organizations testified that the station is rendering a meritorious service and filling a real need in the community. An improvement in the programs broadcast over Station WRBL has been noted since the first hearing. More live talent has been employed than formerly, more time is devoted to religious, educational and civic programs, and recordings have been curtailed. The facilities of the station are made available to all worth-while civic and patriotic activities without cost.

A considerable portion of the evidence relates to broadcasts made over Station WRBL by the Muscogee Chevrolet Company, Burrus Motor Company, Better Housing Exposition and Police Benefit Wrestling Matches. The following are excerpts from these broadcasts:

MUSCOGEE CHEVROLET COMPANY

May 16, 1935.

"Would you like to win an automobile free without having to buy anything or be obligated in any way?

"The Muscogee Chevrolet Company, 1501 First Avenue will give away free one nice 1929 automobile to the one guessing the nearest correct speedometer reading on this car that is on display in their used car lot adjoining the Chevrolet Building.

"This car will be given to the lucky person Saturday noon, June 8, 1935. Go down and join this guessing contest.

"Guessing will stop Friday, 6 p. m., June 7, 1935."

BURRUS MOTOR COMPANY

May, 1935.

"A used car absolutely free! That is exactly right! On the first day of June, 1935, at exactly 3:30 p. m., the Burrus Motor Company, 1238 First Avenue, is going to give away a splendid used car absolutely free. It may be a \$200 used car or truck or it may be a \$500 used car or truck, it all depends on how lucky you are.

"Now here's the proposition, every purchaser of a used car from Burrus during the month of May will be given a chance to draw this used car. If you are the lucky one, you will win the used car you have bought from the Burrus Motor Company.

"Say for instance, you have bought a \$400 or \$500 used car from Burrus, or whatever price you have bought, and the number of your ticket is drawn, you will be refunded every penny you have paid for the car you purchased. If you have paid cash for the car, you will be refunded the cash, or if you have traded in a used car as down payment, and made notes for the difference, you will be given cash for the amount your used car was traded in for, and your notes given back to you. In short, you will keep the car you purchased and will be returned everything you have paid for it.

"This is the most gigantic offer ever made on the part of the Burrus Motor Company. You will have a chance out of about 75 or 100 to win your car free, or one chance out of the number of used cars sold by Burrus during the month of May, as there will be only one chance given to each purchaser of a used car during this month.

"The radio special under the canopy at the Burrus used car department for today is ——. Take a look at the stock of used cars at Burrus—1238 First Avenue. Reconditioned and guaranteed!"

THE CHANCELLOR COMPANY

June 16, 1935.

"The Chancellor Company offers a sensational gift absolutely free! Here is your big opportunity to win a \$225 miniature racing car. Contest starts tomorrow, June 17, 1935, and ends Saturday night, August 31, 1935. This contest is open to boys and girls in Columbus, Fort Benning and nearby towns, between the ages of nine and ninety-nine.

"Contest starts tomorrow, June 17th, and ends Saturday night, August 31st.

"Everyone entering has an equal chance. Here's how it works.

"For every dollar spent for cash or every dollar paid on account during the months of June, July and August you will be given a free ticket which will entitle you to the drawing Saturday night, August 31st, 7:30 p. m.

"One ticket will win the car, but the more tickets you have the better opportunity you have to win the car.

"Save every ticket on all cash purchases made or any money paid on accounts between now and August 31st, and ride in a fine Automobile FREE.

"Be sure and call by and see this wonderful racing car on display in front of Chancellor Company. It has a real motor; is air cooled; gives sixty miles per gallon; has air balloon tires; and runs eighteen miles per hour.

"Try your luck and win a very valuable prize or gift."

BETTER HOUSING EXPOSITION

March 25, 1935.

"Ladies and Gentlemen—We now offer one of the most sensational, interesting and important features to be broadcast from the Federal Better Housing Exposition. We are going to interrupt the musical program for a few minutes in order to present several gifts of baskets of groceries. These baskets are furnished by King Grocery Company, with twelve stores in Columbus, together with the cooperation of many firms whose products are in the baskets.

"King Grocery Company is a consistent user of WRBL Radio service and has a most attractive and informative booth here at the Exposition, which is well worth your seeing.

"Before shaking the box and drawing the first lucky number, let me explain how you win these baskets of groceries: Every one holding a paid admission ticket is entitled to one free number after entering the building. You drop the stub bearing a duplicate number in the box and hold the duplicate until the numbers are drawn. There will be many baskets given each night and several numbers will be drawn and baskets given during this broadcast period each night.

"I now have the big thrill! LISTEN! We shake the box and draw the number, yes, sir and yes, maam! It is the lucky number ——. Will the winner please step forward and receive his gift of a large basket of groceries."

POLICE BENEFIT WRESTLING MATCHES

August 23, 1935.

(By Ralph Rogers): "And here is the drawing for the sixty hucks, and here is Jess, and he will tell you about it."

(By Jess Swicegood): "Here is the drawing, ladies and gentlemen. They are bringing the bread box up in the ring with Jimmy Calloway and the second gentleman, I don't know who he is. This gentleman is Mr. Glenn of the Nehi Bottling Plant. Mr. Glenn has one of the books, and his colleague has the other. You know each number carries a name in the hooks. They are drawing out a number now. I registered myself tonight. My number is 78. I believe Ralph's is 127. And they have drawn a number. What is that name? C. B. Bray, 833 First Avenue. He has got something to bray about all right. I could bray if I was him. And he isn't here. He doesn't answer and he doesn't win. Be sure to be down here Tuesday night. There will be seventy dollars in the jackpot. You don't have to buy a ticket in order to register and get your name in the pot. You can register around town any place almost. All that is necessary for you to do is to have your name in the hook and be in hearing distance. You don't have to be a paid admission in order to win, but if

you are on the outside of the gate and hear your name called you can come in and take the money away. And here is the announcement concerning the opponents for the next match."

WOODCREST HARDWARE COMPANY

June 20 and 22, 1935.

"Woodcrest is on the air . . . As the music begins we hear Ted Weems and his music in the recording —. How good a guesser are you? If you want to try your luck at guessing and also have a chance at winning a real prize that would cost you thirty-five dollars if you tried to buy it, listen for the big announcement at the end of this program.

"But now let's listen to the recording by Ted Weems and his orchestra as they play —.

"How is that lawn or garden of yours coming along? Are you giving it the care you should? Are the weeds or grass growing as well as the flowers, or is the garden clean and fresh? Couldn't you do a much better job if you had all the necessary tools? Well at the prices these tools and garden equipment is being sold at Woodcrest Hardware there is no reason why you shouldn't have everything that is necessary for the perfect garden. You owe it to yourself to go by Woodcrest Hardware at 1242 Broadway and see all these garden supplies and get their prices. Now for Ted Weems and his orchestra in the recording —.

"As the program of Woodcrest Hardware continues we want to remind you that regardless of your hardware needs they can be filled at Woodcrest Hardware at 1242 Broadway and you will be surprised at the very low prices on all their merchandise. Every article is of the highest grade and is made by the leading manufacturers.

"And now as we listen to Ted Weems in the recording — get ready for the big news which we will give you immediately after this number.

