

The National Association of Broadcasters

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JAMES W. BALDWIN, Managing Director

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FOOD BILL ORDERED REPORTED

The House Committee on Interstate and Foreign Commerce on Wednesday ordered that a favorable report be made on the Pure Food and Drug Bill. This bill passed the Senate during the last session of Congress and has been pending in the House committee for a long time. As the bill was ordered reported it places advertising under the Federal Trade Commission instead of the Department of Agriculture.

CAUTION—ALDRICH BLAKE ENJOINED

On Tuesday, May 19, 1936, Justice Bailey of the Supreme Court of the District of Columbia permanently enjoined Aldrich Blake and Aldrich Blake, Inc., from violating the Securities Act of 1933 in the sale of agreements entitling the purchaser to oil on a when, as and if produced basis. Justice Bailey held that such agreements, although purporting to pay for oil at the rate of one cent a barrel, were in fact investment contracts or certificates of interest in a profit-sharing agreement and therefore a security within the meaning of said Act.

Aldrich Blake had failed to file five copies of his continuity with the Securities and Exchange Commission five days before broadcasting same over a radio station, as required by Rule 800(d) of the General Rules and Regulations of the Securities and Exchange Commission under the Securities Act of 1933, which rules are authorized under the provisions of Section 10(d) of said Act. This Act defines a prospectus to mean, among other things, any communication by radio which offers any security for sale, with certain exceptions such as the existence of a written prospectus which was sent to prospective purchasers and complies with the provisions of Section 10 of said Act.

It is our understanding that Aldrich Blake has been using other radio stations and that he will endeavor to do so in the future. While there are certain exemptions with reference to registration statements and prospectuses, the only safe thing to do is to contact the Securities and Exchange Commission prior to authorizing any broadcast involving the sale of the security. The section of said Act relating to fraudulent interstate transactions contains no exemptions and includes not only fraudulent transactions but also those in which there may be an omission to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading. The primary responsibility for filing the prospectus with this Commission is upon the user of such prospectus but broadcasting stations should not fail to take reasonable precautions to see that the Securities Act of 1933, as amended, has been complied with.

LICENSE RENEWAL RECOMMENDED

Broadcasting Station WSMB, New Orleans, La., applied to the Federal Communications Commission for a renewal of its license. The station operates on 1320 kilocycles, 1,000 watts power and unlimited time.

Examiner George H. Hill, in Report No. I-223, recommended that the application for renewal be granted "without restriction of radiation toward Des Moines, Ia."

The Examiner found that the station is rendering a meritorious service. He states that "Station KRNT is already limited by the operation of Station WADC to an extent which renders it unnecessary for WSMB to restrict its radiation in the direction of KRNT. The operation of WADC limits KRNT to its 4 millivolt per meter contour, whereas Station WSMB, operating with 1,000 watts power without restricting radiation toward KRNT, would limit KRNT only to its 2.3 millivolt per meter contour."

ASCAP AIDS DEFENSE OF WARNER SUITS

Approximately one hundred thirty-five complaints in actions commenced by the Warner Brothers' publishing interests have been referred by broadcasters to the American Society of Composers, Authors and Publishers for defense. Broadcasters have followed this course in reliance upon the provision of the contract between ASCAP and broadcasters, which provides that ASCAP agrees to indemnify, save and hold harmless and defend the broadcasting station from and against suits brought against the broadcaster with respect to renditions of compositions contained in ASCAP's repertory, and in accordance with the further provision of the contract which requires the broadcaster to deliver to ASCAP any process or pleading served upon it, so that ASCAP can assume charge of the defense of the action.

ASCAP has, in every case in which a complaint has been referred to it, caused its general counsel, Nathan Burkan, Esq., to prepare an appropriate answer, and has forwarded such answer to the broadcaster, with the request that it be filed by the broadcasting station's local counsel. In requesting local counsel so to act in filing the answer, ASCAP has assured broadcasting stations, in writing, that the appearance of such counsel in the suit would not prejudice the station's claim for defense by and indemnity from ASCAP.

The NAB is informed that ASCAP intends to furnish the services of its general counsel, and to make available the necessary information and evidence, without charge to any broadcaster who avails himself of such services. ASCAP takes the position that the basic questions involved in the Warner Brothers litigation will be disposed of in a few test cases, and it is expected that ASCAP will assume charge of the trial and of the prosecution of appeals in such test litigation. If ASCAP is correct, it is clear that a considerable number of cases now pending will never come to trial, since the issues involved therein will be disposed of by the precedents set in these test cases.

