

NAB to Press FCC on Questionnaire

The NAB will continue its persistent efforts to get the Federal Communications Commission to simplify its latest questionnaire, concerning ownership and control of broadcasting stations.

Each member will be advised immediately of any change the Commission decides to make.

Meantime, it must be assumed that the questionnaire, sent out January 5, must be filed with the Commission on or before January 25.

Commission officials have advised the NAB that any station unable to answer any question completely should answer to the best of its ability, with notice that an amended answer would be filed as soon as necessary information could be obtained.

NAB staff members held several conferences with Commission officials this week, in an effort to obtain some simplification of the questionnaire. Many broadcasters have let it be known that they felt answering the questionnaire in its present form would be an unjust burden.

Consultation with some of the leading radio attorneys in Washington developed the opinion that stations should answer the questionnaire, but that requests for its simplification should be pressed.

On the legislative front, all was comparatively quiet. Senators Capper (R-Kan) and Johnson (D-Col) reintroduced their bills to ban liquor advertising on the air, while Senator Sheppard (D-Tex) reintroduced his bill to forbid employment of radio operators less than 21 years old. In California, bills to free broadcasters from responsibility for remarks of speakers on their stations were introduced in the state legislature, while in the New York Assembly, several bills to forbid broadcasts which would stir up racial or religious enmity were dumped into the hopper.

A seasoned Capitol observer in Washington predicted that little if any "secondary" legislation, such as radio legislation, had much of a chance at the present session of Congress.

Neville Miller, NAB President, will leave Monday night for a swing through the West that will carry him to district meetings in Denver, Portland, San Francisco, Los Angeles and Mineral Springs, Texas.

A joint committee from NAB and the Radio Manufacturers Association is pushing forward plans for the greatest program to promote the American System of Broadcasting



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NAB TO PRESS FCC ON QUESTIONNAIRE

(Continued from page 3195)

ever devised so far. The committee this week adopted four fundamentals of the campaign, detailed in another part of the REPORTS.

MILLER TO ATTEND FIVE WESTERN DISTRICT MEETINGS

Plunging into the New Year with an intensive schedule of Association activities, President Neville Miller leaves Monday on an extensive swing-around-the-circuit to attend five NAB District Meetings at Denver, Portland, San Francisco, Los Angeles and Mineral Springs, Tex.

Districts, dates, and names of the Directors who will be in charge of the program are:

- District 14—Denver, January 18, Eugene O'Fallon.
- District 17—Portland, January 23, C. W. Myers.
- District 15—San Francisco, January 25, Ralph R. Brunton.
- District 16—Los Angeles, January 27, Donald W. Thornburgh.
- District 13—Mineral Springs, Texas, February 2, O. L. Taylor.

In line with the policy adopted at the recent Board of Directors' meeting, meetings with the District NAB Sales Managers' groups will be held in conjunction with the regular full District Meetings. The following are chairmen of the NAB Districts:

- District 13—Sam Bennett, KTAT, Fort Worth, Texas
- District 14—Dan H. Vincent, KSL, Salt Lake City, Utah
- District 15—As yet unnamed
- District 16—Jack Gross, KEHE, Hollywood, California
- District 17—W. Carey Jennings, KGW, Portland, Oregon

It is anticipated that the District Meetings will cover a full agenda of important industry problems. On schedule for discussion at all meetings are ASCAP, self-regulation of the industry; problem of controversial broadcasts, including religious and political broadcasts; copyright, phonograph records, status of the Bureau of Copyrights; Labor relations, Wage and Hour Law; industry relations with government: Congress, State and City; taxes; research, engineering, accounting, public relations, press-radio relations; NAB-RMA joint campaign; Federal Radio Education Committee; sales problems, free offers; and particular district problems.

While in Los Angeles on January 28, Mr. Miller will

take part in a radio program over the Mutual Broadcasting System which will also present Frank R. McNinch, Chairman of the FCC, and Secretary of the Interior Harold L. Ickes. Mr. McNinch and Mr. Ickes will speak from Washington. (The program is scheduled for 5 P.M., Eastern Standard Time.)

In Dallas, Mr. Miller will address the Rotary Club on Wednesday, February 1. Ed Kirby, Director of Public Relations, will accompany Mr. Miller on the trip.

NAB, RMA ADOPT FUNDAMENTALS FOR JOINT CAMPAIGN

Adopting four fundamentals as the bases of the joint RMA-NAB industry-wide radio campaign, sub-committees met at Headquarters last week to complete details "to use radio, to sell radio".

These four fundamentals were regarded as basic to the all-radio campaign which will enlist the year-round cooperation of broadcasters, networks, manufacturers, distributors, and local retailers:

1. To increase the amount of listening.
2. To improve the quality of home reception.
3. To sell the excellence, variety and extent of American radio program service.
4. To sell the American System of Broadcasting and the contributions made thereto by the individual NAB stations.

Underlying the subcommittee's first planning session was the thought that increased listening and an increase in the number of radio sets ultimately showed up in the station rate card, and that on the other hand, a broader public appreciation of the variety and character of program service now being broadcast by radio stations ultimately created a demand for more and better radio sets, a foundation of mutual beneficial interest was established.

Beyond these considerations, however, was the fact that a program of joint activity which would unite all elements within radio would operate in the more rapid advancement and best interests of the American System of Radio.

While details of the comprehensive campaign are now being pursued, the committee members agreed that it would be administered through the Public Relations Department of NAB for the time being.

For the purpose of organizing every community behind the campaign, NAB broadcasters will be asked to invite retailers and distributors in their areas to a meeting which will be held either in the station studios or at some other agreeable location. The local broadcaster will be asked to serve as chairman of this meeting, and to present the entire project.

Details of this presentation are in preparation. Broadcasters will be furnished not only with printed material outlining the campaign, but will also be furnished with a transcription record which will dramatize this great forward step in radio and bring messages from the presidents of the National Association of Broadcasters and of the Radio Manufacturers Association.

It is anticipated that networks will contribute one program a week to the campaign. Transcriptions will be furnished non-network stations weekly. In addition, all stations will be enabled and encouraged to contribute their own programs, calculated to sell their own operations, as well as American radio generally.

Through factory cooperation, retailers will distribute NAB literature, such as "The ABC of Radio," in the eight million radio sets sold a year; will develop special window displays highlighting American radio program service and providing local stations with window-tie-up and program-schedule spotlights. Regularly scheduled newspaper and other advertising will be coordinated with the central themes of the campaign. Copy in the national advertising of manufacturers in all media will likewise be coordinated.

In order to clear up misunderstanding on the part of some retailers and broadcasters, the RMA is recommending to its advertising agencies that adequate provision be made in factory-dealer cooperative advertising for the inclusion of local radio.

Headquarters estimates the campaign will be ready for announcement about the third week in February.

Representing RMA were Bond Geddes, Executive Vice President; Sayre Ramsdell, Vice President, Philco; Frank Mullen, Director of Information, RCA. Neville Miller, President, and Ed Kirby, Director of Public Relations, represented NAB.

FREE OFFERS

Radio Program Associates, New York City, is offering a new "Doc Sellers True Stories" series, each containing a plug for True Story Magazine.

Each broadcaster receiving the offer might write to True Story magazine and suggest that he swap the quarter-hour program for a quarter-page station ad in True Story. If True Story agrees, the NAB will be very, very surprised.

The National Cooperative Milk Producers Federation, Washington, D. C., is asking for spot announcements asking listeners to buy more butter.

When the NAB informed Charles W. Holman, secretary of the Federation, that use of the announcements would constitute violation of the NAB Code of Ethics, Mr. Holman replied: "I'm not interested in your code of ethics!"

The American Institute of Baking, New York City, is offering script for women's programs, advising the ladies that they would hold their husbands' affections better if they kept slimmer by eating more bread. Breaded pork chops also are recommended.

Tom Fizdale, Inc., Chicago, is offering a radio star gossip script, plugging certain prominent performers.

The Panama Pacific Line, San Francisco, is offering "news" material for commentators, plugging the S.S. *Washington*.

The American Life and Accident Insurance Company,

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St. Louis, is offering a cost-per-injury proposition. The number of copies of the company's letters that has come to NAB indicates that the industry isn't interested.

BILLS INTRODUCED

Three bills were introduced this week in the Senate dealing with broadcasting.

One bill (S.517), introduced by Senator Johnson (D-Col) which would amend the Communications Act of 1934 "to prohibit the advertising of alcoholic beverages by radio".

Senator Sheppard (D-Tex) introduced S.550 which would amend the Radio Act by making it mandatory that a radio station operator be 21 years of age with an exception that the Federal Communications Commission could allow younger persons to become amateur radio operators.

S.575 was introduced by Senator Capper (R-Kan) dealing with alcoholic beverages in interstate commerce. A paragraph of the bill prohibits advertising of this commodity on broadcast stations.

All three of these bills are identical with bills introduced by the same members of the Senate at the last session of Congress and all have been referred to the Committee on Interstate Commerce.

ASKS LIQUOR AD BAN

W. S. Alexander, Administrator of the Federal Alcohol Administration Division of the Treasury, asked Congress in his annual report to ban radio liquor advertising.

MALONEY BILL

Representative Maloney (D-La), author of a bill to require personal endorsers on radio programs to state that they were paid for the endorsements, gave the NAB the following statement this week about his bill:

There seems to be a growing tendency for persons who through achievement or other methods of gaining prominence and notoriety

to capitalize upon such by lending their voices, endorsing and recommending the use of various articles for the public, indicating and conveying by such endorsements the fact that they are qualified to so speak, whereas, in many instances these endorsers know very little of the articles they are recommending; they are simply selling their name for the endorsement thereby perpetrating a great imposition on the public. This form of advertising is not genuine and should be stopped.

While the practice is somewhat difficult to prevent, nevertheless, a requirement compelling them to state they are being paid for their statement on the air will act as a deterrent and be some measure of a protection to the public.

The Bill is not intended to affect those who are legitimately engaged in such undertakings, but it is directed at those who are making a racket out of this form of advertising that they are distinctly unqualified to perform. Some of the statements made by these endorsers we so frequently hear over the air and directed at the gullible are nothing short of being an insult to the intelligence of the average citizen.