"And now for that announcement you have been waiting for—Woodcrest Hardware has just started the biggest guessing game in the history of Columbus—and here are the details: Go by Woodcrest Hardware at 1242 Broadway and look at the pile of pocket knives in the show window. Then go just inside the door and on a table you will see a box and guessing blanks. All you have to do is put your name and address on the card along with your guess as to how many knives are in the window and drop the card in the box. Isn't it simple? No obligation whatsoever! In the event your guess is the nearest to the correct number you will be given your choice as to the prize. You may have your choice of a seventeen-jewel Elgin, thirty-five dollar men's pocket watch or a twenty-six piece set of silverware with a value of thirty-five dollars. How is that for real prizes? Listen again! A thirty-five dollar Elgin pocket watch or a thirty-five dollar set of silverware! And remember there is no obligation whatsoever on your part. All you have to do is go by the Woodcrest Hardware at 1242 Broadway and guess the nearest number to the correct number of pocket knives in their window.

"The contest will close Saturday, July 20th, at 5 o'clock and the prizes will be awarded to the lucky person at 6 o'clock.

"Be sure and listen again Saturday evening at this same time for more news about the big guessing game. Until then Woodcrest Hardware leaves you with this thought—Make your hardware troubles Woodcrest problems."

June 22, 1935.

"Woodcrest is on the air. Ted Weems and his orchestra open the program with the recording —.

"Did you hear the sensational announcement made on this program last Thursday evening concerning the big guessing contest now being conducted by Woodcrest Hardware at 1242 Broadway? If you did, you want to be sure and go by and make your guess. If you did not hear the announcement, be sure and listen for it at the end of this program.

"We continue the musical part of the program now as Ted Weems and his orchestra are heard in the recording —.

"Are you in need of tools, hardware, jewelry or cooking utensils? If you are, there is no need for you to do without them any longer as you can get all these things at a very low cost at the Woodcrest Hardware at prices that are unbelievably low, and it is all the best merchandise that money can buy. Why not go by and see for yourself?

"Now the recording by Ted Weems' orchestra titled —.

"And now for the big announcement about the guessing game! Here are the details." (This was followed by same announcement used on June 20, 1935.)

All of the foregoing programs were broadcast while the former

management was in control of the station, with the exception of the Police Benefit Wrestling Matches and this program was accepted on the assurance of the Columbus Police authorities that the plan was legal and also on the opinion and with the approval of counsel. However, these broadcasts were promptly discontinued as soon as they were challenged and no program containing a suggestion of the award of prizes has since been accepted by the station. It is the policy of the present management to refuse to broadcast any programs of a doubtful nature. It is conceded by the applicant that the programs broadcast by the Burrus Motor Company, the Chancellor Company and the Better Housing Exposition involve a violation of the lottery laws, but it is contended that the programs of the Muscogee Chevrolet Company and the Police Benefit Wrestling Matches were legal.

By the weight of the authority of Federal and State Courts of last resort and text writers, three elements must be present to constitute a lottery, to wit, consideration, chance, and prize. From a careful consideration of the continuity of the Muscogee Chevrolet Company and the Police Benefit Wrestling Matches, it is doubtful whether such programs involved a violation of Section 316 of the Communications Act of 1934. Lotteries and gift enterprises are defined in the following citations which appear to be supported by the weight of authority:

"The three essential elements of a lottery are: First consideration; second, prize; and third, chance. To make a lottery, these three elements or ingredients must be present; chance alone will not do so, nor will chance even when coupled with consideration alone." 17 R. C. L. p. 1222.

"In conformity with the definitions already stated, it is obvious, as has been repeatedly stated, that the three necessary elements of a lottery are the offering of a prize, the awarding of the prize by chance, and the giving of a consideration for an opportunity to win a prize." 38 C. J. p. 289.

"A lottery is any scheme for the disposal or distribution of property by chance among persons who have paid, or promised or agreed to pay, any valuable consideration for the chance of obtaining such property, or a portion of it, or for any share of or interest in such property, upon any agreement, understanding, or expectation that it is to be distributed or disposed of by lot or chance, whether called a 'lottery,' a 'raffle,' or a 'gift enterprise,' or by whatever name the same may be known." Black's Law Dictionary, 3rd Ed., p. 1134.

"A lottery is a scheme by which, on one's paying money or some other thing of value, he obtains the contingent right to have something of greater value, if an appeal to chance, by lot or otherwise under the direction of the manager of the scheme, should decide in his favor." Bouvier's Law Dictionary, Vol. 2, p. 281.

"In order to constitute a lottery, there must be a consideration, chance and prize. That is to say, a person must pay something for the opportunity to try for a prize by chance or lottery." U. S. v. Purvis, 195 Fed. 618.

"To be like a lottery there must be something staked, a larger possible winning, and the winning or losing must depend on lot or chance and not on skill or judgment." Boasberg v. U. S., 60 Fed. (2d) 185.

"A 'gift enterprise,' in a broad sense, may be defined as a scheme under which presents are given to purchasers of goods as an inducement to buy, although in the sense in which the term is commonly applied it is a scheme under which goods are sold for their market value but by way of inducement each purchaser is given a chance to win a present or prize." 38 C. J. 296.

"A gift enterprise, moreover, has been defined as 'a scheme for the division or distribution of certain articles of property, to be determined by chance, among those who have taken share in the scheme; and as a sporting artifice by which, for example, a merchant or tradesman sells his wares for their market value, but by way of inducement gives to each purchaser a ticket which entitles him to a chance to win certain prizes, to be determined after the manner of a lottery.'" 17 R. C. L. 1211; citing Matter of Gregory, 219 U. S. 210 and Russell v. Equitable Loan, etc., 129 Ga. 154.

"A gift enterprise is usually considered in the books as a species of lottery, and a lottery, according to a recognized authority, has these three essential elements: consideration, prize, and chance." Corporate Organization & Audit Co. v. Hodges, 47 A. pp. D. C. 460; L. R. A. 1918 E, 491.

"Scheme by the Chamber of Commerce and certain merchants, whereby merchants purchased tickets from the Chamber of Commerce, which they gave to their customers entitling them to a chance or prize offered by the Chamber of Commerce, held not to constitute a lottery or gambling device * * * in that it lacked one essential element, in that customers paid nothing for

tickets and stood no chance to lose, since, in order to constitute gambling, winner must either pay consideration for a chance to win, or without paying anything in advance, stand chance to lose or win." *R. J. Williams Furniture Company v. McComb Chamber of Commerce*, 147 Miss. 649; 57 A. L. R. 421.

Conclusions

1. The programs broadcast over Station WRBL by Burrus Motor Company, the Chancellor Company and other programs of a like nature did not serve public interest, convenience or necessity and involved a violation of Section 316 of the Communications Act of 1934. However, other programs broadcast over the station were generally meritorious and served public interest, convenience and necessity.

2. The applicant has assured the Commission that programs involving lottery or gift enterprises 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.

3. The entire record considered, the Examiner is of the opinion that the granting of the application of WRBL Radio Station, Inc., for renewal of license would serve public interest, convenience and necessity.

Recommendations

It is accordingly recommended that the application of WRBL Radio Station, Inc., for renewal of license be granted.

George H. Hill,
Examiner.

BROADCAST ADVERTISING IN JANUARY

Developments of the Month

Total broadcast advertising volume in January amounted to \$8,035,160. The usual seasonal declines occurred during the month, gross time sales decreasing 7.5% as compared to December. National network volume declined slightly more than the usual seasonal amount as did local broadcast advertising. National non-network business, on the other hand, showed less than seasonal declines.