ASCAP takes the position, however, that it is definitely relieved of any obligation to defend or indemnify the station in those cases in which the broadcaster fails to comply with the provisions of the contract requiring the broadcaster to deliver pleadings to ASCAP, and permitting ASCAP to assume charge of the defense in co-operation with counsel for the broadcasting station.

FOURTEENTH ANNUAL NAB CONVENTION

STEVENS HOTEL, CHICAGO, ILLINOIS

JULY 5, 6, 7, 8, 1936

RECOMMENDS POWER INCREASE ON CONDITION

Broadcasting Station WDBO, Orlando, Fla., operating on a frequency of 580 kilocycles, with unlimited time using 250 watts with 1,000 watts experimentally, applied to the Federal Communications Commission to use 1,000 watts regularly.

Examiner Ralph L. Walker, in Report No. I-224, has recommended that the application be granted "(1) if the application of WCHS for 1,000 watts night power is granted and (2) if the pending application of WDBO for authority to move the station is granted; otherwise that the application be denied."

The Examiner states that the reception of programs of WDBO is unsatisfactory in a large portion of the area which would normally be considered as within its primary service radius because of interference from a station outside the United States operating on a frequency of five kilocycles removed from it.

DECISION IN ASCAP CASES

Judge Frederick H. Bryant, in the United States District Court for the northern district of New York, has handed down a decision in two ASCAP cases against Elm Lodge, Inc., in which he criticises the practice of attorneys for the Society frequenting night clubs to gain evidence on which to base a case. The decisions are as follows:

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

In Equity No. 2870

GENE BUCK, as President of the American Society of Composers, Authors and Publishers, and FAMOUS MUSIC CORPORATION, Plaintiff,

against

ELM LODGE, INC., Defendant.

and

In Equity No. 2872

GENE BUCK, as President of the American Society of Composers, Authors and Publishers, and HARMS, INC., Plaintiffs,

against

ELM LODGE, INC., Defendant.

Appearances:

Earl I. Freshman, Esq., Attorney, Syracuse, New York, Solicitor for the plaintiffs; and Louis D. Frohlich, Esq., Attorney, 1450 Broadway, New York City, N. Y., of Counsel for the plaintiffs.

Albert Averbach, Esq., Attorney, Syracuse, N. Y., Solicitor for the defendant.

BRYANT, D. J.

The defendant, at times mentioned in the complaint, operated a restaurant, or night club, near Syracuse, New York, with a table seating capacity of about 200. Each evening, for entertainment, there was a floor show and an orchestra.

It is the contention of the plaintiffs, in each case, that the defendant, without having obtained a license, allowed its orchestra to play copyright pieces.

Plaintiffs, in each action, ask that defendant be enjoined and restrained from publicly performing the compositions named, and seek judgment for \$250.00 with costs. Defendant, by answer in each case, denies the playing of the pieces and alleges invalidity of copyrights because of lack of originality. It also, by counterclaim, asks damages alleged to have been sustained through plaintiffs' publicizing the bringing of the actions, etc.

Plaintiffs in the first entitled action base their alleged cause of action upon an alleged rendition of a composition entitled "Champagne Waltz." The second entitled action is based upon an alleged rendition of the compositions entitled "Continental," "Then I'll Be Tired Of You," and "Night And Day." The two actions were tried together without a jury.

In the first entitled action, defendant is entitled to a judgment of dismissal of the complaint with costs. He is not entitled to recover upon his alleged counterclaim. Findings may be presented upon notice.

In the second entitled action the plaintiffs are entitled to judgment with costs. Findings may be presented on notice.

Plaintiffs, in each case, are entitled to copyright protection of the compositions named. The present suits are for penalties rather

than for actual damages. Before a penalty is decreed, the evidence should clearly show unlicensed rendition.

In the first entitled action the alleged violation rests upon the testimony of one witness. I do not consider the testimony of this witness reliable enough to support a verdict.

In the second case, a witness, the one referred to above, testified that the three compositions, last above named, were played by an orchestra in defendant's place on December 5th, 1934. From the evidence, I doubt if he was there on that particular night. However, there is not any question but that he was at defendant's Night Club some evening about that time. On his evidence, uncorroborated, I would not predicate a violation. In this case he is supported by an orchestra leader and a piano player.

