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IN THIS ISSUE

| | Page |
|--|------|
| FCC Engineering Recommendations Soon..... | 1843 |
| In Re Sesac..... | 1843 |
| Congress and Radio..... | 1843 |
| KFJI Wins Slander Suit..... | 1843 |
| Recommends Against WOAI Transfer..... | 1843 |
| Crumit Denied Temporary Injunction in WHN Case..... | 1844 |
| Supplemental Report Recommends No Change in Original Report..... | 1844 |
| Securities Act Registrations..... | 1844 |
| Recommends Granting New Station..... | 1844 |
| More Time Recommended for KICA..... | 1844 |
| New Texas Station Recommended..... | 1845 |
| Federal Trade Commission Action..... | 1845 |
| FTC Complaint Dismissed..... | 1847 |
| Federal Communications Commission Action..... | 1847 |

FCC ENGINEERING RECOMMENDATIONS SOON

The Engineering Division of the FCC is expected to submit a preliminary report to the Commission on the October Hearings sometime during the first week of January.

It can be said on reliable authority that the idea, published yesterday, of a single chain of super-power stations is an error. From an equally reliable source it was learned that the Engineering Report will find the weight of the technical evidence favors the removal of the limitation of 50 KW on clear channels. Further, the Preliminary Report will state that insofar as power in excess of 50 KW is concerned the social and economic factors outweigh technical considerations and the appraisal of these are left to the Commission. It is understood that a reduction in the number of clear channels will be recommended. The best guess is that the Engineers will recommend 28 or 29 clear channels instead of 25 as has been reported.

Classification of Stations

The Engineering Division will recommend that broadcasting stations be divided into six classes. This classification will, for all practical purposes, conform to the conditions which actually exist today. Subject to the preliminary character of the Report and to the possible substitution of legal definitions the various classes of stations may be described as follows:

Class A stations will provide for clear channel stations, with a minimum of 50 KW power and protection to their .5 mv/m night and .1 mv/m day signals.

Class B stations will provide for two or more stations of 50 KW each operating on one frequency and with protection to their 1 mv/m night and .5 mv/m day signals.

Class C stations will provide for those stations now known as High Power Regionals with a minimum of 10 KW and a maximum of 50 KW and protection to their 2 mv/m night and 1 mv/m day signals.

Class D stations will provide for stations with power of 1 to 5 KW and protection to their 3 mv/m night and 2 mv/m day signals.

Class E stations will provide for stations of 250 to 1000 watts and probably give protection to their 4 mv/m night and 2 mv/m day signals.

Class F stations will provide for what are now regarded as Local stations, permit of 100 to 250 watts and give protection to their 4 mv/m night and 2 mv/m day signals.

10 Kc Separation

The Engineers will definitely and without reservation recommend the retention of the existing 10 kc. separation of broadcast channels.

Power Increases Would Not Be Mandatory

The Report will stress the importance of allowing changes to be brought about in an evolutionary manner and recommend against compulsory regulations concerning power. Moreover, provision would be made for protecting as far as possible existing coverages.

Economic and Social Aspects

The Report will point out the importance of the social and economic effects of changing existing rules and regulations and express the view that these, in some instances, outweigh the technical considerations.

As far as can be learned the Report, which will treat the voluminous testimony adduced at the October hearings, will be based strictly upon technical considerations and, to the credit of the Chief Engineer, will not embrace recommendations in respect of the highly controversial social and economic issues involved.

IN RE SESAC

The recent correspondence between the NAB and the Society of European Stage Authors and Composers, copies of which have been sent to members, is being carefully studied. Upon completion of the investigation now in progress a full and complete report will be submitted to stations.

CONGRESS AND RADIO

Before the next issue of the NAB Bulletin reaches the desk of its readers the first session of the Seventy-Fifth Congress will have convened. To be exact, on Tuesday, January 5.

The bill calendar slate regarding radio activities, and everything else for that matter, will be entirely clean. This being a new Congress and not merely a new session, no bills are pending. As bills relating to radio broadcasting are introduced they will be carried in NAB Reports.

KFJI WINS SLANDER SUIT

The Circuit Court for Klamath County, Oregon, on December 21, found for the defendants, Radio Station KFJI, George Kincaid its manager, and David R. Vandenberg, local attorney, in the \$75,000.00 slander suit brought against them by Mrs. Josephine Irwin.

In her complaint Mrs. Irwin charged that slanderous and libelous statements were made against her by D. R. Vandenberg, attorney, in his closing arguments to the jury in a murder trial of over a year ago.