Broadcast advertising volume during the month exceeded that of January 1935 by 8.7%. The heaviest increases continued to be in the regional network and national non-network fields. National network volume was approximately the same as during the corresponding month of last year.

Local station advertising continued its growth of recent months. Volume over local stations was the only portion of the non-network field to increase as compared to December. January local station advertising was 23.1% greater than during the corresponding month of 1935. Declines in non-network advertising were general throughout all portions of the country. Non-network volume in the South and the North Central States experienced the greatest gain as against last year.

National non-network transcription volume was the only portion of the rendition field to gain as compared to December, and also showed the greatest increase over last January. Compared to January of the previous year, announcement volume was down in both the national non-network and local fields.

In the national network field, gasoline and accessory, beverage and miscellaneous advertising showed the greatest gains as compared to the corresponding month of 1935. Trends as a whole were spotty. Increases were prevalent throughout most of the regional network field, with drug, cosmetic, and confectionery advertising taking the lead. Gains also were general in national non-network advertising, the most important increases taking place in beverage, confectionery, soap and kitchen supply and tobacco advertising. The only declines of importance were with regard to gasoline and accessories, and financial sponsorship.

Gains were well distributed throughout the local broadcast advertising field, though most of them were minor ones. Automotive, gasoline and accessories, clothing and household equipment advertising showed the greatest increases as compared to January 1935. Retail broadcast advertising declined 29.4% as compared to December and showed a gain of 5.1% as against January of the preceding year.

Total Broadcast Advertising

Total broadcast advertising over stations and networks during the month under review is set forth in Table I.

TABLE I
TOTAL BROADCAST ADVERTISING

Class of Business	Gross Time Sales	
	Dec., 1935	Jan., 1936
National networks	\$4,944,445	\$4,740,560
Regional networks	127,174	95,340
National non-network	1,707,140	1,626,500
Local	1,907,600	1,572,760
Total	\$8,686,359	\$8,035,160

Gross time sales of the medium declined 7.5% as compared to December. National network volume decreased 4.1%; national non-network advertising dropped 4.7% and regional network volume decreased 25.1%. Local broadcast advertising declined 21.3% as compared to the December level.

National network volume and local broadcast advertising declined slightly more than the usual seasonal amount, while the drop in the national non-network field was slightly less than normal for January.

Compared to January of the preceding year, total broadcast advertising volume rose 8.7%. Gains throughout the medium were as follows: National networks, 0.6%; regional networks, 64.5%; national non-network advertising, 32.3%; local broadcast advertising, 13.1%. The gains in the regional network and national non-network fields were continuations of the trends which have been noticeable for the past year.

Comparison with Other Media

Advertising volume placed in major media during January is found in Table II.

TABLE II
ADVERTISING BY MAJOR MEDIA

Advertising Medium	Gross Time and Space Sales	
	Dec., 1935	Jan., 1936
Radio broadcasting	\$8,686,359	\$8,035,160
National magazines ¹	9,681,025	8,256,125
National farm papers	452,976	421,999
Newspapers ²	49,170,000	39,280,000
Total	\$67,990,360	\$55,993,284

¹ Publishers' Information Bureau.

² Estimated.

National magazine volume declined 17.1% as compared to December and was 9.3% below the January 1935 level. National magazines have been making a comparatively poor showing as against preceding periods for some time.

National farm paper advertising decreased 7.3% as compared to the previous month but exceeded the January 1935 level by 37.4%. This was the greatest gain experienced by any medium during the month under review.

Newspaper advertising decreased 20.2% as against December but remained 7.6% above last January. Automotive advertising was 39.5% below January 1935. Total display advertising, on the other hand, gained 5.6%, while department store volume rose 5.1%. Newspaper retail advertising rose 6.9%, while general advertising increased 18.0%.

Non-network Advertising

General non-network advertising declined 11.4% as compared to December and showed a gain of 22.2% as against the corresponding month of last year. Local stations continued to show the most pronounced relative growth of non-network volume. Local station volume in January alone exceeded that of the preceding month, rising 0.9% as against December. Volume for this class of transmitter was 39.1% greater than during the preceding January.

Clear channel and high-powered regional station volume declined 11.5% during the month, while regional station advertising dropped 15.5%. Clear channel and regional non-network business during January exceeded that of the corresponding month of the previous year by 23.8%, while regional station non-network volume rose 18.4%.

Greatest advertising by power of station is found in Table III.

TABLE III
NON-NETWORK ADVERTISING BY POWER OF STATION

<i>Power of Station</i>	<i>Gross Time Sales</i>	
	<i>Dec., 1935</i>	<i>Jan., 1936</i>
Over 1,000 watts	\$1,683,850	\$1,489,900
250-1,000 watts	1,446,490	1,221,120
100 watts	484,400	488,240
Total	\$3,614,740	\$3,199,260

Declines in non-network volume as compared to December were general throughout the country with the exception of the Mountain and Pacific Coast region, where non-network advertising dropped 16.5%. The average decrease was approximately 10%.

Compared to the preceding January, non-network advertising experienced its principal gains in the North Central and in the South Atlantic-South Central States. Non-network volume rose 57.5% in the former area and 36.8% in the latter. There was a decline of 1.0% in the New England-Middle Atlantic area and an increase of 1.6% in the Pacific and Mountain States. Non-network advertising by geographical areas is set forth in Table IV.

TABLE IV
NON-NETWORK BROADCAST ADVERTISING BY GEOGRAPHICAL DISTRICTS

<i>Geographical District</i>	<i>Gross Time Sales</i>	
	<i>Dec., 1935</i>	<i>Jan., 1936</i>
New England-Middle Atlantic Area..	\$765,000	\$686,350
South Atlantic-South Central Area...	715,530	631,410
North Central Area.....	1,420,650	1,286,400
Pacific and Mountain Area.....	713,560	595,100
Total	\$3,614,740	\$3,199,260

Non-network Volume by Type of Rendition

Electrical transcription volume was the only portion of the national non-network field to experience an increase as compared to the preceding month. National transcription volume rose 13.0%. National live talent business declined 17.4% as compared to December, while announcement volume decreased 2.2%.

National transcription advertising showed the greatest gains as against the previous January, rising 71.8%. National live talent volume increased 22.5% as against the corresponding month of last year, while announcement volume declined 4.8%. Trends in national non-network rendition continued to be the same as in recent months with the exception of the pronounced rise in electrical transcription volume, which is comparatively new.

Declines as compared to December were general in the local broadcast advertising field and were as follows: Electrical transcriptions, 31.3%; live talent, 10.1%; records, 17.2%; announcements, 22.3%. The marked decline in local transcription sponsorship seems to indicate that it has been the middle-sized retail establishment which for the most part has sponsored transcription library programs during recent months; since it is this type of retail organization which makes the most pronounced curtailment in its advertising following the Christmas period.

Local transcription and live talent advertising showed approximately the same increase over January of last year, the former rising 22.8% and the latter 23.4%. Record sponsorship increased 20.1%, while announcement volume declined 5.5%.

Transcription volume in the non-network field as a whole, national and local combined, rose 1.1% as against the preceding month and 61.0% as against the previous January. Live talent volume declined 13.1% during the month and gained 22.3% as compared to the corresponding period of 1935. Announcement volume decreased 20.5% as against December and was 4.4% below January of last year.