The leader of the orchestra, which played at defendant's place from the latter part of November until about December 5th, positively stated that, during that period, his orchestra played "Continental" every night and "Night And Day" part of the time. A piano player, who played with the orchestra one night, testified that the orchestra played "Night And Day." He gave his reasons for remembering that particular selection. This testimony is undisputed except that both witnesses testified they played the night of December 5th, while defendant's evidence tended to show the orchestra, in which they played, closed its engagement on the night of the fourth. Regardless of this dispute, the evidence is of sufficient weight to sustain plaintiffs' allegations.

Cases of this kind have received considerable adverse criticism. The methods used by plaintiff, American Society of Composers, Authors and Publishers, in the present cases, will not tend to allay the criticisms.

An official of the Society testified that it is not the policy of the Society to make inducements to orchestra leaders and players to advise when they have played copyright pieces in unlicensed places. Manifestly, the Society has no scruples against depending upon orchestra leaders and players to prove its cases. It has done so in the present instance. Inasmuch as orchestra leaders have the choice of selections, a proprietor of an unlicensed place, however innocent, may be placed in the toils of the Society through a bribable leader and an unscrupulous investigator.

I am not in accord with the practice of attorneys, who are directly or indirectly retained by the Society, frequenting Night Clubs with the hopes that they may hear a composition played upon which they can base a case and obtain a fee, and then take the witness stand to prove the alleged violation. Such conduct cannot have the sanction of this Court.

Dated May 7th, 1936.

FREDERICK H. BRYANT,
United States District Judge.

FEDERAL TRADE COMMISSION ACTION

Complaints

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

No. 2800. A complaint has been issued against **Canterbury Candy Makers, Inc.**, 93 Marion St., Seattle, Wash., charging unfair methods of competition through sale to wholesalers and retailers of assortments of candy so packed as to involve the use of a lottery scheme when distributed to consumers. One such assortment was sold together with a punchboard, according to the complaint. These methods of competition are alleged to have caused diversion of trade to the respondent company from competitors.

No. 2801. Alleging unfair competition in the sale of encyclopedias, a complaint has been issued against the **Times Sales Co., Inc.**, **The Times Sales Co.**, **William and George G. Heim**, and **Edward B. Seegar**, all having their place of business at 1524 Chestnut St., Philadelphia. The respondents Heim are officers in both firms and are copartners of Seegar in the Times Sales Co., according to the complaint.

The respondents are said to offer for sale sets of "The Times Encyclopedia," sometimes known as "The Times Encyclopedia and Gazetteer," together with a 10-year loose-leaf extension service, a membership in a bureau of research, and subscriptions to certain magazines.

Purchasers of this so-called "combination sale" sign a contract which, according to the complaint, describes the terms and time of payments and sets forth that the signer does not have an understanding of any kind with the respondents' salesmen other than the terms printed in the contract, and that the contract is not subject to change or cancellation.

However, the complaint charges, the respondents' salesmen represent to prospects that the contract is open to change, and, by writing on the face thereof, alter the terms or time of payments and substitute subscriptions to magazines other than those named in the contract, but which are preferred by purchasers.

No. 2803. Improper labeling of whiskey is alleged in a complaint issued against **C. O. Taylor Distributing Co.,** 444 West Grand Ave., Chicago, a wholesale distributor of alcoholic liquors. The respondent's practices are said to constitute unfair competition and to be in violation of Section 5 of the Federal Trade Commission Act.

By abbreviating the word "Distributing" to "DIST." in its corporate name, and by use of such abbreviation on stationery, labels, and in advertising matter, the respondent company, it is charged, implies that it is a distilling company and manufactures its products by the process of distillation, when, according to the complaint, it does not own or operate a plant where such products are distilled.

No. 2804. Charged with unfair methods of competition in the sale of a purported mineral water, **Richard R. Soheranes,** trading as **Tarzana Mineral Water Co.,** 1485 North Vine St., Hollywood, Calif., is named respondent in a complaint. Soheranes also has a branch office and place of business at **Tarzana, Calif.**

In radio broadcasts and in various kinds of advertising matter, the respondent allegedly represents that his product will prevent and cure, or is beneficial in the treatment of many diseases and afflictions, including rheumatism, liver ailments, stomach troubles, high blood pressure, diabetes and acidosis. The complaint charges these representations are not true, and that the respondent's water does not possess the curative and beneficial qualities claimed for it.