CALIFORNIA BILLS WOULD EXEMPT RADIO FROM SLANDER LIABILITY

Two bills introduced at the current session of the California legislature by Mr. Tenney would absolve broadcasting stations from liability for slanderous statements made by speakers. A third would waive the necessity of posting bond in libel and slander actions.

In the New York legislature, Messrs. Ferril, Nunan and Coughlin have introduced bills to make it a misdemeanor to incite racial or religious hatred. Section Six of the bills says:

"Any person who shall from any station, studio, radio transmission equipment, microphone, or any other equipment or device of any nature or kind, located within this state, broadcast or make audible to others, within this state, through any radio receiver set, device or equipment of any nature or kind, located within this state, in any language, any speech, declaration, statement or pronouncement which in any way incites, counsels, promotes or advocates hatred, violence or hostility against any group or groups of persons residing or being within this state, by reason of race, color, religion or manner of worship of such group or groups, shall be guilty of a misdemeanor; and the owner of any such station, studio, radio transmission equipment, microphone, or any other equipment or device of any nature or kind, for the transmission of sound, who shall knowingly permit the same or any part thereof to be used for such purpose, shall be guilty of misdemeanor."

The bills would provide a minimum fine of \$200 and a minimum jail sentence of 90 days for violation.

MONOPOLY HEARING

NBC concluded its testimony and CBS started its, at the FCC hearing on alleged monopoly in the broadcasting industry. The day-by-day story of the hearing:

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The fact that the number of radio channels and stations is limited curtails the right of any individual to utilize those facilities to expound his own particular beliefs or doctrines, Laxon R. Lohr, President of the National Broadcasting Company, declared. This implies, he continued, that use of such facilities must be designed to serve the public to the maximum possible extent, and the public is the millions of listeners rather than a speaker who would like to talk on the air.

However, Mr. Lohr stated, it is the belief and policy of the broadcasting industry that the public is served by talks on public affairs, and the networks therefore endeavor to present such talks by speakers representing varying points of view.

Discussing freedom of the air as against freedom of the press and freedom of speech, Mr. Lohr stated that it is his belief that any

"right" that exists in radio broadcasting is the right of the public to good program service. If individuals speaking either as individuals or as representatives of groups were given a legal right that would compel broadcasters to grant their requests for time, he said that right would have to be extended to every individual. Lack of channels and stations to accommodate the volume of requests that would result would make any such compulsion practically impossible, he pointed out, adding that if the air were filled with talks the listening public would grow so tired of speeches it would turn off its receivers and that this result would cause the entire American system of broadcasting to disappear.

If radio broadcasting had existed at the time the Constitution was drawn, the NBC President said, it is his belief that the "freedom of the air," viewed from the standpoint of the public, might have been incorporated in the Bill of Rights.

Discussing the present and future status of television Mr. Lohr stated that technically television is now as satisfactory as home movies, and at a stage of development perhaps comparable to the automobile as it was in 1912 to 1914.

The availability of program material and the high cost of operation are the two main obstacles now facing television he declared. Producing a television program for one hour a day for a period of one year, he said, would cost about a million dollars a year—two hours of television a day about two million dollars per year. This cost at present makes it prohibitive for any broadcaster to schedule television shows with great frequency he pointed out.

Recalling that NBC will start about three hours of television programs a week beginning this spring, Mr. Lohr said that a staff of about 40 people would be required for these programs, and that if NBC attempted to produce more than three hours a week it would require the immediate additional expenditure of about three and a half million dollars for additional equipment.

How networking of television programs will work out is still a question, he declared, for similar reasons. He estimated that a coaxial cable to carry television programs from coast to coast would cost \$100,000,000, with additional huge expenditures for television broadcasting stations along that line. Laboratory tests now being made indicate, however, that it may be possible to relay television programs by radio, thus bringing the cost down to a more reasonable basis, Mr. Lohr stated.

Opening his testimony, Mr. Lohr declared that it is necessary for a broadcasting company to earn a profit to insure that it will have funds at all times to meet emergency needs and provide for the best continuous service.

There is no conflict between this public service and the business interests of the company, he said, because the better the programs NBC broadcasts, the better it serves its listeners, and the better it is as an advertising medium.

Discussing the social aspects of broadcasting, Mr. Lohr said that radio is now entering the third stage of development. First, he explained, it was largely a novelty; second, it was primarily an entertainment medium; and now it is becoming a social force with powerful effect on public opinion. The welfare of the entire people is tied up with the use of this power he said. This is the reason, he declared, that NBC is careful within the limits of its policies to see that equal opportunity is given to all sides in discussions of important public questions. It also is the reason, he said, that broadcasters generally feel that they should not have any "editorial attitude" themselves on public questions.

Discussing so-called "educational" programs, Mr. Lohr stated that one great difficulty faced by broadcasters was the defining of what is educational. He introduced such a definition which was prepared for him by Dr. James Rowland Angell, former President of Yale and now Educational Counsellor for NBC. This reads as follows:

"Any program may be regarded as educational in purpose which attempts to increase knowledge, to stimulate thinking, to teach technique and method, to cultivate discernment, appreciation and taste, to enrich character by sensitizing emotions and inspiring socialized ideals that may issue in constructive conduct.

"Education is essentially the process by which individuals come to adjust themselves intelligently to life. Society has institutionalized much of this process in the form of schools, yet every event in a man's life exercises some educational effect upon him, and the relatively enduring moulds in which a given culture flourishes—its economic, social and political fabric—exert a constant and almost irresistible educational pressure. But we have extracted from all these meanings implicit in the term the notion of education as something which society or the individual consciously sets up to bring about the most valuable results in the life of each succeeding generation. It is at this point that radio comes into the picture."

Four types of educational programs were described by Mr. Lohr: 1. programs designed for use in schools, such as the NBC Music Appreciation Hour conducted by Dr. Walter Damrosch; 2. the National Farm and Home Hour type, serving the needs of a great body of citizens; 3. more general educational programs, "sugar coated with entertainment" and of high interest value, such as spelling bees and controversial discussions; and 4. programs of indirect educational benefit, such as religious programs.

Radio cannot do the work of schools, however, Mr. Lohr said, because formal education is not generally adaptable to broadcasting, inasmuch as radio programs must appeal to a wide audience. "And it is too easy to 'cut' classes by turning the dial," he added.

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The degree of control exercised by the managers of Columbia's eight owned and one leased stations was the subject of considerable discussion at the first session of the hearing dealing with CBS.

Said Mefford Runyon, CBS Vice-President and principal witness of the day:

"We try, so far as possible, consistent with Columbia's general policy and with good network operation, to give our station managers in the various cities in which they operate, the same degree of freedom of choice which is enjoyed by an affiliated station operating purely as an affiliate of Columbia in that same city."

Previously, Frank Stanton, in charge of the CBS Research Division, had described the system's set-up, and had compared the size of CBS to the remainder of the broadcasting industry.

If a CBS-owned station manager thought he should supplant a network commercial with a local sustaining program, Mr. Runyon said, he consulted CBS headquarters, but the ultimate decision was up to the local manager.

Mr. Runyon testified that there were 1,724 full-time CBS employees at the end of 1937, and that 861 of these worked in New York City. The total payroll for these, he said, was \$5,309,330. He also described at length the set-up of the CBS Artists Bureau, and offered extensive figures as to the amount of time sold at the various CBS stations.

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After Mr. Runyon concluded his testimony, Frank K. White, Treasurer, took the stand. He first described the financial set-up of the CBS and its subsidiary corporations, and outlined the financial history of the purchase of CBS stations.

ASCAP, FLORIDA AND WASHINGTON APPEALS ARGUED BEFORE SUPREME COURT

Appeals from the Florida and Washington decisions involving the anti-monopoly statutes of those states were argued before the United States Supreme Court January 10. Tyrus A. Norwood, Assistant Attorney General, and Lucien H. Boggs, of Jacksonville, Florida, argued the Florida appeal in behalf of the State. Alfred J. Schweppe, of Seattle, represented the State of Washington. ASCAP was represented by Thomas G. Haight of New York.

The question involved in both appeals was the jurisdiction of the Federal court. It was contended by both Florida and Washington attorneys that the Federal court was without jurisdiction, in that ASCAP had not shown the jurisdictional amount of three thousand dollars to be involved either with respect to the Society or with respect to the individual complainants.

The Florida appeal also involved the question of monopoly. Mr. Boggs contended that a court of equity ought not lend its aid in furtherance of the monopolistic practices disclosed by the record. Considerable interest on this feature was indicated by several members of the Court. Mr. Justice Black repeatedly questioned ASCAP's counsel with respect to price-fixing. ASCAP counsel defended

such practices, arguing that they were necessary, and that the license fees were reasonable. Mr. Justice Butler, however, took occasion to comment that there was no such thing as a benevolent monopoly.

Both cases now are under consideration. Decisions by the Supreme Court normally are rendered within two months from the date of the argument.

CANADIAN PERFORMING RIGHTS SOCIETY LOSES FEE INCREASE

The Canadian Copyright Appeal Board has denied an increase of fees to be paid by broadcasting stations in Canada, for the right to perform copyrighted music of the Canadian Performing Rights Society, Ltd. (The ASCAP interest in Canada). Under the Canadian law the Performing Rights Society must file its tariff of fees on or before each November 1 with the Secretary of State at Ottawa, and objections to the tariff may be lodged by users with the Canadian Copyright Appeal Board. The formula for determining fees is on the basis of the number of radio sets, and this year the Performing Rights Society demanded fourteen cents per set, as against eight cents per set last year. The Performing Rights Society also demanded an additional sum of \$36,370 from broadcasters under the provision of a recent amendment to the Canadian Copyright Act, which exempted owners of receiving sets operated in public places where no admission is charged from the payment of a public performance fee. The amendment provided that such fee, as far as practicable, should be collected from the broadcasting stations. The Appeal Board allowed only the sum of one thousand dollars to compensate for the loss of revenue from radio sets in public places, which sum is to be pro-rated amongst the more than eighty Canadian broadcasting stations.