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

TABLE V
NON-NETWORK BROADCAST ADVERTISING BY TYPE OF RENDITION

<i>Type of Rendition</i>	<i>National Non-network</i>		<i>Gross Time Sales</i>		<i>Local</i>		<i>Total</i>	
	<i>Dec., 1935</i>	<i>Jan., 1936</i>	<i>Dec., 1935</i>	<i>Jan., 1936</i>	<i>Dec., 1935</i>	<i>Jan., 1936</i>	<i>Dec., 1935</i>	<i>Jan., 1936</i>
Electrical transcriptions	\$574,550	\$649,280	\$206,080	\$140,180	\$780,630	\$789,460		
Live talent programs	877,520	732,970	995,380	894,000	1,872,900	1,626,970		
Records	10,130	4,720	75,640	52,470	85,770	57,190		
Announcements	244,940	239,530	630,500	486,110	875,440	725,640		
Total	\$1,707,140	\$1,626,500	\$1,907,600	\$1,572,760	\$3,614,740	\$3,199,260		

Sponsor Trends in January

Declines were general throughout the national network field as compared to the preceding month. The heaviest declines occurred in clothing, which dropped 24.9%; financial advertising which decreased 23.0%; and radio set advertising which dropped 16.8%. Two gains were listed, confectionery advertising, which rose 3.6% and household equipment volume which increased 12.0%.

Declines were fairly general throughout the entire regional network field. Two gains of importance are to be noted, the first of these was a four-fold increase in drug and pharmaceutical advertising and a 28.8% rise in household equipment volume.

The principal gain of importance during the month in the national non-network field was a 38.4% increase in automotive volume. Household equipment advertising rose 15.0%, while minor increases occurred in the financial and kitchen supply fields. The heaviest decreases of the month occurred in the radio set, tobacco and beverage fields.

Declines were also general in local broadcast advertising, the most important ones occurring in the clothing, cosmetic, household equipment and miscellaneous fields. Marked gains occurred in local drug and pharmaceutical advertising and in confectionery volume.

Comparison with January 1935

Compared to January of the preceding year, national network

advertising exhibited conflicting trends. Principal gains were as follows: Gasoline and accessories, 44.6%; beverages, 19.7%; household equipment, 148.7%; and miscellaneous, 107.0%. Drug advertising continued its decline of recent months and was 18.2% below the level of last January.

Principal gains in the regional network field were as follows: Drugs and pharmaceuticals, 120.6%; cosmetics, 300%; household equipment, 46.8%. Confectionery advertising over regional networks rose from \$250 in January 1935 to \$6,778 during the corresponding month of the current year.

The principal gain in the national non-network field was a 200.0% rise in automotive advertising. A similar gain was recorded in the radio set field. Other important gains in national non-network volume were as follows: Drugs and pharmaceuticals, 29.0%; food stuffs, 59.2%; beverages, 28.1%; confectionery, 33.5%; soaps and kitchen supplies, 39.6% and tobacco, 44.9%. The principal decline of importance was a 16.6% drop in gasoline and accessories volume.

Principal increases in the local broadcast advertising field were as follows: Clothing, 28.0%; food stuffs, 22.2%; beverages, 42.0%; confectionery, 158.2%. There were no declines of major importance.

Broadcast advertising during January by major product and service groups is found in Table VI.

TABLE VI
RADIO BROADCAST ADVERTISING BY TYPE OF SPONSORING BUSINESS
(January 1936)

<i>Type of Sponsoring Business</i>	<i>Gross Time Sales</i>				
	<i>National Networks</i>	<i>Regional Networks</i>	<i>National Non-network</i>	<i>Local</i>	<i>Total</i>
1a. Amusements	—	—	\$8,570	\$30,130	\$38,700
1-2. Automobiles and accessories:					
(1) Automobiles	\$338,406	—	216,040	72,880	627,326
(2) Accessories, gas and oil	415,364	\$11,886	87,740	70,920	585,910
3. Clothing and apparel	28,781	884	33,810	224,160	287,635
4-5. Drugs and toilet goods:					
(4) Drugs and pharmaceuticals	507,927	13,876	443,700	89,600	1,055,103
(5) Toilet goods	938,413	4,060	70,430	23,020	1,035,923
6-8. Food products:					
(6) Foodstuffs	909,743	28,847	333,160	214,250	1,486,000
(7) Beverages	357,873	4,906	43,320	89,380	495,479
(8) Confections	126,085	6,778	36,200	17,500	186,563
9-10. Household goods:					
(9) Household equipment and furnishings	38,460	7,195	48,940	130,250	224,845
(10) Soap and kitchen supplies	243,996	894	44,040	7,240	296,170
11. Insurance and financial	35,390	1,258	10,810	70,500	117,958
12. Radios	92,823	—	14,450	11,150	118,423
13. Retail establishments	—	—	10,880	123,440	134,320
14. Tobacco products	358,948	6,510	22,980	4,780	393,218
15. Miscellaneous	348,351	8,246	201,430	393,560	951,587
Total	\$4,740,560	\$95,340	\$1,626,500	\$1,572,760	\$8,035,160

Details as to Sponsor Trends

Details as to trends in broadcast advertising volume in various sponsoring groups are as follows:

1a. **Amusements.** National non-network volume up 289.9% compared to December. Local up 4.8%. Total rise 25.2%. National non-network down 11.7% as against same month of preceding year. Local down 24.2%. Total down 23.8%.

1. **Automotive.** Compared to December, national network volume down 11.0% and local 2.8%. National non-network volume up 38.4%. National non-network up 200.0% compared to January 1935, and local up 1.4%. National network down 8.9%.

2. **Accessories and gasoline.** Declines during month as follows: National networks 1.4%, regional networks 9.3%, national non-network 17.2%, and local 3.9%. Compared to January of previous year, gains as follows: National networks 44.6%, regional networks 26.6%, local 2.9%. National non-network down 16.6%.

3. **Clothing.** Declines compared to December as follows: National networks 24.9%, regional networks 59.3%, national non-network 19.3%, and local 31.0%. National network volume unchanged from last January. Regional network business down 74.6%. National non-network advertising up 39.0% and local up 28.0%.

4. **Drugs and pharmaceuticals.** National networks down 4.0% and national non-network 1.6% as compared to December. Regional networks up 432.0% and local 62.8%. Compared to corresponding month of 1935, national networks down 18.2% and local unchanged. Regional networks up 120.6% and national non-network 29.0%.

5. **Toilet goods.** Declines from preceding month as follows: National networks 3.4%, regional networks 63.4%, national non-network 18.5%, and local 33.8%. National network volume 2.8% above last January and regional network triple that month's level. National non-network down 11.8% and local up 16.8%.

6. **Foodstuffs.** National network volume 10.5% below last January. Regional network business up 24.1%, national non-network 59.2%, and local 20.2%. Compared to preceding month, declines as follows: National networks 5.2%, regional networks 14.9%, national non-network 9.5%, and local 2.2%.

7. **Beverages.** Declines as compared to December as follows: National networks 11.2%, regional networks 18.5%, national non-network 23.8%, and local 15.4%. Gains compared to January 1935 as follows: National networks 19.7%, national non-network 28.1%, and local 42.0%.

8. **Confectionery.** National network volume 3.6% above December and local advertising up 19.6%. Regional network volume down 68.4% and national non-network 17.5%. Regional network volume up materially as against last January. National non-network up 33.5% and local 158.2%. National network down 35.3%.

