

# The National Association of Broadcasters

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

## NAB REPORTS

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### PAYNE CONFIRMED

George Henry Payne, of New York, was confirmed on Monday as a member of the Federal Communications Commission for a term of 7 years from July 1. It will be recalled that Mr. Payne has been a member of the Commission since the new body was organized, and the law provides that all terms shall be for a period of 7 years after the first term expires.

### RADIO BILL SIGNED

President Roosevelt has signed S. 2243, the bill which repeals the Davis amendment. The bill was originally introduced in the Upper House by Senator Wheeler of Montana. As it became law it reads exactly as quoted in NAB REPORTS dated June 4 (Vol. 4, No. 27).

### APPEAL FILED IN MONOCACY CASE

The Monocacy Broadcasting Company has filed an appeal in the United States District Court of Appeals for the District of Columbia, from a decision of the Supreme Court of the District of Columbia in which the latter court upheld a decision of the Federal Communications Commission.

In this case the Communications Commission granted a construction permit to the Monocacy Company for the erection of a new broadcasting station at Rockville, Md., but a protest was filed against the grant. The protest was later withdrawn but the Commission set the case for hearing. The Monocacy Company asked the District Supreme Court to enjoin the Commission against holding the hearing but the Court in a recent decision refused to hold in favor of the broadcasting company. Appeal has now been taken to the higher court but argument will not be held until the autumn.

### PLAN FOR JUNE 15 CONFERENCE

The Federal Communications Commission has announced a tentative plan for the June 15 engineering hearing. James W. Baldwin, Managing Director, and Dr. Charles B. Aiken, Special Technical Consultant, will appear on behalf of the NAB. The plan as announced by the FCC follows:

The following general plan for the conduct of the informal engineering hearing beginning June 15, 1936, was approved by the Commission. Since all the notices which are due have not as yet been received by the Commission, the general order of witnesses cannot be given. However, this will be done at as early a date as possible.

The hearing will take place in the government auditorium located at Constitution Avenue between 12th and 13th Streets, between the Department of Labor Building and the Interstate Commerce Commission Building.

Opening statement by Chairman of Federal Communications Commission, outlining scope and procedure of hearing.

Testimony—Chief Engineer of Commission. General review of past developments, present practices and future probabilities.

Testimony—Dr. J. H. Dellinger. Statement of requirements of government departments.

### General Testimony Relating to Broad Questions of Public Interest and General Allocation Policies.

- Witnesses in behalf of organizations operating in all phases and services in the industry.
- Witnesses in behalf of organizations operating in more than one phase or service in the industry.
- Witnesses in behalf of organizations operating in only one phase or service in the industry, in following order:
  - Operating associations.
  - Radio manufacturing associations.
  - Other trade associations.
  - Individual services.

### Specific Testimony (See Notice of Hearing)

- E. K. Jett—General Status of Radio Spectrum.
- A. D. Ring—Present Status of Apparatus Limitations.
- L. P. Wheeler—General Frequency Propagation Characteristics.
- A. Witnesses in behalf of organizations operating in all phases and services in the industry who may desire to cover all subjects at one time.
- Witnesses in behalf of organizations operating in more than one phase or service in the industry who may desire to cover all subjects at one time.
- Witnesses in behalf of organizations operating in only one phase or service in the industry in the order given in the following paragraphs 5 to 11, inclusive. Within each service outlined in the following paragraphs 5 to 11, inclusive, the order of witnesses will be as follows:
  - Operating associations.
  - Radio manufacturing associations.
  - Other trade associations.
  - Individual services.
- Broadcast Service
  - Broadcast stations (550-1500 kc.).
  - Visual broadcast.
    - Television broadcast.
    - Facsimile broadcast.
  - Special broadcast (1500-1600 kc.).
  - International broadcast.
  - Relay broadcast.
  - High frequency broadcast.
  - Experimental broadcast.

## FOURTEENTH ANNUAL NAB CONVENTION

STEVENS HOTEL, CHICAGO, ILLINOIS

JULY 5, 6, 7, 8, 1936

- (h) Other classes not now recognized in the Rules and Regulations.
- 6. *Fixed Services*
  - (a) Point-to-point telegraph stations.
  - (b) Point-to-point telephone stations.
  - (c) General and special experimental stations in the fixed services.
  - (d) Other fixed services not now licensed by the Commission.
- 7. *Coastal, Marine Relay and Ship Services.*
  - (a) Coastal harbor and ship (harbor) stations.
  - (b) Coastal telephone and ship (telephone) stations.
  - (c) Coastal telegraph, marine relay and ship (telegraph) stations.
  - (d) General and special experimental stations operating in the maritime service.
  - (e) Other classes not now licensed by the Commission.
- 8. *Aviation Services*
  - (a) Aircraft stations.
  - (b) Airport stations.
  - (c) Aeronautical stations.
  - (d) Aeronautical point-to-point stations.
  - (e) Airway radio obstruction marker stations.
  - (f) General and special experimental stations in the aviation service.
  - (g) Other classes not now licensed by the Commission.
- 9. *Emergency Services*
  - (a) Municipal police stations.
  - (b) State police stations.
  - (c) Zone and interzone police stations.
  - (d) General and special experimental stations operating as police stations.
  - (e) Marine fire stations.
  - (f) Special emergency stations.
  - (g) Other general and special experimental stations operating in the emergency service.
  - (h) Other emergency services not now licensed by the Commission.
- 10. *Amateur Service*
- 11. *Miscellaneous Services*
  - (a) Geophysical.
  - (b) Motion picture.
  - (c) General and special experimental stations not operating in any of the aforementioned services.
  - (d) Other classes not identified with a particular service now licensed by the Commission.