WCAU WINS INJUNCTION

The Dauphin County (Pa.) Court has enjoined the Pennsylvania Public Utility Commission from enforcing a state law which, among other things, banned horse race broadcasts.

The injunction was granted to Station WCAU, Philadelphia, and 21 other Pennsylvania stations, pending determination of the constitutionality of the law. The law was aimed to stop bookmaking, but was so worded as to affect broadcasting.

ENGINEERING CONFERENCE

The NAB again reminds broadcast engineers of the second annual broadcast engineering conference to be held February 6-17 at Ohio State University, Columbus, Ohio.

The prospectus for the conference says, in part:

"The primary objective is to establish a common ground for discussion among leaders in the industry and operating

engineers. With this in mind the lecturers and discussion leaders have been selected from representative organizations to present some of the more important present-day problems found in the broadcasting field.

"An effort is also being made to look into the future, as is indicated by the session devoted to television and facsimile.

"Of particular interest will be a panel discussion led by Mr. Ring on the FCC report, 'Standards of Good Engineering Practice'."

NAB DEVELOPING ADVERTISING BOOK FOR SALESMEN

In line with discussions with the NAB Sales Managers Committee, Headquarters is now developing a Standardized Visual Presentation of "Radio—The Advertising Medium".

This presentation will be brought up-to-date from time to time, and will be furnished commercial representatives of NAB stations, in loose-leaf form, with a stiff-back binder. The binder of convenient size, and with ready accessibility, will also be used to display other radio advertising material, calculated to be of direct help in the sale of local and spot business.

Blank pages would be furnished so that individual stations will have opportunity to adapt their own story in conjunction with the basic-industry story.

Suggestions as to character of material would be more than welcome at Headquarters.

"ABC" MOVING FAST

The first print order of "The ABC of Radio"—25,000 copies—is moving fast.

Broadcasters are requested to transmit their orders into Headquarters as speedily as possible, as the greater number we order on the second press run will result in savings all the way around.

Should substantial savings be effected as a result of the second press run, the savings will be fairly distributed to all stations who have previously ordered.

For the convenience of members who have not yet sent in orders, prices for the forty-eight page illustrated booklet are as follows:

20 copies.....@ 15¢ each (\$ 3.00)
100 copies.....@ 12¢ each (\$12.00)
200 copies or more @ 10¢ each

EDUCATION QUESTIONNAIRE

Mr. John W. Studebaker, United States Commissioner of Education, has indicated that some stations have failed to furnish him "a list of groups which have produced educational programs over the facilities of this station during the past six months". The Office of Education sent out the form for furnishing this information in September.

The NAB suggests that those stations who have not done so, complete the form and return it to the Office of Education as soon as possible. Copies of the form may be obtained at the NAB headquarters or at the Office of Education, Washington, D. C.

TAX CALENDAR

Tax Returns and Wage Reports Under Federal Social Security Act

Date each Year	Title VIII	Title IX
On or before January 31.	File tax return and wage report for October, November, and December on Form SS-1a.	File tax return on Form 940. Payment in full at once, or first installment for taxpayers electing to pay quarterly.
On or before April 30.	File tax return and wage report for January, February, and March on Form SS-1a.	Second installment for taxpayers electing to pay quarterly.
On or before July 31.	File tax return and wage report for April, May, and June on Form SS-1a.	Third installment for taxpayers electing to pay quarterly.
On or before October 31.	File tax return and wage report for July, August, and September on Form SS-1a.	Fourth installment for taxpayers electing to pay quarterly.

WELLES QUESTIONNAIRE

Several stations have written in with reference to the questionnaire on the Orson Welles' "War of the Worlds" broadcast. The questionnaire was sent out by Dr. Hadley Cantril of the Princeton University Project. Dr. Cantril is Associate Director of the Princeton Radio Project financed by the Rockefeller Foundation for the Federal Radio Education Committee. The Princeton Project is making studies on various phases of audience reaction to radio. The NAB recommends that members complete Dr. Cantril's questionnaire and return it to him at his New York address.

DUES CLASSIFICATION BLANKS

The By-Laws of the National Association of Broadcasters provide that active members of the Association shall pay dues on receipts from the sale of time received during the previous calendar year.

In accordance with the By-Laws, on January 1 all NAB members were sent a dues classification blank which they were requested to execute and return to NAB headquarters.

Approximately one-third of the members have already executed and returned this statement. Those members which have not filed their statement are urged to do so at once. An additional copy of the classification blank may be obtained at headquarters should it be needed.

McNINCH STAYS AT FCC

President Roosevelt at his press conference this week was asked if Chairman Frank R. McNinch would stay at the FCC or go back to the Power Commission. Mr. Roosevelt said Mr. McNinch would stay where he was until further notice.

CASE NOMINATED

Norman S. Case, a member of the Federal Communications Commission since July 1, 1934, was renominated by President Roosevelt on Tuesday.

The new Communications Commission came into existence on July 1, 1934 at which time Governor Case was nominated for a four year period. His term expired on July 1, 1938 when he was given a recess appointment by the President. The nomination, sent to the Senate on Tuesday, is for a seven year period from July 1, 1938.

FCC TO GO TO CAPITOL FOR MORE FUNDS

It is expected that the Federal Communications Commission will appear before a subcommittee of the House Committee on Appropriations next week in connection with the appropriation for the fiscal year starting next July 1.

The Commission is asking Congress for an appropriation of \$2,000,000 plus \$25,000 for printing and binding and \$13,175 for the Inland Waterway Radio Survey. This latter appropriation is only for a six months' period from July 1 to December 31, 1939. During the present year, the appropriation for the Commission is \$1,700,000 with \$25,000 for printing and binding and \$20,000 for the Inland Waterway Survey.

The increased appropriation this year would take care of 53 additional employees for the Commission of which 47 would be in the Washington headquarters and 6 in the field offices, to include attorneys, engineers and clerks.

FCC TURNS DOWN ACA REQUEST FOR SURVEYS

The Joint Unemployment Council, American Communications Association (C.I.O.) recently asked the Federal Communications Commission that certain surveys be made in the broadcasting and communication industries. Insofar as broadcasting was concerned the Association asked that a survey be made of broadcast interference and that a second survey be made on broadcasting coverage. The Association also requested that a census of employment in the broadcast and general communications industries be made. In connection with this request the Commission, this week, has answered the Association as follows:

"The Commission has carefully considered your letter of October 21, 1938, in which you request that this Commission sponsor certain projects through the agency of the Works Progress Administration. You set forth therein the situation in regard to unemployed workers in the communication industry, which situation is the basis for your request.

"The Commission is in sympathy with any plan having for its objective the relief of the unemployed and would

welcome the opportunity to do what it could in this respect within the scope of its means and authority. In view of the statement you make relative to the general unemployment situation in the Communication industry, it is assumed that your recommendations as to affording relief applied to all communication workers irrespective of union affiliations. You will appreciate, of course, that the Commission could consider projects only on that basis.

"A careful study has been made of your suggestions. Several of the projects which you list have merit. However, a detailed analysis indicates that the Commission is not justified at this time in sponsoring them because of the practical difficulties involved. Furthermore, conferences between representatives of the Commission and the Works Progress Administration developed the fact that the Works Progress Administration would not look with favor upon projects which involve a house-to-house canvass. In addition to these practical difficulties, the Commission is unable to assign the necessary supervisory and planning personnel as its staff is already overburdened with regular work. Also, the funds available from the Commission appropriation are insufficient to permit the purchase of necessary technical apparatus required to carry out the projects.

"The Commission will continue to study those projects which appear to have greatest merit and, if it is found that the difficulties and personnel and financial restrictions can be overcome, consideration will again be given to the practicability of carrying out such of these as may be within the scope of Commission activities."

EXAMINERS' REPORTS

Orville W. Lyerla applied to the Federal Communications Commission for a construction permit for a new station at **Herrin, Illinois**, to use **1310 kilocycles**, 100 watts, 250 watts LS, unlimited time. **WEBQ, Harrisburg, Illinois**, operating on **1210 kilocycles**, 100 watts, 250 watts LS, specified hours, asked to change its frequency to **1310 kilocycles**, unlimited time. **KFVS, Cape Girardeau, Missouri**, operating on **1210 kilocycles**, 100 watts, 250 watts LS, specified hours, applied for unlimited time.

Examiner P. W. Seward, in Report No. I-755, recommended that the application of Lyerla be granted, but that the applications of WEBQ and KFVS be denied. In the case of the Lyerla application the Examiner found that the evidence at the hearing showed a need for the service in the area proposed to be served, and he stated that the granting of the application is not expected to cause objectionable interference. In the case of Stations WEBQ and KFVS the Examiner stated that the applications could not be granted "within the purview of Section 307(b) of the Communications Act of 1934."

Broadcasting Station **KTBS, Shreveport, Louisiana**, applied to the Commission for a construction permit to change its operating assignment from **1450 kilocycles**, 1000 watts, unlimited time, to **620 kilocycles**, 1000 watts, 5000 watts LS, unlimited time.

Examiner Tyler Berry, in Report No. I-758, recommended that the application be granted. The Examiner found that while another station renders a service to a portion of the area proposed to be served, if the applicant is permitted to change its frequency and increase its daytime power, it will enable the station to enlarge and improve its service to the rural areas. While the Examiner found that the operation of the station as proposed would cause some slight interference, he did not consider it sufficient enough to deny the application.

Broadcasting Station **WDEL, Wilmington, Delaware**, applied for permission to increase its power from 500 watts to 1000 watts daytime, and to install new equipment. The station now operates on **1120 kilocycles**, unlimited time. It operates with 250 watts night.

Examiner John P. Bramhall, in Report No. I-759, recommended that the application be granted "conditioned upon compliance with the technical requirements of the Commission." It was found by the Examiner that a need for daytime service in the area proposed to be served "has been established." The Examiner also found that the granting of the application will not affect the economic interests of any existing station.