9. **Household equipment.** National network volume 12.0%

ahead of December. Regional networks up 28.8% and national non-network up 15.0%. Local down 29.3%. Compared to corresponding month of 1935 gains were as follows: National networks 148.7%, regional networks 46.8%, national non-network 6.8%, and local 10.0%.

10. **Soaps and kitchen supplies.** National network volume 1.3% below previous month. Regional networks down 80.3% and local down 38.6%. National non-network up 8.7%. National non-network up 39.6% as against previous January and local up 173.0%. National network down 4.5%.

11. **Financial and insurance.** National network volume down 23.0% as against preceding month and local 8.0%. National non-network up 3.9%. National network business 17.2% under January 1935 level. National non-network down 53.7% and local up 24.7%.

12. **Radios.** Declines from previous month as follows: National networks 16.8%, national non-network 45.0%, and local 60.4%. National non-network volume double that of January of preceding year. National network volume down 4.0% and local 32.8%.

13. **Department and general stores.** National non-network volume declined 38.8% as against December, and local 20.2%. National non-network business 50.5% above corresponding month of preceding year. Local business down 12.7%.

14. **Tobacco products.** Declines as compared to preceding month as follows: National networks 4.8%, regional networks 38.0%, national non-network 41.7%, and local 45.7%. Gains as against January 1935 as follows: National networks 9.8%, national non-network 44.9%, and local 236.9%.

15. **Miscellaneous.** Declines from December as follows: National networks 5.2%, regional networks 42.0%, national non-network 7.9%, and local 23.3%. Gains as compared to the corresponding month of last year as follows: National networks 107.0%, regional networks 64.1%, national non-network 32.1%, and local 13.1%.

Retail Broadcast Advertising

Broadcast advertising sponsored by retail establishments of various kinds decreased 29.4% as compared to the preceding month. This seems to be more than the usual seasonal downward swing. Retail broadcast advertising, however, showed a gain of 5.1% as compared to January of last year. This is the smallest gain to have been recorded in recent months. Declines were fairly general as compared to December throughout the various retail groups. Principal gains as against January 1935 were as follows: gasoline and accessories, 53.5%; clothing, 33.0%; groceries and delicatessens, 82.0%; beverage retailers, 27.8%, and hardware stores, 45.8%. There were no declines of major importance with the exception of a 9.6% decrease in department store volume.

Retail broadcast advertising during the month is found in Table VII.

TABLE VII

RETAIL BROADCAST ADVERTISING OVER
INDIVIDUAL STATIONS

Type of Sponsoring Business	Gross Time Sales	
	Dec. 1935	Jan. 1936
Automobiles and accessories:		
Automobile agencies and used car dealers	\$78,510	\$75,930
Gasoline stations, garages, etc.....	37,450	27,785
Clothing and apparel shops.....	340,000	236,550
Drugs and toilet goods:		
Drug stores.....	28,050	21,375
Beauty parlors.....	12,200	8,880
Food products:		
Grocery stores, meat markets, etc.....	77,530	60,590
Restaurants and eating places.....	22,800	18,390
Beverage retailers.....	5,840	12,800
Confectionery stores.....	7,140	8,930
Household goods:		
Household equipment dealers.....	46,745	32,000
Furniture stores.....	107,668	74,080
Hardware stores.....	11,330	6,390
Radio retailers.....	22,885	11,380
Department and general stores.....	172,125	134,320
Tobacco shops.....	1,370	2,340
Miscellaneous	171,430	75,320
Total	\$1,143,073	\$807,060

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. 2729. A complaint has been issued against **E. F. Agee, Hillcrest Building, Omaha, Nebr.**, alleging unfair methods of competition in selling correspondence school courses in secretarial work and business administration.

Operating as "Commercial Extension University," "Commercial Extension of Omaha," and "Commercial Extension College," the respondent, through sales agents designated as "registrars," is alleged to inform prospective students that they have been specially selected for an offer of enrollment in his courses because of their high scholastic standing; that his "registrars" are empowered to offer an exceptionally low price, which represents the cost of materials only, that tuition is given free to those who become students; and that the regular price for the identical courses offered is much higher than the alleged exceptional price.

The complaint charges that students are not selected on the basis of scholastic ability; that the purported exceptional price is the only price quoted any prospect, and is, in fact, the regular price, and that the representation that any regular price is much higher than the quoted price is untrue.

No. 2730. Trading as **Marajah & Co.** and as **Kala Products Co., W. H. Charleston, 5930 South Parkway, Chicago**, engaged in the sale of cosmetics and medicinal preparations, is named respondent in a complaint alleging unfair methods of competition.

In newspapers, magazines and advertising literature, the respondent represents, the complaint alleges, that "Five Finger Grass" is a rare herb possessing magical qualities; that "Kala's Specific Hair Grower" is an absolute remedy for falling hair, itching scalp and dandruff, and that it promotes a fabulous growth of hair; that "Kala's Specific Bleaching Creme and Skin Whitener" bleaches and whitens the skin and relieves sunburn and skin eruptions, and that "Kala's Facial Creme" penetrates and is absorbed by the skin.

No. 2731. In a complaint issued against **T. G. Cooke, 1920 Sunnyside Ave., Chicago**, trading as **Institute of Applied Science**, he is charged with unfair competition in the sale of a correspondence school course in finger printing, which is represented as including instruction in the science of ballistics.

In the conduct of his business the respondent is alleged to have advertised the use of a textbook entitled "Forensic Ballistics, The Science of Examining Guns and Ammunition in Crimes," and, in connection with the sale of this course, represented and advertised that "Low Tuition Rates Still in Effect, Include Secret Service, Bertillon, Photography and Ballistics Courses."

No. 2732. **Garten Table Pad Co., Inc., 131 Market St., Phila-**

delphia, is charged in a complaint with unfair competition through misrepresenting the nature of the materials in certain table pads it manufactures and sells in interstate commerce.

By means of circulars distributed among the retail trade, the respondent represents, according to the complaint, that the table pads it offers for sale and sells have "a soft back covering that will not harm the polished surface of a table," and that they "can be had in a felted or genuine felt back, depending on the quality of the pad."

Stipulations

The Commission has issued the following cease and desist orders:

No. 1620. **F. H. Lawson Co., Evans and Whateley Sts., Cincinnati**, is engaged in selling bathroom and medicine cabinets equipped with mirrors manufactured and sold to it by the **Mid-West Glass Co., 2235 Buck Street, Cincinnati**. The Lawson company agrees to discontinue use in advertising matter of the words "copper-backed," or words of similar meaning, to describe the mirrors attached to its cabinets, so as to imply that such mirrors are made by electrolytically applying a protective coating or a continuous layer of solid copper to the silver nitrate reflecting surfaces of the mirrors, when such is not the fact.

No. 1621. **Mid-West Glass Co.**, referred to in the stipulation signed by **F. H. Lawson Co. (1620)**, entered into a similar stipulation, agreeing not to use the words "copper-back," or similar words, in branding or labeling its mirrors, so as to imply that the mirrors are made by an electrolytic coating process. According to the stipulation, the respondent manufactures its mirrors under license of and by a process developed by **Peacock Laboratories, Inc., Philadelphia**.

No. 1622. **Hayes Reding, 2 N. W. 9th St., Oklahoma City, Okla.**, doing business as **Hayes Candy Manufacturer**, formerly known as **H. & H. Candy Co.**, agrees to discontinue, in selling or promoting the sale of his candy products, use of any method of sale involving a lottery or scheme of chance, whereby an article is given as a prize in consideration of the purchase of any other article.