Closing arguments of both state and defense attorneys, as well as the court's instructions to the jury and the reading of the verdict, were broadcast by Radio Station KFJI direct from the court room after consent had been obtained from the presiding judge.

Mrs. Irwin was a witness for the State in the murder trial and her testimony at the trial was commented on by Attorney Vandenberg. She charged in her slander suit that Vandenberg had called her a "Dope Fiend" and a "Crazy Lunatic."

KFJI based their defense on a qualified privilege to broadcast the court proceedings, due to the fact that they had broadcast a complete and true account of the entire procedure, and also that they did not personally know Mrs. Irwin and could therefore have had no malicious intent to injure her.

RECOMMENDS AGAINST WOAI TRANSFER

Broadcasting station WOAI, San Antonio, Texas, using 50,000 watts, and operating unlimited time on 1190 kilocycles, applied to the Federal Communications Commission for permission to sell all of the stock of the corporation to the Columbia Broadcasting System, Inc.

Examiner P. W. Seward, in Report No. I-337, recommended that the application be denied. In his conclusions in the report the Examiner says:

The right of any person operating a business predicated on a license issued by the government, to attach any value for the

purpose of sale, to good will or going concern value by reason of holding such license, is challenged as amounting to a domination over such license equal to an assertion of ownership, and to the sale of a government gratuity, which is not in the public interest, and, in this case, is in violation of the Communications Act of 1934.

All of the Acts of Congress and the decisions of the Court negative the idea that a licensee of a radio broadcast station should ever be permitted to place a value on the license, frequency or channel or be permitted to traffic in radio facilities or to assert or exercise "ownership" thereof.

The fact that the *modus procedendi* for the transfer of radio license or the transfer of the stock of a licensee corporation is not set forth in the Communications Act indicates only that Congress left the details of such matters to the Commission.

It appears most certain that if the Congress had intended to permit the barter, sale, and trafficking in radio broadcast license, frequencies, or channels, it would have fixed a standard for the guidance of this Commission in arriving at a proper value.

The language in Section 301 of the Act is not general or ambiguous; it is clear and emphatic; and denies the right of anyone to acquire a right of property in radio license, frequencies or channels.

To permit a corporation engaged in broadcasting to purchase the control of a licensee corporation, which has been authorized to use a given frequency, at a price which is based upon the use of said frequencies for a period of time in excess of the then extent of said license, would carry with it the implied promise of the Commission that the license for the use of said frequency is to be continued. This is the same as giving a license for an unlimited time and amounts to the creation of ownership of the frequency by the holders of a license and transferee and is unlawful.

The contention of the transferor that this Commission is without authority to deny this application and that a grant thereof would be in the public interest is predicated on a fallacy and his position is untenable. Private profit is not the measure of public interest nor is it the criteria for the interpretation of statutes. To follow the plain provisions of the Act which presents the expressed legislative intent of Congress as set out in Section 301, shown above, is the only way to safeguard the public interest.

After a careful consideration of the facts, the pertinent sections of the Act, it is concluded that a grant of this application would be in violation of Section 301, as it would amount to the recognition of an assertion of ownership and sale of radio facilities; that it would be in violation of Section 310(b) as it is considered that such grant would not be in the public interest and that the grant would not serve public interest, convenience or necessity.

CRUMIT DENIED TEMPORARY INJUNCTION IN WHN CASE

The first of the test cases brought in July of 1936 by the National Association of Performing Artists in New York State was ruled upon by Mr. Justice Valente of the New York Supreme Court of New York County in a decision appearing in the New York Law Journal of December 24th, denying the plaintiff's motion for a temporary injunction restraining Station WHN from broadcasting phonographic records of the plaintiff's performances. This decision, favorable to broadcasters, indicates that the recording artists cannot rely alone upon any notice on the labels of phonograph records, but must prove that similar restrictions existed in the contract between the artist and the recording company and that the radio station knew the terms of such agreement and of any other restrictions in the contract. In denying the injunction the Court did not attempt to pass upon the points of law urged by the defendant to the effect that the plaintiff never had any property rights in the recordings and that, even if he once had, he has lost them since any attempted restrictions on the use of the recordings do not follow the records into the hands of radio stations or other persons who buy them. The opinion of the Court is as follows:

"Plaintiff seeks to restrain defendants from using a phonograph record of plaintiff's performance in a radio broadcast. The record was made pursuant to contract with Decca Records, Inc. The contract or a copy is not annexed to the papers but plaintiff claims that under it all Decca Records obtained plaintiff's services as a performer so that commercial sound records could be manufactured in a form suitable for use upon home talking machines. The records bear upon the face a legend 'Not to be used for Radio Broadcasting'. There is no proof that the contract with Decca contained any such restriction as alleged by plaintiff nor that defendants knew the terms of the alleged licensing agreement with Decca, if any such existed, or even any of the other terms. The state-

ment stamped on the record is not sufficiently explicit or connected with any license restriction to warrant the granting of a temporary injunction, whatever evidentiary bearing it may have upon the full presentation of the facts. The denial of a temporary injunction makes it unnecessary to pass upon the fundamental and novel question of law involved as to the general rights of a purchaser of a phonographic record of a performer to use this record for broadcasting purposes without special permission. It also leaves open the question as to the rights in that respect of Decca Records, Inc., or the seller of records generally. The motion for injunction is denied. Order signed. N. Y. Law Journal, Thursday, December 24, 1936."

SUPPLEMENTAL REPORT RECOMMENDS NO CHANGE IN ORIGINAL REPORTS

Two supplemental reports have been rendered by Examiners Robert L. Irwin and P. W. Seward in applications of the Continental Radio Company for permits for the erection of new broadcast stations at Columbus and Toledo, Ohio.

The original applications to the Federal Communications Commission asked that 1310, 100 watts and unlimited time be allocated for the proposed Columbus station and that 1200 kilocycles, 100 watts and daytime operation be allocated for the proposed Toledo station.

In the original reports in both of these cases, Report No. I-240 and 241, the Examiners found that no need was shown for the proposed new service and in both of the supplemental reports the Examiners recommend that the original recommendations be "not changed or altered in any respect."

SECURITIES ACT REGISTRATIONS

The following companies have filed registration statements with the Securities & Exchange Commission under the Securities Act: G. Krueger Brewing Company, Newark, N. J. (2-2728, Form A-2)

San Jose Water Works, San Jose, Cal. (2-2729, Form A-2)

Interstate Bond Company, Atlanta, Ga. (2-2731, Form A-2)

Mines Operating Corporation, West Hanover, Mass. (2-2733, Form A-1)

North Shore Gas Co., Waukegan, Ill. (2-2734, Form A-2)

The Serrick Corporation, Defiance, Ohio. (2-2735, Form A-2)

Jefferson Brewing Company, Detroit, Mich. (2-2736, Form A-1)

Emporium Capwell Company, San Francisco, Cal. (2-2738, Form A-2)

Emporium Capwell Corporation, San Francisco, Cal. (2-2739, Form A-2)

Brooklyn-Manhattan Transit Corporation, Brooklyn, N. Y. (2-2740, Form A-2)

Rochester Gas & Electric Corporation, Rochester, N. Y. (2-2741, Form A-2)

Cunningham Drug Stores, Inc., Detroit, Mich. (2-2742, Form A-2)

Fiscal Fund, Inc., Philadelphia, Pa. (2-2743, Form A-1)

Gold Seekers Mines, Ltd., Toronto, Canada. (2-2744, Form A-1)

RECOMMENDS GRANTING NEW STATION

The Bayou Broadcasting applied to the Federal Communications Commission for a construction permit for the erection of a new station at Houston, Texas, to use 1210 kilocycles, 100 watts power and daytime operation.

Examiner Ralph L. Walker in Report No. I-329 recommends that the application be granted. In his decision the Examiner found that "the applicant is qualified in all respects to construct and operate the proposed station; there is a need for the service to be rendered; and operation as proposed will not result in objectionable interference to the service of any existing station."

MORE TIME RECOMMENDED FOR KICA

Broadcasting station KICA, Clovis, N. M., operating on 1370 kilocycles, 100 watts and specified hours, applied to the Federal Communications Commission to be allowed unlimited hours of operation.

Examiner P. W. Seward in Report No. I-328 recommended that the application be granted in part to wit: "that they be permitted to broadcast each day from 4:30 p. m. to local sunset, Clovis, N. M., subject to the condition that the applicant meet the requirements of Rule 131, in re antenna."

The Examiner states that the evidence indicated that there is a need for additional radio service in the area proposed to be served.

The Examiner states further that "the simultaneous nighttime operation of the applicant station and station KGFL would result in objectionable interference to each station. However, the applicant station might operate from 4:30 p. m. to local sunset at Clovis without causing objectionable interference to the fair and efficient radio service of any existing licensed radio station." The Examiner found also that the antenna now in use by the applicant does not meet the requirements of Rule 131 of the Commission.