A Supplemental Report to Examiner's Report No. I-653 was issued this week. The McComb Broadcasting Corporation applied to the Commission for a construction permit for a new station at **McComb, Mississippi**, to use **1200 kilocycles**, 100 watts, daytime operation.

Examiner Tyler Berry, in this Supplemental Report, recommended that the application be granted. He found that there is a definite need for the proposed service and that no conflict will result by reason of interference with any station or any pending application.

Drohlich Brothers applied to the Commission for a construction permit for a new station at **Sedalia, Missouri**, to use **1500 kilocycles**, 100 watts, 250 watts LS, unlimited time.

Examiner Robert L. Irwin, in Report No. I-760, recommended that the application be granted. He stated that it has been shown that there is a need for a broadcast station in the area proposed to be served and that the operation of the proposed station would not cause "an increase in objectionable interference to the normally protected daytime contour of any existing broadcasting station, or to any facility requested in pending applica-

tions." He said also that it appears that there is sufficient economic support and "adequate talent available for broadcasts over the proposed station."

William Schield, Harold Smithson and Sydney R. Lewis applied to the Commission for authority to transfer control of the Golden Empire Broadcasting Company, licensee of Station **KHSL, Chico, California**, and Station **KVCV, Redding, California**, to Ray McClung, Horace E. Thomas and Stanley R. Pratt, Jr.

Examiner Robert L. Irwin, in Report No. I-762, recommended that the application be granted. He found that the transferees are in all ways qualified to continue the operation of Stations **KVCV** and **KHSL** and that the granting of the application would be in the public interest.

DECISIONS OF COMMISSION

S. B. Quigley applied to the Federal Communications Commission for a construction permit for a new broadcast station at **Mobile, Alabama**, to operate on **1200 kilocycles**, 100 watts, daytime only. The Commission granted the application.

In its decision, the Commission found that a public need exists for the proposed service and that "availability of commercial support has been shown to an extent which reasonably assures finances sufficient to operate in the public interest." It was found also by the Commission that there would be no interference problem.

Commissioners Craven and Case did not participate in this decision.

The Commission has denied as in default the application of Abraham Plotkin for the erection of a new station at **Chicago, Illinois**, to use **1570 kilocycles**, 1000 watts, unlimited time. The application was set for hearing but the applicant failed to appear to submit evidence in support of the application.

Broadcasting Station **WGNY, Newburgh, New York**, operating on **1210 kilocycles**, 100 watts, and sharing time with three stations, applied to the Commission to operate on **1220 kilocycles**, with 250 watts, daytime. The Commission granted the application.

It was found in the decision that there is a need for the additional daytime service proposed and that the station operating as proposed "will not interfere with the service of any other station."

Albert Steinfeld & Company applied to the Commission for authority to transfer control of the Arizona Broad-

casting Company, licensee of KVOA, **Tucson, Arizona**, to the KTAR Broadcasting Company. KVOA operates on **1260 kilocycles**. The Commission granted the application.

In its decision, the Commission stated that the transferee is in all ways qualified to own the stock of the Arizona Broadcasting Company and also that the transferee will authorize Station KVOA "to bring additional programs to the residents of Tucson, and will not diminish the broadcast service now rendered to the various civic, religious, educational, social, and charitable organizations of the community." The Commission also stated that the station operating as proposed "will not be under the control of, or under common control with, either of the two daily newspapers in Tucson, Arizona, or with the other existing broadcast station in Tucson."

Commissioner Craven did not participate in this decision.

The Associated Broadcasters, Inc., licensee of Broadcasting Station WEST, **Easton, Pennsylvania**, and the Keystone Broadcasting Corporation, licensee of Station WKBO, **Harrisburg, Pennsylvania**, both operating 250 watts daytime, 100 watts night, on **1200 kilocycles**, applied to the Commission to operate simultaneously at night or unlimited hours of operation for both stations. At present they operate simultaneously during daytime and share time at night. The Commission granted the applications.

It was found by the Commission that a public need exists for the additional broadcast service and no objectionable interference would be expected to result from the operation as proposed.

The Commission has granted the application of the General Electric Company for experimental broadcast and television stations at **Albany, New York, Bridgeport, Connecticut, and Schenectady, New York**. The frequency band for the Albany and Bridgeport stations will be **60,000 to 86,000 kilocycles**, and the Schenectady station's frequency, **42,000 to 56,000 kilocycles** with 40 watts power.

It was pointed out by the Commission in its decision that the company is in all ways qualified to construct and operate the television broadcast stations and the program of research and experimentation proposed, the Commission said, "gives reasonable promise of substantial contribution to the development of the television art." It was further stated by the Commission that the interests of existing television broadcast stations will not be adversely affected from an interference standpoint by reason of the establishment and operation of the proposed new stations.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings and oral arguments are scheduled before the Commission in broadcast cases beginning the week of Monday, January 16. They are subject to change.

Monday, January 16

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—C. P., **1240 kc.**, 1 KW, unlimited time (DA at night).

Tuesday, January 17

KGEK—Elmer G. Beehler, Denver, Colo.—C. P. (requests change of studio and transmitter location), **1200 kc.**, 100 watts, daytime. Present assignment: **1200 kc.**, 100 watts, specified hours.

KGIW—Leonard E. Wilson, Assignor, E. L. Allen, Assignee, Alamosa, Colo.—Voluntary assignment of license, **1420 kc.**, 100 watts, specified hours.

KTSA—KTSA Broadcasting Company, Assignor, Sunshine Broadcasting Co., Inc., Assignee, San Antonio, Tex.—Voluntary assignment of license, **550 kc.**, 1 KW, 5 KW LS, unlimited time.

Wednesday, January 18

WJBW—Charles C. Carlson, New Orleans, La.—C. P., **1200 kc.**, 100 watts, share WBNO.

WJBW—Charles C. Carlson, New Orleans, La.—Renewal of license, **1200 kc.**, 100 watts, shares WBNO.

WJBW—Charles C. Carlson, New Orleans, La.—Modification of license, **1200 kc.**, 100 watts, unlimited time. Present assignment: **1200 kc.**, 100 watts, shares WBNO.

Thursday, January 19

Oral Argument Before the Commission

Examiner's Report No. I-739:

NEW—Tacoma Broadcasters, Inc., Tacoma, Wash.—C. P., **1420 kc.**, 100 watts, 250 watts LS, unlimited time.

NEW—Michael J. Mingo, Tacoma, Wash.—C. P., **1420 kc.**, 100 watts, 250 watts LS, unlimited time (DA night and day).

Friday, January 20

WRR—City of Dallas, Texas, Dallas, Tex.—C. P., **1280 kc.**, 1 KW, unlimited time.

KAND—Navarro Broadcasting Assn., Corsicana, Tex.—C. P., **1310 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1310 kc.**, 100 watts, daytime.

FUTURE HEARINGS

During the week the Commission has announced the following tentative dates for future broadcast hearings and oral arguments. They are subject to change.

February 6

NEW—Central Broadcasting Corp., Worcester, Mass.—C. P., **1500 kc.**, 100 watts, 250 watts LS, unlimited time.

NEW—Kingston Broadcasting Corp., Kingston, N. Y.—C. P., **1500 kc.**, 100 watts, daytime.

Further Hearing

KTRB—Thomas R. McTammany and William Bates, Jr., Modesto, Calif.—Renewal of license, **740 kc.**, 250 watts, daytime.

NEW—William H. Bates, Jr., Modesto, Calif.—C. P., **740 kc.**, 250 watts, daytime (requests facilities of KTRB).

February 14

NEW—Enrique Abarca Sanfeliz, San Juan, Puerto Rico.—C. P., **580 kc.**, 1 KW, 5 KW LS, unlimited time.

NEW—United Theatres Incorporated, San Juan, Puerto Rico.—C. P., 580 kc., 1 KW, unlimited time.
 WAGA—Liberty Broadcasting Co., Assignor, Atlanta, Ga.—Voluntary assignment of license to Liberty Broadcasting Corp., Assignee; 1450 kc., 500 watts, 1 KW LS, unlimited time.

February 15

WGRC—Northside Broadcasting Corp., New Albany, Ind.—C. P., 880 kc., 250 watts, unlimited time (DA for night use).
 NEW—The Gateway Broadcasting Co., Louisville, Ky.—C. P., 880 kc., 500 watts, unlimited time (DA night and day).
 KRRV—Red River Valley Broadcasting Corp., Sherman, Tex.—C. P., 880 kc., 1 KW, unlimited time (DA day and night).

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

NEW—WDRC, Inc., Hartford, Conn.—Granted C. P. for new experimental broadcast station to be used as a relay service from WDRC studios to W1XPW utilizing a 100 watt frequency modulated transmitter of the Armstrong Type and directional antenna; frequencies 86000 to 400000, 401000 kc., and above, conditionally; 100 watts.
 WMBO—WMBO, Inc., Auburn, N. Y.—Granted license to cover C. P. and modifications thereof, authorizing change in transmitter site locally, installation of new equipment and vertical radiator, and increase in day power from 100 to 250 watts.
 WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted extension of special experimental authority for the period February 1 to August 1, 1939, to operate with 50 KW power (used by broadcast station) for the transmission of facsimile signals experimentally and for modification of its authority to operate from 1 to 6 a. m., instead of from 2 to 6 a. m.
 KFAB—KFAB Broadcasting Co., Lincoln, Neb.—Granted extension of special experimental authority to operate synchronously with station WBBM from local sunset at Lincoln, Nebraska, to midnight for the period February 1 to August 1, 1939.
 WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted extension of special experimental authority to operate synchronously with station KFAB from local sunset at Lincoln, Nebraska, to midnight for the period February 1 to August 1, 1939.
 WAPI—Ala. Polytechnic Institute, Univ. of Alabama (board of control of radio broadcast station WAPI), Birmingham, Ala.—Granted extension of special authority to operate unlimited time on 1140 kc., with 5 KW power, employing directional antenna system for nighttime operation, for the period February 1 to August 1, 1939.
 KVOO—Southwestern Sales Corp., Tulsa, Okla.—Granted extension of special experimental authority for the period February 1 to August 1, 1939, to operate with 25 KW power, unlimited time, employing directional antenna system for nighttime operation.
 KWKH—International Broadcasting Corp., Shreveport, La.—Granted extension of special experimental authority for the period February 1 to August 1, 1939, to operate with 10 KW power, full time for the regular license period.
 WLW—Crosley Radio Corp., Cincinnati, Ohio.—Granted extension of special experimental authority to operate regular broadcast transmitter of station WLW for the experimental transmission of facsimile from 12 midnight to 6 a. m., using 50 KW power.
 WHO—Central Broadcasting Co., Des Moines, Ia.—Granted extension of special authority for the transmission of facsimile signals over the regular broadcast transmitter of WHO during the experimental period between 12 midnight and 6 a. m., for the period February 1 to August 1, 1939.
 WPTF—WPTF Radio Co., Raleigh, N. C.—Granted extension of special experimental authority to operate with 5 KW power from sunset at KPO to 11 p. m., EST, using directional antenna after sunset, for the period February 1 to August 1, 1939.