No. 1623. **Newbarre Granite Co., Inc., South Ryegate, Vt.**, stipulates it will desist from use of the word "Newbarre" as part of its corporate name in selling the granite it quarries, and also agrees to discontinue use of the word "Barre" in connection with the prefix "New," or in any way which may tend to mislead purchasers into the belief that the respondent's product is produced from a quarry in the Barre district of Vermont, when such is not the fact.

No. 1624. **Rhode Island Textile Co., 211 Prairie Ave., Pawtucket, R. I.**, is engaged in manufacturing and selling narrow fabrics, including corset laces. It agrees to discontinue use of the words "silk finish" or "silk" on labels affixed to its products, so as to imply or tend to lead purchasers into the belief that its products are silk-finished or are composed of or contain silk, when such representation is untrue; unless, when the words "silk finish" are used merely to describe the sheen of the product, such words shall be accompanied by other words printed in equally conspicuous type, to indicate clearly that the laces are not composed of and do not contain silk, but are made of some other product.

No. 1625. **Better Hearing, Inc., 1 West 34th St., New York City**, dealer in hearing aid devices called "Aurophone" and in accessories. Agrees to stop using in its circulars in connection with its corporate name, the phrase "America's Oldest Organization Specializing Exclusively in Scientific Hearing Aids," or similar assertions which may have a tendency to mislead buyers into believing that **Better Hearing, Inc.**, has been in existence longer than any of its competitors or is the oldest organization of its particular kind, when this is not true. The respondent also agrees to stop using in its circulars in this connection the representation "Founded in 1904."

No. 1626. **Burton Bros. Co., Inc., 7 South 15th St., Richmond, Va.**, deals in flavoring extracts, hair dressing, pharmaceuticals, aspirin and other products, some of which, according to the stipulation, it makes or compounds, and others, including aspirin, it purchases in bulk from manufacturers. The respondent agrees to cease using the word "Manufacturing," either alone or in connection with "Chemists," or with other words affixed to its aspirin products, implying that the company manufactures such aspirin or tending to deceive buyers into believing that it owns and operates the plant or factory in which this aspirin is made.

No. 1627. **Gibbs & Co., 21 South Wabash Ave., Chicago**, manufacturer of barber shop and beauty parlor supplies, is said to have advertised in its "Hand Book of Beauty Shop Equipment

and Supplies, No. 35," the "Gibbs Chrome Checker Back Booth Mirror," described as a plate mirror 8 inches in diameter, when in fact, according to the stipulation, this article was not made of plate glass, but of a glass inferior thereto. The respondent, in its stipulation, agrees to stop using the word "plate" when describing for sale products not made from plate glass.

No. 1628. Benrose Silk Manufacturing Corporation, 1450 Broadway, New York City, converter of silk and rayon goods, will cease use of the word "manufacturing" in connection with its corporate name, and the word "mills" on letterheads or in advertising matter, or in connection with the city names "Allentown, Pa.," or "Easton, Pa.," or in any way which may tend to deceive buyers into believing that the company manufactures its products and operates mills in the cities indicated, when this is not true.

No. 1629. Kelement, Inc., 11 West 42nd St., New York City, selling dehydrated kelp in tablet form for medicinal use under the name "Kelement," agrees to stop advertising that "Kelement" will keep the human body well, or supply it with an adequate mineral reserve, or that kelp products are naturally rich in calcium, phosphorus, copper and iron, or otherwise exaggerating the mineral content of kelp. The respondent also agrees to cease representing that "Kelement" is not a drug; that it contains an adequate supply of food-iodine and all the organic mineral elements necessary to keep the body healthy and free from disease, or that the product is a complete substitute for other medicinal preparations.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, March 9

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—A. Stanart Graham, K. V. Baxter, Norman Baxter, d/b as Pittsburg Broadcasting Co., Pittsburg, Kans.—C. P., 790 kc., 1 KW daytime.

Wednesday, March 11

HEARING BEFORE AN EXAMINER (Broadcast)

KLO—Interstate Broadcasting Corp., Ogden, Utah.—C. P., 1400 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1400 kc., 500 watts, unlimited time.

Thursday, March 12

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-149:

NEW—Reporter Broadcasting Co., Abilene, Tex.—C. P., 1420 kc., 100 watts, 100 watts LS, unlimited time.

NEW—Wm. O. Ansley, Jr., d/b as Guilford Broadcasting Co., Abilene, Tex.—C. P., 1420 kc., 100 watts, 100 watts LS, unlimited time.

Examiner's Report No. I-153:

NEW—Roberts MacNab Co., Arthur L. Roberts, R. B. MacNab, A. J. Breitbach, Gen. Mgr., Jamestown, N. Dak.—C. P., 1310 kc., 100 watts, 100 watts LS, unlimited time.

Examiner's Report No. I-138:

NEW—Chicago Broadcasting Association, Limited Partnership, Kleofas Jurgelonis, general partner; Jos. F. Budrik, Laurent V. Radkins and Vlasdas G. Jurgelonis, limited partners, Chicago, Ill.—C. P., 1300 kc., 100 watts, 100 watts LS, unlimited time.

NEW—Big Spring Herald, Inc., Big Spring, Tex.—C. P., 1500 kc., 100 watts, unlimited time.

NEW—Plainview Broadcasting Co., Plainview, Tex.—C. P., 1500 kc., 100 watts, daytime.

NEW—The North Texas Broadcasting Co., Paris, Tex.—C. P., 1500 kc., 100 watts, daytime.

HEARING BEFORE AN EXAMINER (Broadcast)

WIRE—Indianapolis Broadcasting, Inc., Indianapolis, Ind.—C. P., 1400 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1400 kc., 500 watts, 1 KW LS, unlimited time.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—C. P., 630 kc., 500 watts, 1 KW LS, simultaneous day, sharing night with WOS and KFRU. Present assignment: 630 kc., 500 watts, simultaneous day, sharing night with WOS and KFRU.

APPLICATIONS GRANTED

WMFJ—W. Wright Esch, Daytona Beach, Fla.—Granted C. P. to install new transmitter and vertical radiator at present location.

KPDN—Pampa Daily News, Inc., Pampa, Tex.—Granted modification of C. P. approving transmitter site east of city limits of Pampa (studio at 212 N. Ballard St., Pampa), and approving equipment.

KFSG—Echo Park Evangelistic Assn., Los Angeles, Calif.—Granted modification of license to increase day power from 1 KW to 2½ KW and use transmitter of station KRKD.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Granted authority to determine operating power by direct measurement of antenna input in compliance with terms of Rule 137.

KMJ—James McClatchy Co., Fresno, Calif.—Granted authority to determine operating power by direct measurement of antenna input in compliance with terms of Rule 137.

KGBX—KGBX, Inc., Springfield, Mo.—Granted consent to voluntary assignment of license to Springfield Broadcasting Company.

KOOS—H. H. Hanseth, Inc., Marshfield, Ore.—Granted modification of license to change name from H. H. Hanseth, Inc., to Pacific Radio Corporation (1200 kc., 250 watts, daytime only).

WQAM—Miami Broadcasting Co., Miami, Fla.—Granted C. P. to install new equipment.