## DENIAL OF NEW STATION RECOMMENDED

Carl S. Taylor has applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Dubois, Pa., to use 780 kilocycles, 250 watts and daytime operation.

Examiner R. H. Hyde, in Report No. I-235 has recommended that the application be denied. He found that "the evidence relating to the application \* \* \* particularly with reference to the experience and financial qualifications of the applicant and the type of programs to be rendered, does not afford reasonable assurance that the granting of the application would serve public interest, convenience or necessity."

## TEXAS BROADCASTERS OPPOSE HIGH POWER

### Resolution of Texas Broadcasters Association

WHEREAS, it is the understanding of this organization that certain applications are now pending before the Federal Communications Commission and others are contemplated, wherein licenses or permits are being sought authorizing the establishment of radio broadcasting stations with transmission power of five hundred (500) kilowatts; and

WHEREAS, such stations on account of their excessive power cover the entire United States; and

WHEREAS, on account of the excessive cost to establish such stations they can only be established by large accumulations of capital and in small numbers compared with the present number of stations of lesser power now being successfully operated; and

WHEREAS, such powerful stations tend to monopolize the radio broadcasting industry to the detriment and injury of the approximate six hundred thirty (630) independent broadcasting

stations now established and representing to the owners and operators thereof valuable investments; and

WHEREAS, there is no necessity for stations of such excessive power as the country could be properly and efficiently furnished with broadcasting service without the issuance of any further license for such super-power stations.

THEREFORE, BE IT RESOLVED by the Texas Broadcasters Association, in general meeting assembled at Fort Worth, Texas, that in view of the facts related above and the certainty of the economic injury and ultimate economic destruction of the numerous presently established independent broadcasting stations which will result in the establishment of even a limited number of stations of such tremendous power, that Texas Broadcasters Association earnestly and strenuously objects to and protests the granting by the Federal Communications Commission of any other or further licenses or permits for stations of power in excess of fifty (50) kilowatts; and

BE IT FURTHER RESOLVED that the Secretary of this organization be instructed to furnish a certified copy of this Resolution to each of the members of the Federal Communications Commission with request that they and each of them refuse to grant any other or further such permits or licenses.

T. FRANK SMITH,  
*Chairman.*

ATTEST:

JAMES R. CURTIS,  
*Secretary.*

## POWER INCREASE DENIAL RECOMMENDED

Broadcasting station KFOX, Long Beach, Cal., operating on a frequency of 1250 kilocycles, unlimited time, has applied to the Federal Communications Commission to increase its daytime power to 5,000 watts. It now operates with 1,000 watts day and night.

Examiner Ralph L. Walker in Report No. I-233 recommends that the application be denied. The Examiner found that:

"The granting of this application would permit the applicant station to approximately double its present good service area during daytime hours. By far the greater part of the population which would be served is located in the Los Angeles area wherein no need exists for additional program service. No such need is shown for additional program service in the area east and southeast of Long Beach as would warrant increasing the broadcast service now provided in the Los Angeles area."

## MOUNTAIN STATES RADIO REVENUE

Total receipts of the 42 broadcast stations in the Mountain states from sales of radio time during 1935 amounted to \$1,760,684 according to a statement of the Bureau of the Census, Department of Commerce, in the fourth report of the new census of business series on the broadcasting business.

## TWO NEW STATIONS RECOMMENDED

Four applications have been filed with the Federal Communications Commission for stations to be erected in California, two of which were to be located at Sacramento, one at Santa Rosa and one at Santa Cruz. All applications were for 1310 kilocycles, unlimited time and two at 100 watts, 250 watts LS, one for 100 watts and one for 250 watts.

Examiner Melvin H. Dalberg in Report No. I-234 recommended that the application of William B. Smullin for a station at Sacramento be denied; that the application of the Press Democrat Publishing Company, for a station at Santa Rosa be denied; that the application of B. A. Thompson, for a station at Santa Cruz be granted; and that the application of Howard N. Mitchell, for a station at Sacramento be granted. He found that the operation of the proposed stations would not cause interference with existing facilities.