NEW TEXAS STATION RECOMMENDED

The Brownwood Broadcasting Company filed an application with the Federal Communications Commission asking for a construction permit for the erection of a new broadcast station to be erected at Brownwood, Texas, to use 1370 kilocycles, 100 watts power and daytime operation.

Examiner R. H. Hyde in Report No. I-330 recommended that the application be granted "under conditions requiring applicant to obtain the Commission's approval of a transmitter site before beginning construction and requiring construction of an antenna conforming to conditions prescribed by Rule 131."

The Examiner found that there is a need in the area proposed to be served for additional service and he further found that no serious interference would be caused with any existing radio service by the granting of the application.

FEDERAL TRADE COMMISSION ACTION

Complaints

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

No. 3016. Alleging unfair representations in the interstate sale of certain medicinal treatments, a complaint has been issued against **Gabriel S. Eusch, Sr., and Gabriel S. Eusch, Jr., 402 Main Street, Tell City, Ind.,** trading as **Gabriel's Laboratories.**

According to the complaint, the respondents misleadingly represented their mange and distemper treatments for dogs. The complaint alleges that, contrary to the respondents' representations it "kills mange overnight," Gabriel Mange Cure, when used in a case of follicular mange, has no effect and no curative value, and upon sarcoptic mange it must be applied actively for several weeks. The respondents' "On-The-Nose" treatment for distemper has no curative value and has no effect against the spread of distemper, nor does it relieve this ailment, according to the complaint.

No. 3018. Alleging unfair competition through use of a game of chance in the sale of women's and men's hosiery, a complaint has been issued against **Henry R. Shapiro, trading as Monarch Fashion Co., 1414 South Wabash Ave., Chicago.**

The complaint alleges that sales are made by means of push cards, and that premiums of hosiery are allotted in accordance with instructions printed on the cards.

The respondent allegedly gives a pair of hosiery free to a woman employee of some organization if she furnishes him with the names and addresses of ten other women in different offices, to whom he sends sales literature, including a push card with instructions for its operation, and hosiery which is to be awarded to customers by lot or chance.

No. 3020. Charging violation of both the Robinson-Patman and Federal Trade Commission Acts, a complaint has been issued against **Hollywood Hat Co., Inc., 42 West 39th Street, New York City,** manufacturer and distributor of women's hats.

Price discrimination between different purchasers of the respondent company's hats of like grade and quality is alleged in the complaint. Contrary to provisions of the Clayton Act as amended by the Robinson-Patman Act, the respondent company is alleged to have allowed certain purchasers, particularly Si Fish, Inc., a retailer with stores in San Francisco, Sacramento and Oakland, Calif., different prices from those given to other of its purchasers competitively engaged in selling women's hats in the three California cities and other localities in the United States. According to the complaint, the prices allowed Si Fish, Inc., and certain others, were lower than those it allowed to other customers competing with them. The effect, it is charged, was to lessen or to injure and destroy competition.

No. 3023. **Illinois Baking Corporation, 2230 S. Union Ave., Chicago,** is charged with unfair competition, through use of lottery methods, in a complaint.

Manufacturing and selling ice cream cones for distribution to ice cream manufacturers and dealers, the respondent company is alleged to have packed and assembled its cones, containing small printed

slips, so as to involve use of a lottery scheme when the cones are sold to consumers.

These slips are said to have borne the following language: "You're lucky. You win a free ice cream cone." Such printed slips, according to the complaint, were so placed in the cones that the ultimate consumer could not ascertain whether or not he was entitled to a free ice cream cone until after his purchase had been made and the cone partially consumed. The complaint points out that the fact as to whether the purchaser received an additional ice cream cone free of charge was thus determined by lot or chance.

Stipulations and Orders

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

No. 01489. **Laboratories, Inc., 3117 Gillham Road, Kansas City, Mo.,** agrees in its stipulation to stop representing its "Precision Vapor Balm" as being competent for treating sciatica, lumbago and headaches; that "Precision Stimulating Tonic Compound" will supply the things most needed to replenish vital elements used by the body, and other similar assertions.

No. 01503. **Dr. O. A. Johnson, 1324 Main St., Kansas City, Mo.,** will discontinue asserting that various preparations comprising a treatment for rectal ailments constitute an effective remedy, unless this representation is specifically and accurately qualified; and that these preparations will relieve cases in which in fact operations would otherwise be necessary.

No. 01504. **Enoz Chemical Co., 2367 Logan Blvd., Chicago,** will stop advertising "Enoz Moth Spray" as the undisputed leader in its field, as the most economical and effective method of moth control ever known, and that this article re-lusters upholstered furniture, carpets or rugs, or brings out the original color.