WWL—Loyola University, New Orleans, La.—Granted extension of special experimental authority to operate unlimited time on 850 kc., with 10 KW power, for the period February 1 to August 1, 1939.

RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period:

KDKA and auxiliary, Pittsburgh, Pa.; KFAB, Lincoln, Neb.; KFEQ, St. Joseph, Mo.; KFI and auxiliary, Los Angeles; KGO and auxiliary, San Francisco; KIRO, Seattle, Wash.; KJBS, San Francisco; KJR (Lessee), Seattle; KMMJ, Clay Center, Neb.; KMOX, St. Louis, Mo.; KNX, Los Angeles; KOA, Denver, Colo.; KOAM, Pittsburg, Kans.; KOB, Albuquerque, N. Mex.; KPO, San Francisco; KRLD, Dallas, Tex.; KSL, Salt Lake City, Utah; KTKC, Visalia, Cal.; KVOO, Tulsa, Okla.; KXA, Seattle, Wash.; KYOS, Merced, Cal.; WAAW, Omaha, Neb.; WABC-WBOQ, New York City; WAPI, Birmingham, Ala.; WATR, Waterbury, Conn.; WBAP, Fort Worth, Tex.; WBBM and auxiliary, Chicago; WBZ and WBZA, Boston, Mass.; WCAL, Northfield, Minn.; WCAU, Philadelphia, Pa.; WCAU, auxiliary; WCBF, Chicago; WCCO, Minneapolis, Minn.; WCFB and auxiliary, Chicago; WDG, Minneapolis; WDAF and auxiliary, New York City; WEAU, Eau Claire, Wis.; WEEU, Reading, Pa.; WENR and auxiliary, Chicago; WEW, St. Louis, Mo.; WFAA, Dallas, Tex.; WGN, Chicago; WHAS, Louisville, Ky.; WHB, Kansas City, Mo.; WHDH and auxiliary, Boston, Mass.; WHEB, Portsmouth, N. H.; WIBG, Glenside, Pa.; WINS, New York City; WJZ and auxiliary, New York City; WKAR, E. Lansing, Mich.; WLB, Minneapolis, Minn.; WLS, Chicago, Ill.; WLW, Cincinnati, Ohio; WMAZ and auxiliary, Macon, Ga.; WMBI, Chicago, Ill.; WNYC, New York City; WNYC, auxiliary; WOAI and auxiliary, San Antonio, Tex.; WOI, Ames, Iowa; WOR and auxiliary, Newark, N. J.; WOWO, Fort Wayne, Ind.; WPG, Atlantic City, N. J.; WRUF, Gainesville, Fla.; WRVA, Richmond, Va.; WSAZ, Huntington, W. Va.; WSB and auxiliary, Atlanta, Ga.; WSPR, Springfield, Mass.; WTAM, Cleveland, Ohio; WTBO, Cumberland, Md.; WTIC, Hartford, Conn.; WWL, New Orleans, La.; WWVA and auxiliary, Wheeling, W. Va.

The following stations were granted renewal of licenses for the period ending July 1, 1939:

KBPS, Portland, Ore.; KOTN, Pine Bluff, Ark.; WEED, Rocky Mount, N. C.; WHBQ, Memphis, Tenn.; WHLB, Virginia, Minn.; WKEU, Griffin, Ga.; WLEU, Erie, Pa.; WLLH, Lowell, Mass.; WMBS, Uniontown, Pa.; WNB, Binghamton, N. Y.; WOPI, Bristol, Tenn.; WPRA, Mayaguez, P. R.; WSVS, Buffalo, N. Y.; WSYB, Rutland, Vt.
 WQBC—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted renewal of license for the period ending May 1, 1939.
 KOOS—KOOS, Inc., Marshfield, Ore.—Granted renewal of license for the period ending June 1, 1939.
 WCRW—Clinton R. White, Chicago, Ill.—Granted renewal of license for the period ending June 1, 1939.
 WJEJ—Hagerstown Broadcasting Co., Hagerstown, Md.—Granted renewal of license for the period ending June 1, 1939.
 WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Granted renewal of license for the period ending June 1, 1939.
 W3XAU—WCAU Broadcasting Co., near Newton Square, Pa.—Granted renewal of international broadcast station license for the period ending November 1, 1939, subject to the condition that it is subject to change or cancellation by the Commission at any time without advance notice or hearing, if in its discretion the need for such action arises.
 W6XAO—Don Lee Broadcasting System, Los Angeles, Cal.—Granted renewal of television broadcast experimental station license for the period February 1, 1939 to February 1, 1940, subject to cancellation by the Commission at any time without advance notice or hearing, if in its discretion the need for such action arises.
 W1XG—General Television Corp., Boston, Mass.—Granted renewal of television broadcast experimental station license for the period February 1, 1939 to February 1, 1940, subject to cancellation by the Commission at any time without advance notice or hearing, if in its discretion the need for such action arises.
 W9XG—Purdue University, W. Lafayette, Ind.—Granted renewal of television broadcast experimental station license for the period February 1, 1939 to February 1, 1940, subject to cancellation by the Commission at any time without advance notice or hearing, if in its discretion the need for such action arises.

W2XDR—Radio Pictures, Inc., Long Island City, N. Y.—Granted renewal of television broadcast experimental station license for the period February 1, 1939 to February 1, 1940, subject to cancellation by the Commission at any time without advance notice or hearing, if in its discretion the need for such action arises.

DESIGNATED FOR HEARING

The following applications have been designated for hearing by the Commission. Dates for hearing have not yet been set.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—C. P., already in the hearing docket, amended so as to request move of transmitter site approximately 20 miles from 17th and Holdrege St., Lincoln, Nebr., to N.W. ¼ Sec. 30, R. 10 E., Twp. 10 N., Cass County, Nebr.; install new equipment and directional antenna system for nighttime operation; change frequency from 770 kc. to 1080 kc.; and increase power and time of operation from 10 to 50 KW, and from simultaneous day and sharing with WBBM night, experimental simultaneously day, synchronous night, WBBM, to unlimited time. (To be heard before the Commission.) This application was redesignated for hearing to be heard with the applications of WBBM and WBT to determine full time use of frequency 1080 kc. (a clear channel on which WBT now operates), and to ascertain if interference will result with 8 existing stations.

WFBG—The Gable Broadcasting Co., Altoona, Pa.—Modification of license to change time of operation from sharing with WJAC to unlimited. This application designated for hearing to determine if interference might result to existing stations.

NEW—Birney Imes, Columbus, Miss.—C. P. for new station to operate on 1370 kc., with power of 100 watts night, 250 watts day, unlimited time.

NEW—Thomas R. McTammany, Modesto, Calif.—C. P., already in hearing docket, amended so as to request frequency 1340 kc., 250 watts, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval.

WSUI—The State University of Iowa, Iowa City, Iowa.—C. P. to move transmitter site locally; install new equipment and directional antenna system; and increase power from 500 watts night, 1 KW day, unlimited, to 1 KW night, 5 KW day, employing directional antenna for both day and nighttime operation. (Application was designated for hearing to determine if interference might result to existing stations.)

MISCELLANEOUS

WHAI—John W. Haigis, Greenfield, Mass.—Granted extension of special temporary authority to operate from 4:45 to 5 p. m., EST, on Sundays, January 15, 22 and 29, in order to broadcast in their entirety the weekly broadcasts of Father Coughlin, using power of 100 watts only.

WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted special temporary authority to operate simultaneously with station WBRB from 4:30 to 6:30 p. m., EST, January 6, 13, 20, 27, in order to broadcast special sessions of WFAS Request Club, Civic "Bulletin Board" Theatre Commentary, and "Music of Memory" features.

WRUF—University of Florida, Gainesville, Fla.—Granted extension of special temporary authority to rebroadcast the Navy time signals from Arlington for the period beginning 3 a. m., EST, February 1, and ending no later than 3 a. m., EST, August 1, 1939.

KIDW—Southwest Broadcasting Co., Lamar, Colo.—Granted special temporary authority to remain silent for a period of 30 days, pending action on application for voluntary assignment of license to The Lamar Broadcasting Co.

W1XOJ—The Yankee Network, Inc., Paxton, Mass.—Granted extension of special temporary authority to test the high frequency broadcast equipment of station W1XOJ authorized by modification of C. P. on frequency 43000 kc., with power not to exceed 100 watts, for the period January 10 to February 8, for tuning and adjustment of the antenna elements which are now being assembled for erection atop 400-foot mast.

WGPC—Northside Broadcasting Corp., New Albany, Ind.—Granted applicant's request to take depositions in re appli-

cation for C. P. to use 880 kc., 250 watts, unlimited time (DA night), scheduled for hearing on February 15.

KTAT—Tarrant Broadcasting Co., Wichita Falls, Tex.—Granted applicant's motion for continuance of hearing now scheduled for February 7 on application to increase power from 1 KW, unlimited time, to 1 KW night, 5 KW LS, and to move station from Fort Worth to Wichita Falls, Tex., and to consolidate with hearing on application of applicant for authority to transfer control.