## SECURITIES ACT REGISTRATIONS

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

Pictorial Paper Package Corp., Aurora, Ill. (2-2181, Form A-2)  
Inland Steel Company, Chicago, Ill. (2-2182, Form E-1)  
Sunray Oil Corp., New York City. (2-2183, Form A-2)  
Tilo Roofing Company, Stratford, Conn. (2-2184, Form A-2)  
Consolidated Aircraft Corp., San Diego, Calif. (2-2186, Form A-2)

L. C. Smith & Corona Typewriters, Inc. (2-2190, Form A-2)  
 The Gabriel Company, Cleveland, Ohio. (2-2191, Form A-2)  
 Illinois Zinc Company, Chicago, Ill. (2-2192, Form A-2)  
 Duro-Test Corp., New York City. (2-2195, Form A-1)  
 George H. Frederick Distilleries, Inc., Harrison, Ohio. (2-2196, Form A-1)  
 Comstock-Dexter Mines, Inc., Prescott, Ariz. (2-2198, Form A-1)  
 King-Seeley Corp., Ann Arbor, Mich. (2-2200, Form A-2)  
 Temblor Oil Company, Boston, Mass. (2-2191, Form A-1)  
 Wieboldt Stores, Inc., Chicago, Ill. (2-2202, Form A-2)  
 Oklahoma Natural Gas Company, Tulsa, Okla. (2-2203, Form A-1)  
 Oklahoma Natural Gas Company, Tulsa, Okla. (2-2204, Form A-1)  
 Securities Acceptance Corp., Omaha, Nebr. (2-2205, Form A-2)  
 The Standard Products Company, Cleveland, Ohio. (2-2206, Form A-1)  
 Driver-Harris Company, Harrison, N. J. (2-2207, Form D-1A)  
 Driver-Harris Company, Harrison, N. J. (2-2208, Form A-2)  
 Williams Oil-O-Matic Heating Corp., Bloomington, Ill. (2-2209, Form A-2)  
 The Arundel Corporation, Baltimore, Md. (2-2210, Form A-2)  
 Hal Price Headley et al., Lexington, Ky. (2-2211, Form F-1)  
 San Antonio Milam Building, Inc., San Antonio, Texas. (2-2212, Form E-1)  
 Bradshaw Mines, Inc., Prescott, Ariz. (2-2213, Form A-1)  
 New Park Mining Company, Salt Lake City, Utah. (2-2215, Form A-1)  
 North American Acceptance Corp., Chicago, Ill. (2-2216, Form A-1)  
 Snowden Colorado Mines, Inc., Denver, Colo. (2-2217, Form A-1)  
 Seasoned Investments, Inc., Philadelphia, Pa. (2-2218, Form A-1)  
 Metropolitan Investments, Inc., Philadelphia, Pa. (2-2219, Form A-1)  
 Summit Gold Mining Corp., Vancouver, B. C. (2-1576, Form A-1)

#### CHANGES RECOMMENDED FOR WQDM

Broadcasting Station WQDM, St. Albans, Vt., applied to the Federal Communications Commission to change its frequency from 1370 to 1390 kilocycles, to increase its power from 100 to 1,000 watts, and for certain specified hours of operation.

Examiner Melvin H. Dalberg, in Report No. I-236, has recommended that the application be granted. He found that there exists a need for additional daytime radio service in the area proposed to be served. Also, "it has been demonstrated that there will be a considerable increase in advertising patronage to the applicant station should the present application be granted." The Examiner found also that no interference would result with any other existing station if the application were granted.

#### NEW CALIFORNIA STATION RECOMMENDED

Miles J. Hansen applied to the Federal Communications Commission for a construction permit for the erection of a new broadcasting station at Fresno, Calif., to use 1420 kilocycles, 100 watts power, and unlimited time on the air. Julius Brunton & Sons Company also applied to the Commission for the erection of a new station at Fresno to use 980 kilocycles, 250 watts and daytime operation.

Chief Examiner Davis G. Arnold, in Report No. I-237, recommends that the application of Miles J. Hansen be dismissed with prejudice on motion of the counsel for the Commission and that the application of Brunton & Sons be granted. Hansen was not ready when his case was called and asked for continuance.

The Examiner states that there is need for additional daytime radio service at Fresno and that the operation of the new proposed station would not cause interference with any existing station.

#### 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. 2825.** Use by **Cushing Refining & Gasoline Co., Cushing, Okla.**, of false and misleading advertising to prejudice the public against "Ethyl" gasoline and to build up a preference for its own competitive product is alleged in a complaint issued against that company. The respondent corporation has branch offices in Minneapolis.

"Ethyl" gasoline, which is produced by adding the chemical known as tetraethyl lead, or "Ethyl," to gasoline made by the distillation or "cracking" processes, has never been manufactured or sold by the respondent corporation, the complaint charges. Tetraethyl is said to be the only chemical used commercially for mixture with gasoline for the purpose of eliminating the "knocking" encountered in high compression motors when fueled with the usual straight run gasoline.

Advertising in newspapers and other publications, and in radio broadcasts, the respondent corporation is alleged to unfairly disparage and to discourage the use of "Ethyl" gasoline by making representations which cause purchasers to believe that gasoline treated with tetraethyl lead is dangerous, poisonous, injurious to the life or health of users, and that the respondent's product is safe and superior to gasoline chemically treated.