No. 01505. **Forrest Kinder, 3548 Sidney St., St. Louis,** trading as **Darcin Pharmacal Co.** and selling "Darcin Tablets," agrees no longer to advertise them as a new or improved cold remedy or that the taking of such tablets "before going outside will eliminate the danger of taking additional cold." Kinder, in his stipulation, admitted that the tablets were not a new improved cold remedy.

No. 01506. **Oliver Conklin, 420 South Olive Ave., West Palm Beach, Fla.,** trading as **Auritone Co.,** agrees to bar the representation that his products constitute an adequate treatment or remedy for impaired hearing, unless these assertions are limited to temporary relief of such an ailment not due to defective ear drums or other causes that cannot reasonably be expected to be benefited substantially by use of these products.

No. 01507. **H. R. Hostettler, operating under the name Swan-Reed Co., at 12435 Euclid Ave., Cleveland,** will ban representations that his weight reducing preparation called "Slim" provides a safe way to reduce, or will restore one's figure and improve health.

No. 01508. **Health Research, Inc., 537 Second National Bank Bldg., Akron,** selling the "Air-Draulic Pad" for rupture treatment, agrees to cease representing, inferentially or by direct assertion, that the appliance is satisfactory in treatment of all types of rupture. In its stipulation, the respondent company admitted that the appliance does not constitute a rupture cure, and that wearing it for some time will not result in a rupture staying reduced without its use.

No. 01509. **The Heneph Corporation, Kingston, N. Y.,** agrees to stop advertising "D. W. Kold Kaps" as giving almost immediate relief from all cold symptoms; "Heneph's Pills" as a competent remedy for serious kidney lesions; "Bitter Tone Tonic Tablets" as a natural and safe means of increasing weight; and to cease representing certain other products by means of other similar assertions.

No. 1853. **Shaw's Jewelry Co., 1618 Main Street, Dallas, Texas,** with branches in Fort Worth and San Antonio, in its stipulation with the Commission, agrees to stop use in advertising of the words "Yellow Gold" to describe watch cases not made of gold. In the event the watch cases are gold filled or gold plated the company agrees to employ in connection with its use of the words "Yellow Gold," other words in conspicuous type clearly revealing that the cases are not made wholly of gold. The word "certified" will not be used by this firm to describe diamonds not certified by a governmental agency, scientific bureau or other responsible agency charged with such function.

No. 1854. **American Woolen Co., Inc., 225 Fourth Ave., New York City,** in its stipulation, agrees to cease using as a brand or label the words "All Wool" when the products so described are not composed wholly of wool. The stipulation provides that if the products consist substantially of wool, the word "wool," when used to describe them, shall be accompanied by other words in

prominent type showing that the articles are composed in part of materials other than wool. This company manufactures blankets.

No. 1855. **A. Sartorius & Co., Inc.**, 80 Fifth Ave., New York City, in the sale of "Plat-Num Manicure Beautifying Cream," will discontinue representations in advertising which directly assert or clearly imply that the product, when applied as directed, will nourish or feed the nails, will keep them healthy, or prevent splitting or breaking of the nails, when such are not the facts. The corporation trades as Plat-Num Laboratories.

No. 1856. **Bakert Co., Inc.**, 54 Austin St., Newark, N. J., engaged in selling "Durenamel," a dental silicate for use in making fillings, agrees to cease the use, or recommending the use, of a so-called "mercurochrome test" of its product or of the products of competitors, and to stop making any claim that such test in any way demonstrates the comparative liability to leakage of its own and its competitors' silicate fillings. The respondent corporation will stop advertising that in the test referred to "Durenamel" shows no leakage; that it is not affected by atmospheric changes, and contains no acid in its liquid form.

No. 1857. **Gralnick Brothers, Inc.**, 1011 Diamond St., Philadelphia, selling luggage, signed a stipulation to cease use of the words "Genuine Pigskin" to describe products not composed of leather made from the top layer of pigskin; and to stop using as a brand for its luggage the word "Pigskin" alone or with the word "Genuine," or with other words, so as to imply that the luggage is made from the top layer of the hide, when such is not a fact. The stipulation provides that if the article is made from the inner cut of the pigskin and is branded "Pigskin," then that word shall be immediately accompanied by other words in type equally as conspicuous so as to indicate clearly that the product is not composed of leather made from the top cut of pigskin. The respondent corporation also will stop branding certain of its products as "Walrus," when they are not composed of leather made from the top or grain cut of such hide, and in fact, are not composed of walrus at all.