NEW—A. Corenson, tr/as Elgin Broadcasting Assn., Elgin, Ill.—Denied as in case of default the application for C. P. to use 1500 kc., 100 watts, daytime, since applicant failed to file a written appearance in accordance with Rule 104.6.

NEW—Central Broadcasting Corp., Worcester, Mass.—Granted motion to accept late appearance in re application for C. P. to use 1500 kc., 100 watts, 250 watts LS, unlimited time, now scheduled for hearing on February 6.

NEW—Suffolk Broadcasting Corp., Suffolk, Va.—Granted applicant's motion for order to take depositions in re application for C. P. to use 1420 kc., 100 watts, 250 watts LS, unlimited time, scheduled for hearing on February 24.

NEW—Yuba-Sutter Broadcasters, Marysville, Calif.—Case reopened for the presentation of evidence as to the citizenship of E. E. Benham. Order to be entered permitting the taking of depositions only as to the determination of the citizenship of E. E. Benham. (This matter was heard on December 19, 1938, and involves an application for C. P. to use 1320 kc., 250 watts, unlimited time (DA night.) (Exception by counsel for the Golden Empire Broadcasting Co. noted on the record.

NEW—The Brockway Company, Watertown, N. Y.—Granted motion to intervene in the hearing in re the application of Edward J. Doyle for a new station in Rochester, N. Y., to operate on 1270 kc., 500 watts, daytime, scheduled for hearing March 6.

NEW—The Gateway Broadcasting Co., Louisville, Ky.—Granted applicant's motion for order to take depositions in re application for C. P. to use 880 kc., 500 watts, unlimited time (DA night and day), scheduled for hearing on February 15; also granted applicant's motion to accept an amendment to the application (for change in transmitter site) and retention of hearing date—February 15.

NEW—A. Corenson, tr/as Northwestern Broadcasting Assn., Evanston, Ill.—Denied as in case of default the application for C. P. to use 1310 kc., 100 watts, unlimited time, since applicant failed to file a written appearance in accordance with Rule 104.6.

NEW—Ed Bishop and John L. McCarty, d/b as The Dalhart Broadcasting Co., Dalhart, Tex.—Denied as in case of default the application for C. P. to use 1500 kc., 100 watts, 250 watts LS, unlimited time, since applicant failed to file a written appearance in accordance with Rule 104.6.

WGAM—Portland Broadcasting System, Inc., Portland, Me.—Denied special temporary authority to operate station WGAM from local sunset on January 7, in order to hold audience for President's speech, and to broadcast speech to conclusion. (This was disapproved because of violation of Rule 103.19, which specifically precludes this grant without hearing.)

KTBS—Tri-State Broadcasting System, Inc., Shreveport, La.—Granted petition to accept respondent's answer in re application of KCMC to change frequency from 1420 kc. to 1340 kc., and power from 100-250 watts LS, to 500 watts, 1 KW LS, scheduled for hearing January 9.

WMEX—The Northern Corp., Boston, Mass.—Denied motion for bill of particulars in re application for WLAC, Nashville, Tenn., for C. P. to use 1470 kc., 50 KW, unlimited time (DA night), scheduled for hearing on February 20.

KGB—Don Lee Broadcasting System, Inc., and KFSD—Airfan Radio Corp., Ltd., San Diego, Calif.—Overruled joint petition for 30 days' extension, and granted extension until 10 a. m., January 25, in which to file proposed findings of fact and conclusions in re application of Hearst Radio, Inc., KEHE, for voluntary assignment of license; Earle C. Anthony, KECA, for C. P., and for voluntary assignment of license of KECA. (These cases were heard on December 7, 1938.)

KGGC—The Golden Gate Broadcasting Co., San Francisco, Calif.—Granted motion for extension of time to file proposed findings (from January 6 to January 16, 1939) in re application for renewal of license and voluntary assignment of KGGC, which was heard on October 26, 1938.

WLAC—J. T. Ward, d/b as WLAC Broadcasting Service, Nashville, Tenn.—Denied petition to reconsider and grant without a hearing the application to move transmitter site locally, install directional antenna system and new transmitter, and increase power from 5 KW to 50 KW, employing DA system for nighttime operation only. (Commissioners Sykes and Case voted "No" in this matter.)

KDAL—Red River Broadcasting Co., Duluth, Minn.—The Commission rescinded its order of December 12, 1938, which designated for further hearing the application for renewal of license of station KDAL, and designating for hearing the application for consent to transfer control of station, and granted the application for transfer of control of KDAL from E. C. Reineke, N. D. Black, H. D. Paulson, Mrs. N. B. Black, C. H. Reineke, and Forum Publishing Company, Inc., to Dalton A. LeMasurier and Charles LeMasurier.

WBIL—Arde Bulova, New York, N. Y.—Present license extended on a temporary basis only for a six months' period from February 1, 1939, subject to whatever action may be taken by the Commission upon the application of Greater New York Broadcasting Company.

WGNC—F. C. Todd, Gastonia, N. C.—Granted modification of C. P. authorizing approval of transmitter and studio sites, changes in equipment, and installation of vertical radiator.

WTHB—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—Granted license to cover C. P. for new relay broadcast station to be used to relay programs where wire facilities are not available to be broadcast over applicant's broadcast station WFLA; frequencies 1622, 2058, 2150 and 2790 kc., 40 watts.

WAUB—WSIX, Inc., Nashville, Tenn.—Granted license to cover C. P. for new relay broadcast station to relay programs where wire facilities are not available to be broadcast over applicant's broadcast station WSIX; frequencies 1646, 2090, 2190 and 2830 kc., 40 watts.

W9SGO—WDZ Broadcasting Co., Tuscola, Ill.—Granted license for new experimental relay broadcast station to be used to relay programs where wire facilities are not available to be broadcast over applicant's broadcast station WDZ; frequencies 31100, 34600, 37600 and 40600 kc., on an experimental basis only conditionally, 2 watts.

KLPM—John B. Cooley, Minot, N. Dak.—Granted authority to make changes in automatic frequency control apparatus.

KOME—Harry Schwartz, Tulsa, Okla.—Granted license to cover C. P. and modifications thereof, authorizing erection of new station in Tulsa to operate on 1310 kc., 250 watts, daytime only.

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted authority to determine operating power by direct measurement of antenna input.

KJBS—Julius Brunton & Sons Co., San Francisco, Calif.—Granted special temporary authority to operate simultaneously with station WTAM from 7:45 to 10 p. m., PST, January 7, 14, 20, 21, 27, and February 3 and 4, in order to broadcast basketball games.

WHBF—Rock Island Broadcasting Co., Rock Island, Ill.—Granted special temporary authority to conduct tests during daytime, for a period beginning January 7 and ending in no event later than January 20, with reduced power of 250 watts and using an unmodulated carrier, in order to make proof of performance measurements for the directional antenna authorized by C. P.

WCAT—South Dakota State School of Mines, Rapid City, S. Dak.—Granted special temporary authority to operate from 8:45 to 10:30 p. m., CST, January 10 and 13, in order to broadcast basketball games.

WWL—Loyola University, New Orleans, La.—Granted extension of special temporary authority to operate with power of 50 KW and a conventional antenna for the period January 16 to February 14, pending installation of directional antenna authorized by grant of October 25, 1938.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted extension of special temporary authority to operate simultaneously with station WTAU from 8 to 9 p. m., CST, the following Mondays, January 23 and 30; February 6 and 13, in order to broadcast special program from La. State Univ., and special addresses by the President and members of the faculty of that University.

KSFM—National Broadcasting Co., Inc., Portable-Mobile.—Granted special temporary authority to operate Relay Broadcast Station KSFM, on the frequencies 4797.5, 6425, 8655, 12862.5 and 17310 kc., in addition to the normal

licensed frequencies for the period January 14 to February 12, for transmission of special program features from newly developed Boeing seaplane during experimental trial flight from Seattle to Auckland, N. Z., and return. Program material to be received by RCA Communications, Inc., receiving station at Point Reyes, Cal., for delivery to NBC network.

W10XR—National Broadcasting Co., Inc., Portable-Mobile.—Granted extension of special temporary authority to operate Experimental Broadcast Station W10XR, on frequencies 680 and 1070 kc., in addition to the normal licensed frequencies for the period January 18 to February 16, for the express purpose of making propagation studies in the vicinity of New York City.

W2XDG—National Broadcasting Co., Inc., Portable-Mobile.—Granted extension of special temporary authority to operate high frequency broadcast station on the frequency 38.65 megacycles for the period January 19 to February 17, pending definite arrangements to be made in the ultra high frequency bands.

W10XAP—National Broadcasting Co., Inc., Portable-Mobile.—Granted special temporary authority to operate Relay Broadcast Experimental station as licensed, for period January 15 to January 29, as sound channel in association with the portable-mobile television broadcast.

W8XIQ—W8XIR—WGAR Broadcasting Co., Cleveland, Ohio.—Granted special temporary authority to operate Relay Broadcast Exp. stations, on freq. 31220 kc., for a period not to exceed 30 days, pending definite arrangements to be made to eliminate interference with Cleveland's Police radio system.

W2XMN—Edwin H. Armstrong, North of Alpine, N. J.—Granted special temporary authority to operate high freq. broadcast station on freq. 42.8 megacycles, power output of 40 KW, for the period January 15 to February 13, pending definite arrangements to be made in the ultra high freq. bands.

WJBW—Charles C. Carlson, New Orleans, La.—Granted CP authorizing installation of new transmitter and for local move, with the condition that if the construction is not carried forward then the hearing will be held on the Renewal of License Application, (renewal of WJBW set for hearing on September 27, 1938), but if the construction is carried forward then the necessity for hearing on renewal is eliminated.

KGGF—Powell and Platz, Coffeyville, Kans.—To operate from 7:15 to 7:30 p. m., CST, February 7, 14, 21, 28 (provided WNAD remain silent), in order to broadcast special commercial programs.

WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Granted special temporary authority to operate simultaneously with station WBAX from 6 to 8 p. m., EST, January 12, in order to broadcast ceremonies in connection with banquet of the 103rd Cavalry.