The complaint alleges that mixing tetraethyl lead with gasoline produces a high grade anti-knock motor fuel which functions in an exceedingly efficient manner, is entirely safe when used as such, is no more poisonous or dangerous than any other gasoline, and is not narcotic in effect.

Although the respondent corporation allegedly represents that all of its gasoline is made by a new method, the complaint charges that only about one-third of it is produced by the new "cracking" process, the balance being made by straight distillation, one of the oldest methods known in the petroleum refining industry.

Among purchasers of gasoline, the complaint alleges, one of the controlling influences is the popular opinion as to the value, desirability, effectiveness and safety of "Ethyl" as compared with other grades, and the respondent corporation, by its representations, is said to unfairly divert trade to itself and to other sellers of straight or "cracked" gasoline from competitors who sell "Ethyl."

**No. 2827.** Charging unfair competition in the sale of wood fiber wall and counter coverings made to resemble tile and marble, a complaint has been issued against **Marsh Lumber Co.**, trading as **Marsh Wall Tile Co.**, 535-611 Tuscarawas Ave., **Dover, Ohio**, alleging violation of the Federal Trade Commission Act.

Wall coverings for use in houses or other buildings, and counter coverings for soda fountains and bars, were made by the respondent company by a process of exploding pine wood chips with high pressure steam, treating the resulting mass with oil, welding it together and compressing it into sheets by subjection to high pressure in steam heated hydraulic presses, according to the complaint. This material was glazed with lacquer and processed so as to produce the appearance of tile or marble, respectively, it is alleged.

The complaint charges that purchasers observing the respondent company's installations of wall and counter coverings containing graining and other outward appearances of marble and markings imitating mortar joints in tile construction, were led to believe that such installations were actually tile or marble and not a wood product.

**No. 2828.** Charging unfair competition in the sale of furs, fur coats and fur trimmed garments, a complaint has been issued against **Mandre, Inc.**, 1400 Broadway, **New York City**, and **Louis C. Rosenblatt, Arthur J. Rosenblatt and H. Edelman**, officers of the corporation. The complaint also names as respondents the same firm and individuals trading as **M. Brooks & Co.**, 1109 G St., N. W., **Washington**. The New York firm is a manufacturer and dealer and the Washington company a dealer.

**Mandre, Inc.**, according to the complaint, shipped to **M. Brooks & Co.**, **Washington**, and to other dealers, furs, coats and pieces marked as "Hudson Seal," "Russian Leopard," "Kidskin," "Mink," and by other similar designations, these words appearing in bold, black letters and followed by small type conveying the words "dyed coney," "dyed muskrat," or "dyed marmot."

The respondents also are alleged to have advertised in magazines, newspapers and folders, printing the advertised name of a garment, such as "Imported French Seal Coats," in large type followed by explanatory words like "dyed coney" in small type and in parentheses. In some instances the advertised name of the fur was not accompanied by qualifying words.

These labels and advertisements are alleged to have been false, deceptive and misleading, as the coats labeled and advertised with names of high priced furs were in fact made from the skins of rabbits, muskrats, groundhogs and other inferior skins cured, treated and dyed to resemble higher quality skins like seals, panthers, leopards and others.

**No. 2829. Harold L. Rothschild, trading as Coronado Manufacturing Co.,** 500 Robert St., St. Paul, Minn., has been named respondent in a complaint alleging unfair competition in the sale of a line of cosmetics and toilet preparations under the brand name "Coronet."

In the financial and business opportunity columns of newspapers, the respondent is said to advertise for men with capital to invest to act as his managers or representatives, and to falsely represent in such advertisements the size of his business, the length of time it has been established, and the profit to be derived from money invested in it.

In order to induce applicants who answer these advertisements to enter into an agreement to purchase his "Coronet" merchandise for resale, the respondent, the complaint alleges, makes further representations which tend to mislead such applicants into the belief that there is a substantial demand for "Coronet" products and that they will be given exclusive territories where they will have no competition; that they will be furnished additional supplies of "Coronet" products on a profit-sharing plan if they fulfill the terms of the agreement; that managers and other representatives of the respondent have made substantial profits selling his goods, and that any man, without experience, can do the same, and that money invested will be refunded when unsold merchandise is returned.

**No. 2830.** A complaint charging unfair competition in violation of section 5 of the Federal Trade Commission Act has been issued against **Udga Incorporated**, Foot-Schulz Building, St. Paul, Minn., and **William and Mary Fraser**, engaged in the sale of "Udga Treatment" tablets, offered as a remedy for various stomach disorders, including those caused by hyperacidity. The Frasers are said to own virtually all of the capital stock of Udga Incorporated.

In newspaper and magazine advertisements and through the use of purported testimonial letters sent to prospective customers, the respondents are alleged to make representations tending to create the belief that "Udga Treatment" has a curative value for all the stomach ailments specified, when, according to the complaint, the product has no therapeutic or curative value and cannot remedy such ailments.