The respondent also is said to advertise that the diet of the average citizen is "sadly" deficient in sodium, calcium and magnesium, and that such deficiency can be supplied by drinking this mineral water. According to the complaint, the average diet is not lacking in the important mineral elements named, and the respondent's product does not act on the human body in any manner different from any pure, potable water, and does not contain any elements or medicinal properties in sufficient quantities to render it of greater benefit than any pure drinking water.

Stipulations

The Commission has issued the following cease and desist orders and stipulations:

No. 1656. **Landshaft & Bonning, Inc.,** 424 Main St., Buffalo, N. Y., an advertising agency, agrees to discontinue false and misleading advertising in connection with the sale of a book, "How to be Always Well," which recommends a system of diet devised by and cereal products distributed by Dr. Robert G. Jackson, Toronto, Canada. According to the stipulation, Dr. Jackson is a client of the agency, which places his advertisements in various periodicals and also superintends the sale of his health book. The agency agrees, among other things, to cease representing, either in advertisements or in the book itself, that use of the diet, exercise, or hygiene advocated by Dr. Jackson gives immunity from sickness and disease, or from such minor ailments as colds, or prolongs life from 25 to 50 years.

No. 1657. **Mirrolake Manufacturing Co.,** 35 Queens Boulevard, Long Island City, N. Y., engaged in the sale of "Mirrolake White Shellac," signed a stipulation to discontinue use on labels of the word "shellac" alone or in conjunction with the word "white" so as to imply that the product is composed of shellac gum, cut or dissolved in alcohol. The stipulation provides that if shellac gum is the principal ingredient in the respondent's product, the word "shellac" shall be accompanied by the word "compound," and if shellac gum is not the predominant element, the word "substitute" shall be used in connection with the word "shellac," and in each case the words "compound" and "substitute" shall be in type equally as conspicuous as that in which the word "shellac" is printed. The respondent corporation also will desist from using on its labels the words "Guaranteed 5½ lbs. cut" to designate a product which does not actually contain the indicated amount of gum to each gallon of liquid used therewith.

No. 1658. **Ossola Bros., Inc.,** 1800 Penn Ave., Pittsburgh, stipulates it will cease and desist from use of the words "Imported from Italy," either in English or Italian, as a brand for its olive oil products; or if such product is composed in substantial part of oil produced in and imported from Italy, and the words "Imported from Italy" are used to describe the same, such words shall be accompanied by others to indicate the product is not composed wholly of oil produced in and imported from Italy. According to the stipulation, the respondent corporation caused advertisements

of its product to be broadcast in the Italian language from a Pittsburgh radio station.

No. 1659. **Lederle Laboratories, Inc.,** 30 Rockefeller Plaza, New York City, engaged in the sale of "Poultry Worm Tablets Lederle," agrees to discontinue advertising to the effect that its products "have an insoluble coating" or are "enteric coated," so as to imply that the tablets or the coating thereon remains insoluble until they reach the intestines, then are dissolved at the point of infection.

No. 1660. **McCormick & Co.,** 400 Light St., Baltimore, entered into a stipulation that, in the sale of pepper, it will cease using in advertisements the statement, "Don't pay for dust, dirt, stems and stones that are ground up in cheap pepper," so as to imply that the price asked for pepper indicates the amount of foreign substance therein. The respondent also agrees to discontinue making any representations tending to disparage brands of pepper sold by competitors.

No. 1661. **Toolinda Mahler, trading as D. J. Mahler Co.,** 3124 Pawtucket Ave., East Providence, R. I., manufacturing toilet requisites and an electrical apparatus, agrees to stop representing that the use of the apparatus is the only method of permanently destroying superfluous hair or preventing its regrowth. The respondent agrees also to stop advertising that use of the device by self-application is safe, easy, painless, permanent or harmless, without at the same time qualifying the allegations by the condition that proper care and skill are required in its application.

The respondent company agrees not to represent that use of the apparatus for removal of warts, moles, birthmarks, red veins, freckles and other similar facial blemishes by self-application is safe, unless it is explained that this could be done with safety only by a skilled dermatologist.

The respondent agrees to stop representing that any person named Daniel J. or D. J. Mahler now owns the company, and to cease publishing purported literature or letters in his name, either with or without his portrait, tending to confuse customers into believing that D. J. Mahler, founder of the company, is still living and offering them his services.