No. 1858. **Gibsonville Hosiery Mills Co.**, Gibsonville, N. C., will stop labeling its products as "Pure Silk Thread Reinforced With Rayon" or "Pure Silk and Rayon" when they are not composed chiefly of silk.

No. 1859. **Salvatore A. Laraia**, 23 Wallabout Market, 35 Washington St., Brooklyn, agrees to stop representing on packages in which his "Squisita" brand of olive oil is packed, that the product was awarded first prize, gold medal, grand cross, or diploma of honor at the Firenze Exposition of 1934. He also stipulates that he will cease making these representations either alone or accompanied by a picture of such medal, cross or diploma.

No. 1860. **Peter J. Fisher**, trading as **The Superna Co.**, 200 North Chicago Ave., South Milwaukee, Wis., agrees to discontinue representing that "Nose-O-La," advertised as a remedy for treating dogs and other animals, is a competent treatment for catarrh, colds, or distemper; that it is a tonic of permanent benefit, or a preventive of worms or skin disease, or that it is a protection against contagious diseases.

No. 1861. **Hargood Ribbon Co., Inc.**, 79 Madison Ave., New York City, agrees to bar use in its advertising of the words "Mills," "Manufacturers," and "Manufacturing," alone or in connection with the phrase, "Selling Direct to the Trade," implying that it manufactures the products it sells, or controls a mill in which they are made, when this is not a fact.

No. 1862. **Bloom Brothers Co.**, 25 North Second St., Minneapolis, selling souvenirs through traveling salesmen, agrees to cease using in catalog descriptions of its bracelets, or in pictures embossed on the bracelets, portrayals of American Indians or scenes in the lives of Indians, unless such portrayals include appropriate language clearly indicating that the articles so described are not made by American Indians. Bloom also agreed not to use the words "Indian" or "Indian bracelet" in advertisements, to designate his products, and not to employ the word "Indian" in any way to imply that the bracelets were made by Indians, when such was not a fact.

No. 1865. **Abe Puzes**, 711 South Dearborn St., Chicago, trading as American Distributors, stipulates that he will discontinue the use in interstate commerce of any plan or scheme promoting the sale of his products which involves the use of a gift enterprise, lottery or scheme of chance whereby an article is given as a prize or premium for or in consideration of the purchase of any other article. The respondent will cease asserting that articles distributed to dealers in consideration of their services in selling his products are given free, when such is not a fact. Puzes sells wrist watches, silverware, lamps and other articles by a sales card method.

Two New York shoe companies have entered into stipulations

to discontinue unfair trade representations in the sale of their products. These firms are: **Champion Shoe Manufacturing Corporation**, 104 Bleecker St., and **Melville Shoe Corporation**, 555 Fifth Ave., which owns and controls **Thom McAn Shoe Co., Inc.**, operator of a chain of retail stores, through which the parent company sells its shoe at retail.

No. 1866. The **Champion** firm, in its stipulation, agrees to stop use in the sale of its shoes of labels containing the phrases, "Made by Dr. Zacharoff" or "Approved by Dr. Zacharoff," or containing the word "health," either alone or in connection with the words "foot form" or "foot," implying that such shoes are made in accordance with the design or under supervision of a doctor and have special, scientific, orthopedic features, when this is not a fact.

No. 1867. **Melville Shoe Corporation** agrees to cease using the phrases "Approved by Doctors" or "Scientifically Designed" and the word "health" to imply that its shoes have special scientific, orthopedic features, when such is not a fact.

No. 1870. **Grain Products Corporation**, 11 West 42nd St., New York, engaged in the sale of malt, will discontinue use of the words "Pilsen Malt" to designate a malt product not made from barley grown in Czechoslovakia, and from use of the word "Pilsen" so as to imply that its malt product so described is manufactured from barley grown in Czechoslovakia, when such is not a fact.

No. 2071. Prohibiting lottery methods in the sale of candy, an order has been issued to cease and desist against **Sol Block** and **Sidney Blumenthal**, manufacturers, Worth and Herbert Streets, Philadelphia, trading as **Rittenhouse Candy Co.**

Sales to jobbers and wholesalers of candy in packages which may be used without alteration of contents to conduct a lottery or gift enterprise, are barred under the order, as is the supplying of dealers with packaged candy together with punchboards for use by retailers.

No. 2734. **H. E. Martindale**, 647 State Street, Marinette, Wis., formerly of **Menominee, Mich.**, has been ordered to discontinue certain unfair trade representations in the sale of a correspondence course in butchery and meat packing. Martindale traded under the name of **Federal Institute of Meats and Marketing**.