**No. 2831.** False and exaggerated claims on the part of **Buno Co., Inc.**, 507 Green St., Philadelphia, as to the remedial or curative qualities of "Buno", advertised and sold as a competent treatment for skin and scalp ailments, are alleged in a complaint issued against that company.

Advertising over the radio and in newspapers, magazines and circulars, the respondent company is said to represent that its product in all cases keeps the skin clear and healthy, gives instant relief from sunburn and insect bites, and is an effective remedy for dandruff, falling hair, eczema, athlete's foot, psoriasis, and all skin eruptions. The complaint charges that the product will not, in all cases, cure or effectively relieve the skin and scalp diseases named.

By reason of the respondent company's practices, held to constitute unfair competition in violation of Section 5 of the Federal Trade Commission Act, trade is alleged to be unfairly diverted to the respondent from competitors who do not misrepresent their products.

**No. 2832.** False and misleading representations in the sale of packaged mineral salts and other kindred products, are alleged in complaint charging **Roxie Thorson**, of Soap Lake, Wash., trading as **Thorson's Soap Lake Products Co.**, with unfair methods of competition in violation of the Federal Trade Commission Act.

Selling "Thorson's Soap Lake Salts", "Thorson's Soap Lake Liniment" and other products obtained from the waters of Soap Lake, the respondent is alleged to have advertised that her products will prevent and cure or are beneficial in the treatment of many diseases such as stomach and kidney troubles, rheumatism, skin diseases, pyorrhea, high blood pressure and arthritis.

The complaint charges that the respondent's representations are exaggerated, misleading and untrue, and that in fact the use of these packaged products will not prevent and cure, nor are they beneficial in the treatment of the various diseases mentioned.

**No. 2833-2834.** Unfair competition through the use of a game of chance to promote the sale of candy is alleged in complaints against two **Seattle, Wash.**, corporations, **Imperial Candy Co.**, 800 Western Ave., and **Rogers Candy Co.**, 4547 University Way.

The complaints charge each company sells to wholesale and retail dealers assortments of candy so packed and assembled as to involve the use of a lottery scheme when the candy is resold to consumers. While the respondent companies' sales plans and as-

sortments of candy vary in certain details, each features a method whereby the purchaser of a chance on a punch board or push card may win as a prize a large piece or box of candy or other article of merchandise, according to the complaints.

Use of the lottery method by the respondent companies is said to constitute a practice contrary to public policy and to cause diversion of trade to the respondents from competitors who do not resort to the same or similar schemes in selling their products.

### Stipulations

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

**No. 01376. Charles Endorf, 404 North Wells St., Chicago, trading as Enco Products**, agrees to stop advertising that "Protecto Remedies" are made in a laboratory under supervision of registered pharmacists or compounded in accordance with the most advanced medical practices; that they are a competent or adequate remedy for relief of pain in certain ailments of women; that they are safe, non-irritating and non-poisonous, and other representations.

**No. 01377. S. Cheifetz and M. A. Jacobs, trading as Lenox Sales Co., 303 Fourth Ave., New York City**, selling cosmetics and novelties, admit that their commodities are not offered free to persons responding to their advertisements, as was alleged, but are sold to the general public at regular market values or are given in payment for services rendered. The respondents advertised "Free Gifts," and "How to get watches, cameras, cocktail sets, 7-piece bed sets and many other gifts, without any cost to you." They agree to cease advertising that any article or premium is a gift or is free, if the receipt of such article is contingent on the recipient's furnishing money or giving services.

**No. 01378. Wroblewski Laboratories, Ltd., 55 Keap St., Brooklyn**, agrees to discontinue advertising that "Kalwaryjskie Wino Lecznice" is a competent treatment or effective remedy for stomach trouble, headaches, sluggishness, blotchy skin and other ailments; that its use will prevent loss of health and vivacity; that the wine is a remedy for colds, and other representations.

**No. 01379. Madam White Cosmetics, Inc., 2526 Nicollet Ave., Minneapolis**, in the sale of "Madam White Cosmetics," agrees to ban representations that sales agents for these products make in times of depression more money than the average professional person in normal times; that there is in "your community" a large list of permanent customers who will not buy any cosmetics except Madam White's, and that a \$15.95 demonstration set is sent "actually free" to sales persons, when, in fact, a cash deposit is required to obtain it.

**No. 01380. E. Haldeman-Julius, trading as Haldeman-Julius Publications, and The American Freeman, Girard, Kans.**, in selling subscriptions to the *American Freeman* magazine and a booklet entitled "The Rhythm Method of Natural Birth Control," agrees to discontinue advertising that the booklet gives a complete description of the Ogino-Knaus method; that this method has been officially approved by the Catholic Church; that the booklet is not for sale or that it may be procured only through subscription to the *American Freeman* magazine, and other similar representations.