No. 1662. **Montgomery, Ward & Co.,** in the sale of a facial cream, designated it "Footlight Turtle Oil Cream," when, according to the stipulation, the oil content of this product did not consist entirely of turtle oil and did not possess the properties and values advertised.

The respondent company agrees to stop using the words "turtle oil," independently or in conjunction with other words, as a trade name for its facial cream product, implying that the oil content of the preparation is composed wholly of turtle oil; unless, when such oil content is substantially turtle oil, the words "turtle oil," if used to describe it, shall be immediately accompanied by other words clearly indicating the actual oil content.

The respondent company also agrees to cease making other representations implying or tending to deceive buyers into believing that its facial cream, when applied externally, will nourish the skin, act as a corrective for wrinkles, or aid the skin of all users to retain a youthful complexion, when these are not the facts.

No. 1663. Trading as "**Marcelle Laboratories**" and "**Footlight Products Co.,**" **C. W. Beggs & Sons, Inc.,** 1741 North Western Ave., Chicago, manufacturer of "Footlight Turtle Oil Cream," entered into a stipulation of facts similar to that in the Montgomery Ward case, and agreed to discontinue the same representations regarding its product.

No. 2651. An order has been issued requiring **Newark Felt Novelty Co., Inc.,** 416 Morris Ave., Newark, N. J., to cease and desist from selling certain articles made of second-hand material unless they are clearly marked so that purchasers will not mistake them as being made of new material.

Specifically, the order directs the respondent company to cease selling baseball caps manufactured from felts obtained from second-hand, old, used and discarded men's and women's felt hats, unless and until there is stamped upon or attached to such caps in a conspicuous place, words clearly indicating that they are not made from new and unused felts, but manufactured from felts obtained from second-hand and discarded felt hats.

No. 2724. Under an order, **Gustave Goldstein,** trading as **Humania Hair & Specialty Manufacturing Co.,** 10-12 East 23rd St., New York City, is directed to cease and desist using false advertising in the sale of hair goods, cosmetics, or toilet preparations.

The respondent will cease representing that he is a manufacturer of hair and specialty goods, an importer of hair goods, or that some of the wigs he sells are imported French wigs made of the finest quality soft French hair.

Among other representations to be discontinued by the respondent are that his "Magic Shaving Powder" does not affect the growth of hair or injure the skin, that "Ro-Zol Face Bleach" is an effective remedy for skin diseases, and that some of his ointments and creams, sold under various trade names, rid the skin of blemishes and pimples, while others lighten dark skin "almost over night" and permit the desired shade to be retained, without injurious effects.

FTC DISMISSES CASES

The Federal Trade Commission has announced that it has dismissed and set aside the following cases:

No. 2450. The Commission has issued an order closing its case against **Distillers Importing Corporation**, 485 Madison Ave., New York City, charged in a Commission complaint with unfair competition through use of the word "Distillers" in its corporate name when the company was not engaged in distilling liquor but was an importer and wholesaler.

The Commission based its closing order on the fact that the respondent company has surrendered its permits, is undergoing dissolution, has not further engaged in interstate commerce in the importation or sale of alcoholic beverages, and on the fact that it appears unlikely the respondent will resume such importation or sale.

The case was closed without prejudice to the Commission's right to reopen it and resume prosecution of the complaint under its regular procedure, should the facts warrant such action.

Nos. 1773-2071. The Commission has vacated and set aside orders to cease and desist issued in April, 1934, against two Philadelphia candy companies, **Quaker City Chocolate & Confectionery Co.**, 2134 Germantown Ave., and **Sol Block and Sidney Blumenthal**, trading as **Rittenhouse Candy Co.**, Worth and Herbert Sts.

The Commission has issued against these respondents amended and supplemental complaints alleging practices similar to those alleged in the original complaints, involving the use of an alleged lottery scheme in the sale of package candies, and has ordered the cases reopened for taking of further testimony.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

Monday, May 25

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Dorrance D. Roderick, El Paso, Tex.—C. P., 1500 kc., 100 watts, unlimited time.

Tuesday, May 26

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—The Brockway Co., Watertown, N. Y.—C. P., 1270 kc., 250 watts, daytime.

Wednesday, May 27

HEARING BEFORE AN EXAMINER

NEW—Metro Broadcasting Co., Los Angeles, Calif.—C. P., 820 kc., 250 watts, limited with WHAS.

NEW—Leon S. Packard, Lewis H. Stebbins, Alden C. Packard, d/b as Valley Broadcasting Co., Pomona, Calif.—C. P., 1160 kc., 250 watts, daytime.