Representations implying that the respondent or the business conducted by him is a branch or bureau of the United States Government, or is connected with, or licensed or approved by the Government when this is not a fact, are prohibited under the order. He is directed to stop making these representations through use of the terms "chief of examiners," "board of examiners," "assistant examiners," "divisional director," and "Federal Institute."

Other representations barred under the order are that the respondent's business is operated on a nation-wide basis; that there are many openings for positions in the meat slaughtering and packing industry; that the respondent maintains an office in Washington, D. C., and that his course of instruction is a competent course, upon completion of which the pupil will be adequately qualified to fill positions in the industry.

No. 2808. An order has been entered directing **Frank Rabinowitz**, trading as **Novelty Sweets Co.**, Philadelphia, to discontinue selling to retailers, jobbers and wholesalers candy so packed that sales to ultimate purchasers are to be made, or may be made, by means of a lottery, gaming device or gift enterprise.

The complaint in this case was dismissed as to **D. Goldenberg, Inc.**, originally named as one of the respondents. According to the findings, the business conducted under the trade name, **Novelty Sweets Co.**, was not a joint enterprise of **Rabinowitz** and **D. Goldenberg, Inc.**, which corporation for several years has not engaged in the manufacture and distribution of candy assortments involving use of a lottery scheme when sold to the public.

No. 2949. **Fort Clark Distilleries, Inc.**, 915 Forsythe St., Peoria, Ill., has been ordered to discontinue certain unfair trade representations in the sale of liquors. This company is a rectifier and wholesaler.

The order prohibits use of the word "distilleries" in the respondent company's corporate name, or in advertising, so as to imply that the company is a distiller, manufacturing its products through the process of distillation in a plant which it owns and controls, when such is not a fact. This part of the order does not apply to gins produced by the respondent company through a process of rectification whereby alcohols purchased but not produced by the respondent company, are redistilled over juniper berries and other aromatics.

No. 2977. **C. G. Hyre**, of Morgantown, W. Va., trading as **The Pepsotalis Co.**, has been ordered to cease and desist from unfair trade representations in the sale of "Pepsotalis," a medicinal preparation advertised by means of radio broadcasts.

Hyre is directed to stop making certain representations, either in

the form of assertions by himself or by repeating the testimonials, or what purport to be the testimonials, of others.

He is directed to cease alleging that Pepsotalis is an intestinal antiseptic and a relief for indigestion, and that its use will be beneficial in cases of stomach disorders generally.

FTC COMPLAINT DISMISSED

No. 2557. The Federal Trade Commission has ordered dismissal of a complaint charging the **Thayer Pharmacal Co.** and **Thayer Sales Corporation**, 2944 W. Lake St., Chicago, with unfair representations in the sale of cosmetics.

FEDERAL COMMUNICATIONS COMMISSION ACTION

HEARING CALENDAR

The following hearings are scheduled for the week beginning Monday, January 4.

Monday, January 4

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—United States Broadcasting Co., Toledo, Ohio—C. P., 1200 kc., 100 watts, daytime.

NEW—United States Broadcasting Co., Columbus, Ohio—C. P., 1310 kc., 100 watts, unlimited time.

Wednesday, January 6

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—A. L. Chilton, Dallas, Texas—C. P., 990 kc., 1 KW, daytime.

Thursday, January 7

ORAL ARGUMENT BEFORE THE BROADCAST DIVISION

Examiner's Report No. I-251:

NEW—Voice of Marshall, Marshall, Texas—C. P., 1500 kc., 100 watts, specified hours.

Examiner's Report No. I-286:

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.

Examiner's Report No. I-291:

NEW—Power City Broadcasting Corp., Niagara Falls, N. Y.—C. P., 630 kc., 250 watts, daytime.

NEW—The Niagara Falls Gazette Publishing Co., Niagara Falls, N. Y.—C. P., 630 kc., 250 watts, daytime.

Examiner's Report No. I-294:

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—Modification of license, 1310 kc., 100 watts, 250 watts LS, daytime until 7:30 p. m. Present assignment: 1310 kc., 250 watts, daytime.

Friday, January 8

HEARING BEFORE AN EXAMINER (Broadcast)

NEW—The Schuylkill Broadcasting Co., Pottsville, Pa.—C. P., 580 kc., 250 watts, daytime.

NEW—Pee Dee Broadcasting Co., James A. Bradley, Pres., Florence, S. C.—C. P., 950 kc., 1 KW, daytime.

APPLICATIONS RECEIVED

First Zone

WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Construction permit to move transmitter from Lovely Dame Bldg., 16 West Washington St., Hagerstown, Maryland, to near Hagerstown, Maryland, and install a vertical antenna.