**No. 01381. Marshak Maltmolak Co., Inc., 705 Driggs Ave., Brooklyn**, agrees to cease sponsoring advertisements to the effect that Marshak's Improved Malted Milk will improve the appetite, unless these assertions are expressly limited to cases in which the lack of appetite is due to a Vitamin B deficiency; that this malted milk, because of the iron content, or for any other reason, constitutes a competent treatment or effective remedy for anemia, or will prevent illness of children from developing to any "stage of anemia," unless the allegation is limited to cases of simple nutritional anemia caused by deficiency of iron in the diet. The respondent admitted in its stipulation that most serious cases of anemia arise from conditions other than a deficiency of iron in the daily diet.

**No. 01382. The Wyeth Chemical Co., 15 Exchange Place, Jersey City, N. J.**, selling "Freezone" for the removal of corns, agrees to ban the representation that this product will remove corns immediately, relieve pain of corns instantly, and remove corns without soreness or irritation. In its stipulation, the respondent company admits that removal of corns by any method is not totally devoid of soreness or irritation, and that repeated applications of its preparation and a certain amount of time are necessary to eliminate corns.

**No. 01383. E. L. Knowles, Inc., 222 Hancock St., Springfield, Mass.**, agrees to cease asserting that its product, "Rub-ine," will give quick relief from stubborn aches and pains; has un-

usual penetrating powers, and is an effective agent for the treatment of stiff muscles or muscular lameness, unless this latter assertion is limited to conditions due to exposure or exercise. The respondent will also cease representing that "Ruh-ine" is a competent remedy for aching feet, athlete's foot, mosquito bites, ivy poisoning, and other specified ailments.

**No. 01384. The Rite Product Co., 123 South State St., Salt Lake City, Utah,** agrees to quit making the representation that its product, "Stop-Rite," will make old automobile brakes new or as good as new; that it is more effective than new brake lining, and will eliminate squeaks, squeals, brake adjustments, and prevent slipping, grabbing and drum scoring. The respondent also agrees to stop alleging that its product will make brakes serviceable for 20,000 miles or any other definite distance in excess of the mileage that has been demonstrated by reliable scientific tests.

Two individuals selling cosmetics and household articles in interstate commerce have entered into stipulations to cease and desist from unfair advertising practices.

**No. 1675. Wayne Heckman, trading as Moon Glow Perfume Co., 709 West Wayne St., Maumee, Ohio,** agrees to stop use of advertising phrases which imply that a wrist watch will be given as a prize to those who "simply sell 12 bottles of our American Girl Perfume at 25 cents a bottle and remit," when in fact, according to the stipulation, the salesman, to obtain the wrist watch, must make further sales efforts or pay additional money.

Heckman also stipulates that he will not advertise "A free gift for your customers," implying that valuable articles are to be given away, when in fact their cost is included in the price paid by the customer for perfume, and, to make use of an alleged gift, the customer must spend additional money, although this requirement is not disclosed in the advertisement.

**No. 1676. Engaged as a wholesaler of household utilities, cosmetics, drugs and similar commodities. Joseph Auster, trading as General Sales & Drug Co., 720 West Madison St., Chicago,** agrees to discontinue publishing fictitious, exaggerated representations of selling value in his catalogues and price lists. He will also stop asserting that he manufactures the merchandise he sells, and will discontinue using the word "extracts" in a manner implying that the products referred to are extracts, when this is not true.

**No. 1678. Stehli Silks Corporation, 1372 Broadway, New York City,** silk manufacturer, has entered into a stipulation to discontinue false and misleading advertising in the sale of its products.

The stipulation sets out that the respondent corporation advertised under its trade name or under the words "Stehli Silks" certain rayon products resembling silk and designated "Laughing Water" and "Sugar and Spice," but that the true character of the materials so designated was not disclosed in such advertisements.

Under the stipulation, the respondent corporation will cease using the word "Silks," independently or as part of its trade name, in advertising matter in which fabrics described and offered for sale are not composed of silk.

**No. 1679. N. Wallach & Sons, Inc., 239 Canal St., New York City,** agrees to desist from use of the word and figures "585 Fine" in branding dental products not containing 585/1000 of gold content, and from use of the brand "22 Karat" to designate products not made of 22 karat gold. The respondent corporation stipulates it will not use any of the words or figures specified in any manner tending to deceive purchasers as to the quantity or quality of the gold content of its products.

**No. 1680. L. D. Bader, trading as L. D. Bader & Son Candy Co., 567 East South St., Akron, Ohio,** signed an agreement to discontinue any plan for selling his candy products which involves use of a lottery or scheme of chance, whereby an article is given as a prize in consideration of the purchase of any other article. The respondent also will cease transporting in interstate commerce advertising matter for use of dealers in soliciting the sale of his candy products by means of a lottery method.

**No. 2613. The New York State Wholesale Confectionery Associations, Inc.,** with headquarters in Syracuse, eight local or regional associations, and the **Empire State Candy Club, Inc.,** a candy brokers' and agents' organization with headquarters in Utica, have been served with an order to cease and desist from combination and conspiracy in restraint of trade and certain other practices in the sale of candy in interstate commerce.