KYA—Hearst Radio, Inc., San Francisco, Calif.—C. P., 1230 kc., 1 KW, 5 KW LS, unlimited time. Present assignment: 1230 kc., 1 KW, unlimited time.

Thursday, May 28

HEARING BEFORE AN EXAMINER

(Broadcast)

NEW—Jefferson Broadcasting Co., Ormond O. Black, Pres., Birmingham, Ala.—C. P., 1200 kc., 100 watts, 250 watts LS, unlimited time.

NEW—J. R. Maddox and Dr. W. B. Bair, d/b as Chattanooga Broadcasting Co., Chattanooga, Tenn.—C. P., 590 kc., 1 KW, unlimited time.

NEW—Lookout Broadcasting Corp., Chattanooga, Tenn.—C. P., 1420 kc., 100 watts, daytime.

NEW—Wilton Harvey Pollard, Huntsville, Ala.—C. P., 1200 kc., 100 watts, unlimited time.

Friday, May 29

HEARING BEFORE AN EXAMINER

(Broadcast)

WGAR—The WGAR Broadcasting Co., Cleveland, Ohio.—Authority to transfer control of corporation to WJR, The Goodwill Station; 1450 kc., 500 watts, 1 KW LS, unlimited time.

WJAY—The Cleveland Radio Broadcasting Corp., Cleveland, Ohio.—Authority to transfer control of corporation to U. B. Company; 610 kc., 500 watts, daytime.

WHK—Radio Air Service Corp., Cleveland, Ohio.—Authority to transfer control of corporation to U. B. Company; 1390 kc., 1 KW, 2½ KW LS, unlimited time.

APPLICATIONS GRANTED

KGNF—Great Plains Broadcasting Co. (a corporation), North Platte, Nebr.—Granted C. P. to make changes in equipment.

KFPW—Southwestern Hotel Co., Fort Smith, Ark.—Granted C. P. to make changes in equipment, using approved type of "A" cut crystal and oscillator circuit.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted C. P. to install directional antenna; move transmitter to — on Glen Rock — Elizabeth Pk. Rd., 1.6 miles east of Norfolk, Va.; increase night power from 500 watts to 1 KW, with directional antenna subject to approval; 780 kc., 1 KW day, unlimited time.

KVOE—The Voice of the Orange Empire, Inc., Ltd., Santa Ana, Calif.—Granted transfer of control of The Voice of the Orange Empire, Inc., Ltd., from the estate of J. S. Edwards, deceased, to J. S. Edwards, Inc.

WREC—WREC, Inc., Memphis, Tenn.—Granted license to cover C. P., 600 kc., 1 KW directional antenna night, 2½ KW LS, unlimited. Also granted authority to determine operating power by direct measurement.

WSGN—R. B. Broyles, tr/as R. B. Broyles Furniture Co., Birmingham, Ala.—Granted consent to voluntary assignment of license from R. B. Broyles, tr/as R. B. Broyles Furniture Co., to The Birmingham News Co.

NEW—Louis Wasmer, Inc., Portable-Mobile, Spokane, Wash. (2 apps.).—Granted C. P. for broadcast pickup station in the experimental service; frequencies 31100, 34600, 37600 and 40600 kc., 2 watts.

NEW—The Evening News Assn., Portable-Mobile (Detroit, Mich.).—Granted C. P. (exp. gen. exp.), frequencies 31100, 34600, 37600, 40600 kc., 3 watts.

W8XO—The Crosley Radio Corp., Mason, Ohio.—Granted renewal of special experimental station license, in exact conformity with existing license, for the period May 21 to August 21, 1936.

SET FOR HEARING

NEW—The Birmingham News Co., Birmingham, Ala.—Application for C. P. for new station, frequency 590 kc., 500 watts night, 1 KW day, unlimited time; site to be determined.

KIT—Carl E. Haymond, Yakima, Wash.—Application for C. P. to install new equipment, change frequency from 1310 kc. to 1250 kc., erect a vertical radiator at site to be determined with Commission's approval, and increase night power from 100 watts to 250 watts, day power from 250 watts to 500 watts.

NEW—Mile High Radio Corp., Denver, Colo.—Application for C. P. for new station, 1420 kc., 100 watts, unlimited time; site to be determined.

NEW—The News Press Publishing Co., Santa Barbara, Calif.—Application for C. P. for new station, 1410 kc., 500 watts, unlimited time; site to be determined.