WORC—Alfred F. Kleindienst, Worcester, Mass.—Authority to 1280 install automatic frequency control.

WBNX—Standard Cahill Co., Inc., New York, N. Y.—Modification of license to change name from Standard Cahill Co., Inc., to WBNX Broadcasting Company, Inc.

Second Zone

NEW—Times-Star Co., Cincinnati, Ohio—Construction permit 1050 for a new station to be operated on 1050 kc., 5 KW, unlimited time.

WSAZ—WSAZ, Incorporated, Huntington, W. Va.—Authority to 1190 determine operating power by direct measurement of antenna.

Third Zone

WSPA—Virgil V. Evans, d/b as The Voice of South Carolina, 920 Spartanburg, S. C.—Construction permit to install a new transmitter, erect a vertical antenna and increase power from 1 KW to 5 KW. Also change frequency from 920 kc. to 970 kc. Amended: To change frequency from 970 kc. to 880 kc.

WFTC—Jonas Weiland, Kinston, N. C.—Modification of construction permit (B3-P-944) as modified for a new station, requesting changes in equipment.

WTFI—Liberty Broadcasting Co., Atlanta, Ga.—Modification of 1450 construction permit (B3-P-745) for move of transmitter and studio, requesting authority to install new equipment, for approval of transmitter site at Parkway Drive and East Avenue, Atlanta, Georgia, and approval of antenna.

NEW—C. S. Gooch, d/b as Amarillo Broadcasting Co., Amarillo, 1500 Texas—Construction permit for a new station to be operated on 1500 kc., 100 watts, daytime. Amended: To change hours of operation from daytime to unlimited time using 100 watts power.

NEW—Tulsa Broadcasting Co., Inc., Mobile—Construction permit for a new high frequency relay broadcast station to be operated on 31100, 34600, 37600, 40600 kc., 2 watts.

Fourth Zone

WTMJ—The Journal Co. (The Milwaukee Journal), Milwaukee, 620 Wis.—Authority to transfer control of corporation of station WTMJ and experimental stations from the estate of Lucius W. Nieman, deceased, to Faye McBeath and The Journal Co., 1100 shares stock.

KFRU—KFRU, Incorporated, Columbia, Mo.—Modification of 630 license to increase power from 500 watts, 1 KW day to 1 KW day and night.

KGLO—Mason City Globe Gazette Co., Mason City, Iowa—1210 Construction permit for equipment changes and increase in power from 100 watts to 100 watts night, 250 watts day.

KSCJ—Perkins Brothers Co. (The Sioux City Journal), Sioux 1330 City, Iowa—License to cover construction permit (B4-P-1490) to move auxiliary transmitter to present site of main transmitter.

KVGB—Ernest Edward Ruehlen, Great Bend, Kansas—Modification of construction permit (B4-P-1211) for a new station, requesting approval of studio site at 2103 Forest Avenue, Great Bend, Kansas, and transmitter site at Great Bend, Kansas, and make changes in equipment.

WEOA—Evansville On The Air, Inc., Evansville, Ind.—License to 1370 cover construction permit (B4-P-1276) for equipment changes and increase in power.

Fifth Zone

KGKO—Wichita Falls Broadcasting Co., Fort Worth, Tex.—Modification of construction permit (B3-P-709) for new equipment and move of transmitter and studio, requesting installation of new transmitter and directional antenna for night use, increase power from 250 watts, 1 KW day, to 1 KW, 5 KW daytime, and for approval of transmitter site at near Fort Worth, Tex.

NEW—Thomas R. Waters, Jr., Sydney R. Lines, Jr., and Gomer 1200 Thomas, d/b as Skagit Broadcasting Assn., Bellingham, Wash.—Construction permit for a new station to be operated on 1420 kc., 100 watts, unlimited time. Amended to change frequency from 1420 kc. to 1200 kc., make changes in proposed equipment, increase power from 100 watts to 100 watts night, 250 watts day, change name of partners in partnership, change transmitter and studio sites to site to be determined, Bellingham, Wash. Requests facilities of Station KVOS.

KLAH—Barney Hubbs, A. J. Crawford, Jack Hawkins and Harold 1210 Miller, d/b as Carlsbad Broadcasting Co., Carlsbad, N. Mex.—License to cover construction permit (B5-P-1075) for a new station on 1210 kc., 100 watts, unlimited time.

Puerto Rican Zone

WNEL—Juan Piza, San Juan, Puerto Rico.—License to cover construction permit (B-P-661) as modified for equipment changes and increase in power.