The eight local or regional associations, occupying an important position in the national candy trade, particularly in the Eastern States, are: Rochester Area Wholesale Confectioners Association, Rochester, N. Y.; Capital District Wholesale Confectioners Association, Inc., Troy, N. Y.; Mohawk Valley Wholesale Confectioners Association, Utica, N. Y.; Central New York Wholesale Confectionery

Distributors, Inc., Syracuse, N. Y.; Northern New York Wholesale Confectioners Association, Inc., Watertown, N. Y.; Hudson Valley Candy Distributors Association, Newburgh, N. Y.; Southern Tier Candy Distributors Association, Wellsboro, Pa.; and Greater Buffalo Wholesale Confectioners Association, Buffalo, N. Y.

The order directs the State and regional association respondents to cease and desist from combining, conspiring or uniting in a common course of action among themselves or with others, to prevent competing dealers in confectionery, candy or allied products from obtaining such products directly from the manufacturers; from publishing so-called "white lists" containing the names of "recognized" dealers, members, or respondent associations, including only so-called legitimate, regular or "recognized" dealers, brokers, distributors or wholesalers; conspiring or uniting to fix uniform prices at which members of the associations or others should sell, and using any other cooperative or coercive means to suppress competition in price, or in the sale and distribution of their products in New York, Pennsylvania, or any other area.

**No. 2730. An order to discontinue false representations in connection with the sale of cosmetic preparations has been entered against Reta Terrell Sloan, trading as Reta Terrell, with her principal place of business at 513 Oakdale Ave., Chicago, and a branch at 50 East 10th St., New York City.**

The order directs the respondent to cease advertising in newspapers, magazines, radio broadcasts, or in any other way, that her cosmetic products, among other things, serve as a food for, nourish, or restore elasticity to the skin, muscles, or tissues; eliminate dryness from the skin and remove wrinkles therefrom, and penetrate the skin beyond the epidermis so as to reach the underlying muscles and tissues.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

No meeting of the Broadcast Division of the Commission was held on its regular meeting day, Tuesday. It will be held later this week.

### HEARING CALENDAR

Monday, June 15

#### Informal Engineering Conference

Re: the allocation of frequencies above 30,000 kc. and the review of present frequency allocations.

### APPLICATIONS RECEIVED

#### First Zone

WSPR—Quincy A. Brackett, Lewis B. Breed, & Edmund A. La-1140 port, d/h as Connecticut Valley Broadcasting Co., Springfield, Mass.—License to cover construction permit (B1-P-469) for a new station.

WGNY—Peter Goelet, Chester Township, N. Y.—Construction 1210 permit to install new equipment, move transmitter from Robert Goelet Estate, Chester Township, New York, to at or near Newburgh, New York, and move studio to site to be determined, Newburgh, New York.

WOCL—A. E. Newton, Jamestown, N. Y.—Construction permit 1210 to make changes in equipment; to comply with Rule 132 and increase power from 50 watts to 100 watts.

WEBR—Howell Broadcasting Co., Inc., Buffalo, N. Y.—Voluntary 1310 assignment of license from Howell Broadcasting Co., Inc., to WEBR, Incorporated.

WBNX—Standard Cahill Co., Inc., New York, N. Y.—Modification 1350 of construction permit (B1-P-608) for new equipment, increase in power and move of transmitter, requesting approval of directional antenna for day and night use and 1 kilowatt power at present transmitter site.

W8XX—Howell Broadcasting Co., Inc., Portahle-Mohile—Assignment of license from Howell Broadcasting Co., Inc., to WEBR, Inc.

W2XIS—Standard Cahill Co., Inc., Bronx, N. Y.—Construction permit for a general experimental station to be operated on 31600, 35600, 38600, 41000 kc., 200 watts.

W8XY—Howell Broadcasting Co., Inc., Portahle-Mohile—Assignment of license from Howell Broadcasting Co., Inc., to WEBR, Inc.

W10XIP—Bamberger Broadcasting Service, Inc., Portable-Mobile—Modification of construction permit to make changes in equipment. Amended: To show increase in power to 10.5 watts and extend commencement and completion dates.

W10XIP—Bamberger Broadcasting Service, Inc., Portable-Mobile—License to cover above.  
 NEW—Eugene Meyer & Co., d/b as The Washington Post, Washington, D. C.—Construction permit for a new general experimental station to be operated on 26100 kc., 100 watts.

#### Second Zone

WDBJ—Times-World Corporation, Roanoke, Va.—Authority to transfer control of corporation from J. B. Fishburn to Members of Family, 400 shares common stock.  
 WHIS—Daily Telegraph Printing Co., Bluefield, W. Va.—Modification of license to change power from 250 watts, 500 watts day to 500 watts, 1 KW day.  
 WCHV—Community Broadcasting Corp., Charlottesville, Va.—1420 Authority to transfer control of corporation from W. B. Brown to other parties. Amended: Authority for relinquishment of control by W. B. Brown.  
 NEW—Associated Radiocasting Corp., Portable-Mobile—Construction permit for a new broadcast pickup station to be operated on 1622, 2058, 2150, 2790 kc., 200 watts.  
 NEW—Associated Radiocasting Corp., Portable-Mobile—License to cover above.  
 NEW—Smerda's Music House, Inc., Cleveland, Ohio—Construction permit for a new general experimental station to be operated on 31600, 35600, 38600, 41000 kc., 35 watts.  
 W8XHJ—Radio Air Service Corp., Portable-Mobile—License to cover construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 10 watts.