NEW—The Metropolis Co., Jacksonville, Fla.—Application for C. P. for new station, 1310 kc., 100 watts, unlimited time; site to be determined.

NEW—Neil O. Davis and F. M. Gleason, d/b as North Georgia

Broadcasting Co., Rossville, Ga.—Application for C. P. for new station, 1200 kc., 100 watts, unlimited time; site to be determined.

NEW—Owensboro Broadcasting Co., Owensboro, Ky.—Application for C. P. for new station, 1500 kc., 100 watts, unlimited time; site to be determined.

KNX—Western Broadcast Co., Los Angeles, Calif.—Application for consent to transfer control of Western Broadcast Co. (licensee of KNX) from Guy C. Earl, Jr., and five other parties, to the Columbia Broadcasting System. To be heard June 29 before the Broadcast Division. Also remanded application for renewal of license to docket for further hearing on June 29, 1936.

MISCELLANEOUS

KCMO—Charlotte Duncan, Administratrix, Lester E. Cox, and Thos. L. Evans, Kansas City, Mo.—Reconsidered and granted application for renewal of license and for assignment of license to Lester E. Cox, Thos. L. Evans, and C. C. Payne.

NEW—Memphis Commercial Appeal, Inc., Memphis, Tenn.—Granted permission to file its appearance and statement of facts to be proved in re application for new broadcast station to operate on 630 kc., 1 KW, unlimited time, to be located at Mobile, Ala.

WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa.—Denied petition asking Commission to reconsider and grant without hearing application for C. P. to make changes in equipment and to increase daytime power from $2\frac{1}{2}$ KW to 5 KW.

WCBF—WCBF, Inc., Zion City, Ill.—Denied petition asking Commission to reconsider and grant without hearing application for modification of license for authority to move its studio to Chicago.

KOB—New Mexico College of Agriculture & Mechanic Arts, Albuquerque, N. Mex.—Granted petition requesting postponement of hearing on renewal of license, now scheduled for May 25, 1936, pending formal application now being prepared for the assignment of the station license.

NEW—Struble, Strong, Fagan, Dalles, Ore.—Granted request for an order to take depositions in support of application for a new broadcast station at Dalles, Ore.

WWAE—Hammond-Calumet Broadcasting Corp., Hammond, Ind.—Suspended grant made March 27, 1936, and designated for hearing application to operate unlimited daytime and share with WFAM (South Bend, Ind.) at night, because of the protests of WSBC, WEDC, and WCRW, all of Chicago.

NEW—R. J. Laubengayer, Salina, Kans.—Denied petition asking Commission to reconsider and grant without hearing application for permit to erect and operate new broadcast station at Salina, using 100 watts on 1500 kc., full time.

WALA—Pape Broadcasting Corp., Inc., Mobile, Ala.—Granted request for order to take depositions as intervener for use at hearing in opposition to application of Memphis Commercial Appeal, Inc., for new station at Mobile, Ala.

ACTION ON EXAMINERS' REPORTS

NEW—Ex. Rep. No. 1-77 (in part): G. D. Goff, Tampa, Fla.—Denied C. P. for new station to operate on 1500 kc., 100 watts, unlimited time (site to be determined subject to Commission's approval), reversing Examiner Geo. H. Hill. Order effective August 25, 1936. (Action taken May 1, 1936.)

WBNX—Ex. Rep. No. 1-134 (in part): Standard Cahill Co., Inc., New York City.—Granted C. P. to make changes in equipment, move transmitter, and increase power from 250 watts to 1 KW, 1350 kc., share time with WAWZ, sustaining Examiner John P. Bramhall. Order effective September 15, 1936. (Action taken May 1, 1936.)

APPLICATIONS RECEIVED

First Zone

NEW—Old Colony Broadcasting Corp., Brockton, Mass.—Construction permit for a new station to be operated on 680 kc., 250 watts, daytime.

WELI—Patrick J. Goode, New Haven, Conn.—Modification of 930 license to change hours of operation from daytime to unlimited time, requesting 250 watts night, 500 watts day power and change frequency from 900 kc. to 930 kc. Amended to install directional antenna.

NEW—Harriett M. Alleman and Helen W. McLellan, d/b as Cape 1210 Cod Broadcasting Co., Barnstable Township, Mass.—Construction permit for a new station to be operated on 1210 kc., 100 watts, 250 watts day, unlimited time.