KWKH—International Broadcasting Corp., Shreveport, La.—Granted authority to install new automatic frequency control equipment.

KSCJ—Perkins Bros. Co. (The Sioux City Journal), Sioux City, Iowa.—Granted amended C. P. as follows: Move transmitter site, make changes in antenna and radiating system, and increase hours of operation from simultaneous day WTAQ, S.H.-night, to unlimited time. Application for special temporary authority to cover this grant was retired to the files.

WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted special temporary authority to operate with power of 250 watts from 8 p. m. to 9:30 p. m., EST, March 5, 1936, in order to broadcast the 15th anniversary banquet of Rion-Bowman Post No. 632, Veterans of Foreign Wars.

W3XEN—Havens & Martin, Inc., Portable-Mobile.—Granted modification of C. P. (temporary broadcast pickup) to make changes in equipment and increase power from 20 to 40 watts.

WIEF—Miami Broadcasting Co., Portable-Mobile.—Granted license to cover C. P. (temporary broadcast pickup), 1646, 2090, 2190, 2830 kc., 50 watts.

W9XAA—Chicago Federation of Labor, York Township, Ill.—Granted license to cover C. P. (experimental relay broadcasting) authorizing moving of transmitter to present site of broadcast station WCFL.

W5XAQ—East Texas Broadcasting Co., Portable-Mobile.—Granted license to cover C. P. (general experimental), frequencies 31100, 34600, 37600, 40600 kc., 30 watts.

NEW—WBNS, Inc., Portable (Columbus, Ohio).—Granted C. P. (temporary broadcast pickup), frequencies 1646, 2090, 2190, 2830 kc., 3 watts.

NEW—Onondaga Radio Broadcasting Corp., Portable-Mobile (Syracuse, N. Y.).—Granted C. P. (temporary broadcast pickup), frequencies 1646, 2090, 2190, 2830 kc., 45 watts.

SET FOR HEARING

KRNT—Iowa Broadcasting Co., Des Moines, Iowa.—Application for C. P. to install new equipment, increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day, and install directional antenna.

WAWZ—Pillar of Fire, Zarephath, N. J.—Application for modification of license to increase power from 500 watts night, 1 KW day, to 1 KW day and night.

WOL—American Broadcasting Co., Washington, D. C.—Application for C. P. to make changes in equipment; move transmitter from 1111 H St., N. W., to about ½ mile east Riggs and Iager Roads, Md., and studio site to be determined in Washington, D. C.; change frequency from 1310 kc. to 1230 kc. and power from 100 watts to 1 KW.

NEW—Auburn Publishing Co., Auburn, N. Y.—Application for

- C. P. for new station, 1420 kc., 100 watts, unlimited time, site to be determined.
- NEW—Jefferson Broadcasting Co., Ormond O. Black, Pres., Birmingham, Ala.—Application for C. P. for new station, 1200 kc., 100 watts night, 250 watts day, unlimited time.
- NEW—Amended to read: W. I. S. E. Broadcasting Co., St. Paul, Minn.—Application for C. P. for new station, 630 kc., 250 watts, unlimited time, facilities of KGDE; site to be determined.
- NEW—Saginaw Broadcasting Co., Saginaw, Mich.—C. P., already in hearing docket, amended to read: 1200 kc., 100 watts night, 250 watts day, specified hours; site to be determined.
- KUJ—KUJ, Inc., Walla Walla, Wash.—C. P., already in hearing docket, amended to read: Move station locally to site to be determined; install new equipment; change frequency from 1370 kc. to 1250 kc.; increase power from 100 watts to 250 watts.
- NEW—C. W. Snider, Wichita Falls, Tex.—C. P., already in hearing docket, amended to read: 1500 kc., 100 watts, unlimited time; site to be determined.

MISCELLANEOUS

- KSL—Radio Service Corp., Salt Lake City, Utah.—Granted petition to intervene in re application of KLO for C. P. to operate on 1400 kc., 1 KW day, 5 KW night, at Ogden, Utah.
- KGU—Advertiser Pub. Co., Ltd., Honolulu, T. H.—Denied petition asking Commission to reconsider action of February 11, 1936, in granting application of KGMB for license to cover C. P.
- Chas. C. Theis, Wichita, Kans.—Oral argument set for March 5, 1936, on Examiner's Report No. 1-96, recommending grant of application for new station to operate on 1210 kc., 100 watts, unlimited time, continued until March 19, 1936.
- Springfield Newspapers, Inc., Springfield, Mo.—Permitted to file answer as respondent in re the application of A. Staneart Graham, d/b as Pittsburg Broadcasting Co., for new station at Pittsburg, Kans.
- Kidd Brothers, Taft, Calif.—Appearance and statement of facts accepted in re application for new radio broadcasting station.
- WEEL—Edison Electric Illuminating Co. (Respondent), Boston, Mass.—Denied motion to strike the notice of desire to be heard and statement of facts to be proved at hearing on March 17, 1936, filed by J. R. Maddox and Dr. W. B. Hair, d/b as Chattanooga Broadcasting Co., for a new station at Chattanooga. Respondent permitted to file answer any time prior to March 5, 1936.
- Tulare—Kings Counties Radio Associates, Visalia, Calif.—Denied request that Commission schedule its application for new station for hearing this week. Application is for 1190 kc., 250 watts, daytime.
- KGFG—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Denied petition that Commission reconsider and grant application to modify license so as to change hours of operation from sharing with KCRC to full time. Designated for hearing January 30, 1936.
- WAAW—Omaha Grain Exchange, Omaha, Nebr.—Granted regular renewal of license.
- Charleston Broadcasting Corp., Charleston, W. Va.—Answer to appearance of WDBO accepted.
- KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Denied petition asking Commission to reconsider and grant application for modification of license to change frequency from 950 kc. to 630 kc., and increase hours of operation from daytime only with 250 watts to unlimited with 250 watts.
- E. Anthony & Sons, Inc., Pawtucket, R. I.—Granted protest requesting Commission reconsider action of January 21, 1936, in granting extension of the completion date of station WNRI to June 4, 1936, and directed that the application be designated for hearing, upon the protest of E. Anthony & Sons, Inc., against such grant and that said authorization be suspended and heard upon the issues contained in said protest.

REMANDED TO DOCKET

- Valley Broadcasting Co., Pomona, Calif.—Remanded to docket application for C. P. to erect new station at Pomona to operate on 1160 kc., 250 watts, LS.

APPLICATIONS DISMISSED

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

- WTMV—Miss. Valley Broadcasting Co., Inc., E. St. Louis, Ill.—Applied for C. P., 1500 kc., 100 watts, 250 watts LS, unlimited time.
- NEW—Alex F. Suss, Maryville, Calif.—Applied for C. P., 1210 kc., 100 watts, unlimited time.
- NEW—Alex F. Suss, Sacramento, Calif.—Applied for C. P., 1310 kc., 100 watts, unlimited time.