#### Third Zone

WFLA-WSUN—Clearwater Chamber of Commerce & St. Petersburg Chamber of Commerce, Clearwater, Fla.—Modification of license to change night time field intensity from 10 millivolts to 50 millivolts per meter.  
 KTHS—Hot Springs Chamber of Commerce, Hot Springs National Park, Ark.—Voluntary assignment of license from Hot Springs Chamber of Commerce to Radio Enterprises, Inc.  
 NEW—Bayou Broadcasting Co., Houston, Texas—Construction permit for a new station to be operated on 1210 kc., 100 watts, unlimited time. Amended: To change hours of operation from unlimited time to daytime.  
 WJDX—Lamar Life Insurance Co., Jackson, Miss.—Authority to 1270 determine operating power by direct measurement of antenna.  
 KGFF—KGFF Broadcasting Co., Inc., Shawnee, Okla.—Modification of construction permit (B-P-735) for new equipment, increase in power and move of transmitter, requesting changes in authorized equipment, approval of transmitter site at Highland and Bryan, Shawnee, Oklahoma, approval of antenna and extension of commencement and completion dates.  
 WABG—Memphis Commercial Appeal, Inc., Portable-Mobile—License to cover construction permit for a new broadcast pickup station to be operated on 1606, 2020, 2102, 2760 kc., 35 watts.

#### Fourth Zone

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Construction permit to change hours of operation from share-WOS, KFRU night, simultaneous day to unlimited time, using directional antenna and to make changes in antenna.

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—1230 Construction permit to make changes in equipment.  
 KGNO—The Dodge City Broadcasting Co., Inc., Dodge City, 1340 Kans.—Construction permit to install new equipment and comply with Rule 132.  
 WMIN—Edward Hoffman, St. Paul, Minn.—Modification of construction permit (B4-PB-3310) to make changes in authorized equipment, for approval of antenna and to change proposed transmitter site from 80 E. 6th St. to corner Syndicate St. and St. Anthony Ave., Lot 10, Block 4, Midway Industrial Division, St. Paul, Minn.  
 WGRC—North Side Broadcasting Corp., New Albany, Ind.—1370 Modification of construction permit (B4-P-494) for a new station, requesting approval of antenna, change requested studio site from Vincennes and Spring Sts. to 10th and Spring Sts., New Albany, Ind., and for approval of transmitter site at McCullough Pike, near Silver Creek, New Albany, Ind.  
 NEW—Robert Raymond McCulla, Oak Park, Ill.—Construction permit for a new station to be operated on 1500 kc., 100 watts, unlimited. Amended to change time from unlimited to daytime. (Amendment accepted 5-29-36 with prejudice, hearing postponed 6 months.)  
 NEW—Peoria Broadcasting Co., Portable-Mobile—License to cover construction permit for a new general experimental station.  
 NEW—Peoria Broadcasting Co., Portable-Mobile—Construction permit for a new general experimental station to be operated on 31100, 34600, 37600, 40600 kc., 25 watts.

#### Fifth Zone

KEHE—Evening Herald Publishing Co., Los Angeles, Calif.—780 Modification of construction permit (B5-P-599) for changes in equipment and move of transmitter and studio, requesting approval of antenna and approval of transmitter site near Baldwin Hills, Los Angeles, Calif.  
 KCRJ—Charles C. Robinson, Jerome, Ariz.—Construction permit to install a new transmitter and antenna system and change hours of operation from specified hours to daytime.  
 KGIR—KGIR, Inc., Butte, Mont.—Construction permit to install new equipment, also vertical antenna, and move transmitter and studio from 121 West Broadway, Butte, Mont., to west of city, Butte, Mont.  
 KVL—KVL, Incorporated, Seattle, Wash.—Construction permit to make 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: Antenna system to be determined subject to Rule 131.  
 NEW—Bottled Gas Corporation of California, San Diego, Calif.—1420 Construction permit for a new station to be operated on 1420 kc., 100 watts, unlimited time.  
 NEW—Jesse G. Bourus, Everett, Wash.—Construction permit for a new station to be operated on 1500 kc., 100 watts, 250 watts day, unlimited time. Consideration under Section 307 (b).  
 NEW—R. E. Moore & Mrs. K. E. Moore, d/b as Raymond Moore, Los Angeles, Calif.—Construction permit for a new experimental visual broadcasting station to be operated on 42000-560000 kc., 240 watts.  
 NEW—Intermountain Broadcasting Corp., Portable-Mobile—Construction permit for a new broadcast pickup station to be operated on 1606, 2020, 2102, 2760 kc., 75 watts.