Second Zone

NEW—Valley Broadcasting Co., Cleveland, Ohio.—Construction 890 permit for a new station to be operated on 890 kc., 1 KW, unlimited time.

NEW—WRBC, Inc., Cleveland, Ohio.—Construction permit for a 950 new station to be operated on 780 kc., 1 KW, unlimited time. Amended to change frequency from 780 kc. to 950 kc.

WSAI—The Crosley Radio Corp., Cincinnati, Ohio.—Authority 1330 to determine operating power by direct measurement of antenna.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Modification of 1500 construction permit (B2-P-637) for changes in equipment, requesting to install new equipment, make changes in antenna, and extend commencement and completion dates.

NEW—Farnsworth Television, Inc., of Pennsylvania, Springfield, Pa.—Construction permit for an experimental visual broadcasting station and synchronized sound track for 60000-86000 kc. band on specific frequencies of 62750 kc. for visual broadcasting and 66000 kc. for synchronized sound track. Visual power 4 KW, sound track power 1 KW.

W8XAL—Crosley Radio Corp., Mason, Ohio.—Modification of license to add frequency 9590 kc.

Third Zone

WMC—Memphis Commercial Appeal, Inc., Memphis, Tenn.—780 Modification of construction permit (B3-P-621) for changes in equipment and increase in power, requesting to install a new directional antenna, change transmitter site from intersection U. S. Highways 64 and 70, Memphis, Tenn., to $\frac{3}{4}$ mile northwest of 5 Points—intersection U. S. Highway No. 70 and Macon Road, near Memphis, Tenn., and extend commencement and completion dates.

NEW—Radio Enterprises, Inc., Hot Springs, Ark.—Construction 1310 permit for a new station to be operated on 1310 kc., 100 watts, daytime.

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—License 1310 to cover construction permit (B3-P-42) for a new station.

W4XC—Wade Dellinger, Portable.—Modification of license to change from telegraph service to broadcast. Licensed for 31600, 35600, 38600, 41000, 86000-100000 kc., 15 watts.

Fourth Zone

NEW—Daily News Corp., St. Paul, Minn.—Construction permit 630 for a new station to be operated on 1370 kc., 100 watts, unlimited time. Amended to change frequency from 1370 kc. to 630 kc., and power from 100 watts to 250 watts.

WJJD—WJJD, Inc., Chicago, Ill.—License to cover construction 1130 permit (B4-P-362) for move of transmitter.

WEOA—Evansville on the Air, Inc., Evansville, Ind.—License to 1370 cover construction permit (B4-P-384) for a new station.

NEW—KMJB Broadcasting Co., by Myron J. Bennett, Pres., 1450 Minot, N. Dak.—Construction permit for a new station to be operated on 1450 kc., 1 KW, unlimited time, facilities of KLPM. Amended to change equipment and give transmitter site as site to be determined, Ward County, North Dakota.

Fifth Zone

KGW—Oregonian Publishing Co., Portland, Ore.—Construction 620 permit to make changes in equipment.

NEW—The Tribune, Great Falls, Mont.—Construction permit for
950 a new station to be operated on 1280 kc., 1 KW, 5 KW
day, unlimited time. Amended: Change frequency back to
950 kc. from 1280 kc. and omit request for KFBB's facilities.

KGY—KGY, Inc., Olympia, Wash.—Authority to install auto-
1210 matic frequency control.

KGY—KGY, Inc., Olympia, Wash.—Construction permit to in-
1210 stall a new transmitter.

NEW—Ed Klies, Helena, Mont.—Construction permit for a new
1280 station to be operated on 1210 kc., 100 watts, 250 watts
day, unlimited time. Amended to change equipment, change
frequency from 1210 kc. to 1280 kc., and power from 100

watts, 250 watts day, to 1 KW, 5 KW day, facilities of
KFBB.

KSLM—Oregon Radio, Inc., Salem, Ore.—Authority to make
1370 changes in automatic frequency control.

WDNC—Durham Radio Corp., Durham, N. C.—Authority to
1500 transfer control of corporation from George Watts Hill,
Herbert Bleuthenthal, Harris Newman and John Sprunt Hill
to The Durham Herald Company, 684 shares common stock.

Puerto Rican Zone

WKAQ—Radio Corporation of Porto Rico, San Juan, Puerto Rico.

1240 License to cover construction permit (B4-P-743) for changes
in equipment and move of transmitter.