National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate exp. relay broadcast stations W2XF, W2XK, W3XEK, W3XPO, W3XPP, W6XDE, W6XDG, W8XUE, W9XAP, W9XDV, W9XDW, W9XXD, W9XXC, W10XAH, W10KAI, W10XAK, W10XAM, W10XAN, W10XAP, W10XAX, W10XCG, W10XCH, W10XDX, W10XDY, W10XZD, W10XEA, W10XEB, W10XED, W10XFQ, W10XFR, W10XGC, W10XN, W10XV, W10XY on the freqs. 3122 and 37.02 megacycles in lieu of present assignments 31.1 and 37.6 megacycles, for the period January 20 to February 18, pending adjustment of relay broadcast freq. assignments above 30 megacycles as contemplated by Gen. Order No. 19.

WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 2 to 3 p. m., EST, on January 21 and 28, and on February 4, 11, 18, in order to broadcast newscasts, musical programs, and other features of public interest; to operate from 8:30 to 10 a. m., EST, and from 2 to 3 p. m., EST, on January 22 and 29, and February 5, 12, 19, in order to broadcast religious services, newscasts, and musical programs; to operate from 8:30 to 10 a. m. and from 2 to 3 p. m., EST, February 13, in order to broadcast musical programs and newscasts, provided WSVS remains silent.

WCAT—South Dakota State School of Mines, Rapid City, S. Dak.—Granted special temporary authority to operate from 1 a. m. to 12 noon, CST, and from 2 to 11 p. m., CST, January 19 and 20, in order to broadcast annual radio debate tournament.

WGPC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority to operate from local sunset (January 4:45 p. m., and February 5:15 p. m., CST), to the conclusion of basketball games, on January 13, 21 and 28, and February 4, using 100 watts power.

WPTF—WPTF Radio Company, Raleigh, N. C.—Granted special temporary authority to operate from 11 p. m., EST, to the conclusion of the Heavyweight Championship Bout between Joe Louis and John Henry Lewis, on January 25.

WBAL—The WBAL Broadcasting Co., Baltimore, Md.—Granted special temporary authority to operate simultaneously with station KTHS on 1060 kc., on the night of January 11, from 9 to 10 p. m., EST, in order to broadcast a transcription of the Inaugural Address of Governor O'Connor.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 10:30 to 11:30 a. m. and from 2 to 4 p. m., CST, on February 1, 2, 7, 8, 9, 14, 15, 16, 21, 22, 23, 28, 1939, and from 9:15 to 9:30 p. m., CST, on February 7, 14, 21, 28 (provided KGGF remains silent), in order to broadcast special educational program.

APPLICATIONS FILED AT FCC

560 Kilocycles

WIS—Station WIS, Inc., Columbia, S. C.—Voluntary assignment of license to The Liberty Life Insurance Co.

580 Kilocycles

KMJ—McClatchy Broadcasting Co., Fresno, Calif.—Extension of special experimental authorization to transmit facsimile signals from midnight to 6 a. m., PST, for period 3-1-39 to 9-1-39. (Section 4 (c) of application.)

880 Kilocycles

NEW—The Gateway Broadcasting Company, Louisville, Ky.—Construction permit for a new broadcast station to be operated on 880 kc., 500 watts, unlimited time, studio located at 675 S. Fourth St. at Broadway, Louisville, Ky., transmitter at north of New Albany, Ind. Use directional antenna both day and night. Amended to give transmitter site as Louisville, Ky.

890 Kilocycles

KARK—Arkansas Radio & Equipment Co., Inc., Little Rock, Ark.—Modification of construction permit (B3-P-197) for new equipment, increase power and move transmitter, requesting change in power from 500 watts, 1 KW day, to 1 KW day and night. Amended to change application from a modification of construction permit, B3-MP-404, to a construction permit, B3-P-2318, re Commission's order of 5-27-38. Also to use directional antenna at night.

940 Kilocycles

WICA—WICA, Inc., Ashtabula, Ohio.—Construction permit to install new transmitting equipment and increase power from 250 watts to 1 KW.

1040 Kilocycles

KRLD—KRLD Radio Corp., Dallas, Texas—Extension of Special Experimental Authorization to operate simultaneously with WTIC, unlimited time for the period 2-1-39 to 8-1-39.

1200 Kilocycles

NEW—Miles A. Metzger, Tuscaloosa, Ala.—Construction permit for a new station on 1200 kc., 100 watts night, 250 watts day, unlimited time (facilities of WJRD). (Sections 12b, 26 and 29b.)

KOOS—KOOS, Inc., Marshfield, Oregon—License to cover construction permit (B5-P-2219) for installation of new transmitter.

KVNU—Cache Valley Broadcasting Co., Logan, Utah—License to cover construction permit for new station.

1210 Kilocycles

NEW—Western Broadcasting Co., Partnership—Cecil Bott, Nettie Bott, Matilda Lannon, Harold L. McCracken, Cheyenne, Wyo.—Construction permit for new broadcast station to be

operated on 1210 kc., 100 watts night, 250 watts daytime, unlimited time. (Signature.)

WCOU—Twin City Broadcasting Co., Inc., Lewiston, Maine—Construction permit to install new equipment and increase power from 100 watts to 100 watts night and 250 watts daytime.

1260 Kilocycles

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio—Construction Permit to make changes in transmitting equipment.

1280 Kilocycles

WTNJ—WOAX, Inc., Trenton, N. J.—Construction permit to install an auxiliary transmitter. (Sec. 16 (d) of application.)

1300 Kilocycles

WHBL—Press Publishing Co., Sheboygan, Wis.—Modification of construction permit (B4-P-1320) for new transmitter, and increase in power, further requesting changes in transmitter.

WEVD—Debs Memorial Radio Fund, Inc., New York, N. Y.—License to use old transmitter as an auxiliary.

1310 Kilocycles

NEW—John R. Pepper, Greenville, Miss.—Construction permit to erect new broadcast station to be operated on 1310 kc., 100 watts night, 250 watts day, unlimited time.

1370 Kilocycles

KVGB—Ernest Edward Ruehlen, Great Bend, Kans.—Voluntary assignment of license to Helen Townsley.

1420 Kilocycles

WCBS—WCBS, Inc., Springfield, Ill.—Construction permit to install new transmitter, directional antenna for night use, change frequency from 1420 kc. to 1290 kc., increase power from 100 watts night, 250 watts daytime, to 1 KW, and move transmitter. Amended to request 500 watts night and 1 KW daytime.

NEW—Grant Union High School District, North Sacramento, Calif.—Construction permit for new broadcast station for 1420 kc., 100 watts, daytime. Amended to request 1370 kc.

KRLH—Clarence Scharbauer, Midland, Tex.—License to cover construction permit for installation of new equipment. (Section 10 (c) of application.)

1500 Kilocycles

WSTP—Piedmont Broadcasting Corp., Salisbury, N. C.—Authority to determine operating power by direct measurement of antenna power.

KFDA—Amarillo Broadcasting Corp., Amarillo, Tex.—Modification of construction permit for new station requesting change in equipment and approval of transmitter location at 109 E. 5th St., Amarillo, Texas, and approval of antenna.

WSTP—Piedmont Broadcasting Corp., Salisbury, N. C.—License to cover construction permit for new station.

KOVC—KOV, Inc., Valley City, N. Dak.—Authority to install new automatic frequency control equipment.

WJBK—James F. Hopkins, Inc., Detroit, Mich.—Construction permit to move transmitter and erect new antenna.

WWRL—Long Island Broadcasting Corp., Woodside, L. I., N. Y.—Modification of license to change hours of operation to request WCNW facilities amended to request unlimited time and facilities of WCNW and WMBQ.

MISCELLANEOUS

WIXPW—WDRC, Inc., Meriden, New Haven, Conn.—Modification of construction permit for new high frequency broadcast station requesting extension of required date of completion from 3-11-39 to 6-1-39.

W6XBE—General Electric Co., San Francisco, Calif.—Modification of construction permit for new international broadcast station requesting extension of required date of completion from 2-1-39 to 5-1-39.

NEW—KUJ, Inc., Portable-Mobile in area of Walla Walla, Wash.—Construction permit for new relay broadcast (experimental) station to be operated on 31100, 34600, 37600 and 40600 kc., 7.5 watts.

NEW—Puget Sound Broadcasting Co., Inc., Portable-Mobile in area of Tacoma, Wash.—Construction permit for new relay broadcast station to be operated on 1616, 2090, 2190 and 2830 kc., 10 watts.

NEW—Puget Sound Broadcasting Co., Inc., Portable-Mobile in area of Tacoma, Wash.—License to cover above (B5-PRY-155).

NEW—San Mateo Junior College District, San Mateo, Calif.—Construction permit for new Non-Commercial Broadcast station for 41060 kc., 100 watts. Amended for location at North Delaware and Peninsular Ave., San Mateo, Calif., and power of 25 watts.

NEW—WBEN, Inc., Buffalo, N. Y.—License for a new facsimile broadcast (experimental) station. (Section 9(a)).

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 to show cause why cease and desist orders should not be issued against them.

Associated Arts—Charging misleading representations in the sale of photographic enlargements and the frames thereof, a complaint has been issued against George H. Lewis, 909 Union Ave., Northside, Pittsburgh, trading under the names Associated Arts, Blackstone Academy of Fine Arts, Van Dyke Art Association, and Sterling Art Association.

Through his agents the respondent falsely represents, the complaint alleges, that paintings, hand-painted portraits, Colura portraits or Polychrome portraits will be furnished customers, when in fact the products delivered are cheap, quickly made tinted photographic enlargements produced at a cost of \$1.25 each.

According to the complaint, customers are induced to sign orders or contracts in the guise of "certificates" purporting to entitle them to such pictures on payment of \$2.95, which is alleged to be the "cost of production," although the value is represented to be \$25 or a similar amount. Later, it is alleged, other representatives of the respondent attempt to coerce customers into purchasing frames for the pictures and often succeed in collecting an exorbitant price of \$15 or more each.