ACTION ON EXAMINERS' REPORTS

- WILL—Ex. Rep. No. 1-111: University of Ill., Urbana, Ill.—granted modification of license to change frequency from 890 kc. to 580 kc.; change hours of operation from sharing with KUSD and KFNF to daytime, 1 KW. Examiner P. W. Seward sustained. Other effective May 5, 1936.
- NEW—Ex. Rep. No. 1-123: Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Denied C. P. for new station to operate on 1480 kc., 5 KW, daytime. Examiner R. L. Walker sustained. Order effective May 12, 1936.
- KADA—Ex. Rep. No. 1-182: C. C. Morris, Ada, Okla.—Denied special experimental authorization to operate unlimited time; 1200 kc., 100 watts. Examiner P. W. Seward reversed. Order effective May 5, 1936.
- KG CX—Ex. Rep. No. 1-164: E. E. Krebsbach, Wolf Point, Mont.—Denied C. P. to move transmitter; make changes in equipment; change frequency from 1310 kc. to 1450 kc.; increase power from 100 watts night, 250 watts day, to 1 KW; change hours of operation from specified hours to unlimited time. Examiner J. P. Bramhall reversed. Order effective April 7, 1936.
- WEDC—Ex. Rep. No. 1-169: Emil Denemark, Inc., Chicago, Ill.—Granted renewal of license, 1210 kc., 100 watts, specified hours. Examiner R. H. Hyde sustained. Order effective April 14, 1936.
- NEW—Ex. Rep. No. 1-175: Golden Empire Broadcasting Co., Redding, Calif.—Granted C. P. for new broadcast station to operate on 1200 kc., 100 watts, unlimited time. Examiner M. H. Dalberg sustained. Order effective April 21, 1936.
- KFPY—Ex. Rep. No. 1-176: Symons Broadcasting Co., Spokane, Wash.—Granted C. P. to install new equipment; change transmitter site; increase power from 1 KW to 1 KW night, 5 KW day, 890 kc., unlimited time. Examiner Geo. H. Hill sustained. Order effective April 28, 1936.
- WSPD—Ex. Rep. No. 1-179: Toledo Broadcasting Co., Toledo, Ohio.—Granted C. P. to make changes in equipment and increase power from 1 KW, 2½ KW LS, to 1 KW, 5 KW LS; 1340 kc., unlimited time. Examiner P. W. Seward sustained. Order effective April 28, 1936.
- WJBC—Ex. Rep. No. 1-181: Wayne Hummer and Harry Dee, d/b as Kaskaskia Broadcasting Co., Bloomington, Ill.—Granted C. P. to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day; 1200 kc., share time with WJBL. Examiner John P. Bramhall sustained. Order effective April 28, 1936.
- WHBU—Ex. Rep. No. 1-183: Anderson Broadcasting Corp., Anderson, Ind.—Granted C. P. to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day; 1210 kc., unlimited time. Order effective May 5, 1936.
- WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Granted C. P. to install new equipment; move transmitter and studio; increase power from 1 KW to 1 KW night, 5 KW day; 1250 kc., unlimited time. Examiner R. L. Walker sustained.

APPLICATIONS RECEIVED

First Zone

- WORL—Broadcasting Service Organization, Inc., Needham, Mass. 920 —Modification of license to increase power from 500 watts to 1 KW.
- NEW—Rensselaer Polytechnic Institute, Troy, N. Y.—Construction permit for a new general experimental station to be operated on 31600, 35600, 38600, 41000 kc., no power specified. Amended giving power as 1 KW.
- NEW—Onondaga Radio Broadcasting Corp., Portable-Mobile.—Construction permit for a new broadcast pickup station to be operated on 2090, 2790, 2830 and 2760 kc., 45 watts. Amended to change frequencies to 1646, 2090, 2190 and 2830 kc.

Second Zone

- NEW—Harold F. Gross and Edmund C. Shields, Saginaw, Mich.—
950 Construction permit for a new station to be operated on 1210 kc., 100 watts, 250 watts day, unlimited time. Requests facilities of WJIM if WJIM's application for 1010 kc. is granted. Amended to make changes in equipment, change frequency from 1210 kc. to 950 kc., power from 100 watts, 250 watts day, to 500 watts, hours of operation from unlimited to daytime. Omit request for WJIM's facilities.
- WJBK—James F. Hopkins, Inc., Detroit, Mich.—Modification of
1500 construction permit to make changes in equipment; move transmitter from 12897 Woodward Avenue, Highland Park, Mich., to site to be determined, Detroit, Mich.; install vertical antenna; extend commencement date from 9-30-35 to date of grant and completion date from 3-30-36 for six months.

Third Zone

- NEW—Jonas Weiland, Kinston, N. C.—Construction permit for a
1200 new station to be operated on 1210 kc., 100 watts, 250 watts day, unlimited time. Amended to change frequency from 1210 kc. to 1200 kc.
- WJNO—Hazlewood, Inc., West Palm Beach, Fla.—Modification of
1200 construction permit (B3-P-159) for equipment changes (antenna) and change transmitter site from El Varano Hotel, West Palm Beach, Fla., to near West Palm Beach, Fla.
- KFPM—Voice of Greenville, Greenville, Tex.—Construction permit
1310 to make changes in equipment; increase power from 15 watts to 100 watts; change hours of operation from specified hours to daytime. Amended to change transmitter site from 2109 Park Street (rear) to site to be determined, Greenville, Tex.
- WNBR—Memphis Broadcasting Co., Memphis, Tenn.—Consent to
1430 transfer control of corporation from Francis S. Chamberlin, Mallory Chamberlin, Charles W. Brunner and Ceylon B. Frazer to Memphis Commercial Appeal, Inc., 224 shares of stock.

Fourth Zone

- NEW—I. T. U. Radio Station, Inc., Indianapolis, Ind.—Construction permit for a new station to be operated on 560 kc., 1

KW, 5 KW day, unlimited time, facilities of WIND, Gary, Ind. Amended to change name from International Typographical Union of N. A. to I. T. U. Radio Station, Inc.; change studio site from 28th and Meridian Sts. to 2820 N. Meridian St., Indianapolis, Ind.; and make changes in antenna.

- NEW—Glenn Van Auker, Indianapolis, Ind.—Construction permit
600 for a new station to be operated on 600 kc., 1 KW, daytime.
- WEMP—Milwaukee Broadcasting Co., Milwaukee, Wis.—Construction permit to install new equipment; change frequency
1010 from 1310 kc. to 1010 kc., 100 watts to 250 watts, 500 watts day, hours of operation from daytime to unlimited.
- NEW—The Courier-Post Publishing Co., Hannibal, Mo.—Construction permit for a new station to be operated on 1310 kc.,
1310 100 watts, unlimited time.
- KFJM—University of North Dakota, Grand Forks, N. Dak.—
1370 Special experimental authorization to operate on 250 watts day for period ending 1-1-36. Amended to change ending date to 7-1-36.

Fifth Zone

- KVL—KVL, Inc., Seattle, Wash.—Construction permit to make
1070 changes in equipment; change frequency from 1370 kc. to 1070 kc., power from 100 watts to 250 watts, and hours of operation from share-KRKO to daytime only. Amended to make changes in antenna system.
- KFJI—KFJI Broadcasters, Inc., Klamath Falls, Ore.—Construction permit to make changes in equipment.
1210
- NEW—Luther E. Gibson, d/b as Times-Herald Publishing Co.,
1320 Vallejo, Calif.—Construction permit for a new station to be operated on 1320 kc., 250 watts, daytime. Amended giving exact transmitter site as in the vicinity of Mare Island Navy Yard, between Vallejo and South Vallejo, Calif.
- NEW—The News Press Publishing Co., Santa Barbara, Calif.—
1410 Construction permit for a new station to be operated on 1450 kc., 500 watts, unlimited time. Amended to change frequency from 1450 kc. to 1410 kc.