The complaint alleges that the respondent's selling methods are directed toward accomplishing the sale of the frames at exorbitant prices and that his activities in obtaining contracts for the alleged portraits are merely "bait" or "come-on" tactics which enable high pressure salesmen to sell the frames at excessive prices. (3681)

Blackstone Academy of Fine Arts—See Associated Arts.

Fresh Grown Preserve Corp.—See Sun Distributing Company, Inc.

Rite Packing Corporation—See Sun Distributing Company, Inc.

Sterling Art Association—See Associated Arts.

Sun Distributing Company, Inc.—Misrepresentation in the sale of fruit preserves is alleged in a complaint issued against Fresh Grown Preserve Corporation, Sun Distributing Company, Inc., and Rite Packing Corporation, all of 32 Thirty-third St., Brooklyn, and Murray and Leo Greenberg, officers and part owners of the three corporations.

Charging violation of the Federal Trade Commission Act, the complaint alleges that the respondents sell to wholesale and retail grocers and bakers fruit preserve products advertised and labeled "pure fruit preserves" and as "pure preserves" when in fact such products are not preserves or pure preserves within the meaning and popular acceptance of such words.

According to the complaint, the expressions "preserves" and "fruit preserves" mean products prepared from a mixture of clean sound fruit with sugar in a proportion of at least 45 pounds of fruit to each 55 pounds of sugar cooked to an appropriate consistency.

The respondents' preparations, it is alleged, do not contain a fruit content of the aforementioned proportion but have an average fruit content deficiency of 48 per cent in that the fruit content averages approximately 22 pounds of fruit to each 55 pounds of sugar. (3682)

United States Rubber Company and one of its subsidiaries, U. S. Tire Dealers Corporation, both of 1790 Broadway, New York, are charged in a complaint with violation of the Robinson-Patman Act in that they have engaged in unlawful price discrimination in connection with the sale of automotive vehicle tires.

Since 1935, the complaint alleges, United States Rubber Company has conducted its business chiefly through subsidiary corporations, some of which in turn own or control, through voting stock ownership, still other operating companies. The respondent U. S. Tire Dealers Corporation, an operating subsidiary, allegedly is engaged principally in the sale and distribution of rubber products, including tires, manufactured by other subsidiaries of United States Rubber Company. Its merchandising and pricing policies are determined and dictated by United States Rubber Company, and the same set of officers serve both companies, the complaint alleges.

Sales to wholesalers and retailers of tires bearing the respondent companies' brands, the complaint charges, are made by the respondent U. S. Tire Dealers Corporation pursuant to "distributor sales agreements" and "service station dealer sales agreements," entered into from year to year, which provide that tires will be sold to the distributor or dealer at the prices shown in the respondents' current price list known as "United States Prices," less certain trade, functional, quantity and volume discounts. (3685)

U. S. Tire Dealers Corporation—See United States Rubber Company.

Universal Studios, Inc.—Charging unfair representation in the sale of photographs and photographic products, a complaint has been issued against Universal Studios, Inc., 187 East Seventh St., St. Paul, Minn., and against Harry I. Sanders, R. and Lorraine H. Smith, its officers and principal stockholders, who also trade under the name Universal Studios.

Through their agents the respondents are alleged to have represented that they were making a special offer at a reduced price whereby the prospective purchaser by use of a coupon could obtain a picture variously represented as being an oil painting, a portrait in oil colors, a gold tone painting or an oil colored portrait of the value of \$5, or a big value, for 59 or 69 cents.

The respondents are alleged further to have represented that the coupon distributed by them or under their direction was worth \$4.41 to the holder and was made possible under a special trade concession on the part of certain local merchants.

The complaint alleges, however, that the pictures sold and distributed were neither of a \$5 or a "big value," nor was \$5 the regular price charged therefor. The offer was not special or at a reduced price, according to the complaint, but the prices of 59 and 69 cents were the usual selling prices. The coupon or certificate issued was not worth \$4.41 or any other amount, and did not represent a special trade concession, it is alleged. (3684)

Van Dyke Art Association—See Associated Arts.

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

American Toy Works—An order has been issued against Adolph Wein, 3724 Twenty-fourth St., Long Island City, N. Y.,

trading as American Toy Works, directing discontinuance of certain misleading representations in the sale of toys.

The order requires the respondent to cease and desist from representing that any of the toys he sells which are made in Japan or in any other foreign country are made in the United States.

He is also ordered to stop representing, through use of the trade name American Toy Works, or in any other manner, that he is a manufacturer of toys, and to cease advertising that boxes of crayons sold by him contain any definite number of crayons other than the number actually so contained. (3528)

Sunbeam Laboratories—Prohibiting unfair representations in the sale of a cosmetic preparation, an order has been issued against Leopold Levoy and Nathan C. Blacher, trading as Sunbeam Laboratories, Los Angeles.

The order directs that they cease representing their product, Nailife, as being beneficial for dry or splitting nails, and as being the perfect nail food and a scientific preparation which will transform irregular, broken nails into well formed, symmetrical ones. The order also bars the assertion that use of the preparation will make nails strong and healthy.

Findings are that the value of the use of the respondents' preparation is limited to forming a protective covering for the nails, that it will not accomplish the results claimed and that the respondents' representations are exaggerated and untrue and constitute false advertisements in violation of the Federal Trade Commission Act. (3267)

STIPULATIONS

The Commission has entered into the following stipulations:

L. L. Adeco Trade School, 237 N. E. Broadway, Portland, Ore., a vocational school offering a combination home-study and practical course designated Master Diesel Course, has entered into a stipulation to cease and desist from misleading representations in the sale of such course.

The respondent company agrees to cease overstating and misrepresenting the demands and opportunities for employment in the Diesel field or the actual earning power or probable salaries, advancements or future security of graduates. The respondent company also stipulates that it will cease representing that any person, though lacking in proper education, experience or aptitude, can become a competent and expert Diesel man by taking its course of instructions. (2343)

Elizabeth Arden, Inc.—See Elizabeth Arden Sales Corporation.

Elizabeth Arden Sales Corporation, Elizabeth Arden, Inc., and Florence M. Lewis, trading as Elizabeth Arden, all of 681 Fifth Ave., New York, have entered into a stipulation to discontinue misleading representations in the sale of cosmetics, including Ardena Velva Cream Mask, Eight Hour Cream, Venetian Orange Skin Cream and Ardena Orange Skin Cream.

The respondents agree to cease advertising that use of any of the products named, either alone or in combination, will remove or prevent lines or wrinkles or have any effect upon such conditions other than to temporarily soften the appearance thereof; that their use "lifts muscles", affects the contours of the face in any way, refines the pores, or nourishes the skin, or that they are recommended for skins lacking natural nutritive qualities. (02303)

Diesel Engine Service—See School of Diesel.

David E. Kennedy, Inc., 58 Second Ave., Brooklyn, manufacturer of products designed for floor and wall use, agrees to stop representing by the use either of the words "Kentile" or "tile" in

its advertising matter or in any other way, that its products are tile as that term is generally understood in the trade and by the general public, unless in immediate conjunction with these words there appear in conspicuous type other words designating the material or substance of which such products are made, such as wood tile, glass tile, rubber tile, asbestos tile, copper tile, cork tile, metal tile, or asphalt tile. (2349)

Leonard Custom Tailors Company, Textile Building, Cincinnati, also trading as Avon Park Clothes, has entered into a stipulation to discontinue certain misleading representations in the sale of men's clothing.

The respondent company stipulates that it will cease using the word "worsted" alone or in connection with the word "tropical", or with other words, as descriptive of suits not composed of wool.

If, according to the stipulation, such suits are composed in substantial part of wool and in part of other material, and the word "worsted" is properly used as descriptive of the wool content, then such word shall be accompanied by other words in equally conspicuous type to indicate clearly that the product is not made entirely of worsted but also contains other material. (2331)

W. H. Long Company—W. H. Long, 101 West Austin Ave., Chicago, trading as W. H. Long Company, in advertising various items of shop and office equipment, agrees to cease use of the expression Factory-Direct-to-You, implying that the respondent manufactures the products advertised or actually owns and operates the plant in which they are made. According to the stipulation, substantially all the products sold by the respondent under the representation Factory-Direct-to-You were not manufactured by him but were purchased from others. (2350)

Mitchell Syrup & Preserving Co.—Trading as Mitchell Syrup and Preserving Company, R. D. Mitchell and John L. Gardella, 4461 Jefferson Ave., Detroit, manufacturers of prepared fruit products, agree to cease advertising, describing, labeling or otherwise representing their products or any fruit or prepared fruit products as being preserves, pure preserves, or pure raspberry, black raspberry, blackberry, apricot, peach or pineapple preserves, or other designated fruit preserves when such products contain less than a ratio of not less than 45 pounds of the designated fruit to each 55 pounds of sugar. The respondents also stipulate that they will stop employing the words pure, preserve or preserves, either alone or in conjunction with other words or representations, implying that the products designated are in fact preserves, which are defined as preparations containing fruit and sugar in a ratio of not less than 45 pounds of fruit to each 55 pounds of sugar. (2347)

School of Diesel—E. T. Whetstone, 209 Castle Bldg., Tulsa, Okla., trading variously as School of Diesel, School of Diesel, U. S. A., Diesel Engine Service and Diesel Engine Service of Oklahoma, conducts a residence school and a home-study correspondence course in Diesel mechanics and operation. He agrees to cease overstating and misrepresenting the demands and opportunities for employment in the Diesel field and to cease making misleading representations regarding the character, nature, quality or scope of the course or educational service he offers or the actual or probable earnings of students. Whetstone also stipulates that he will cease using any name or title such as Vocational Guidance Department, Employment Service, Technical Library, Vocational Director or Lifetime Scholarship, which has a tendency to mislead students or prospective students as to the character of his school or its courses, and will discontinue using the trade names Diesel Engine Service or Diesel Engine Service of Oklahoma or names of similar import implying that he has a shop, mechanical equipment and the technical training to service Diesel engines, when such are not the facts. The respondent agrees to stop employing as a part of his trade name or otherwise the letters U. S. A. or other letters or symbols indicating that he is officially connected with the United States Government or that his course is conducted according to Government requirements, when such are not the facts. (2348)