

NAB Convention In Atlantic City July 10

What should prove to be the most notable convention in the NAB's history will be held July 10-13, at the Ambassador Hotel in Atlantic City, N. J.

Definite proposals concerning two of the industry's most vital problems, copyright and program standards, will be presented to the delegates for consideration and action.

Neville Miller this week appointed committees, to meet this month in New York, to frame these proposals.

The Copyright Committee, to meet March 20, will have at its disposal the benefit of Mr. Miller's all-winter investigation of the problem and will consider a number of possible solutions. The Program Standards Committee, to meet March 23, is expected to draw up a new Code of Program Standards that should justify the industry's contention that it is fully qualified for self-regulation.

Appointment of these Committees followed the two-day meeting of the Board of Directors this week. Legislation occupied most of the Board's attention. The NAB policy toward pending bills was discussed in the special bulletin of February 28.

Since the Board adjourned, Representative McLeod (R-Mich) introduced a bill to require the FCC to issue broadcasting licenses for a minimum of three years "to remove the fear of political reprisals". No date has been set for hearings on the Wheeler-Lea and White Bills.

Other highlights of the week:

Chairman Frank R. McNinch of the FCC accused Commissioner T. A. M. Craven of playing to the grandstand in his dissent against adoption of rules for the handling of informal complaints by the Law Department. Carl Byoir, New York publicity man whose "Parade of Business" was criticized by the NAB in certain respects, is putting chain store advertising on the air in Pennsylvania and says "we hope to do more along these lines in subsequent promotions". WLW went back to 50,000 watts when the courts refused to stay the FCC decision against the station continuing with 500 Kilowatts. Montana has a new law to curb the activities of copyright music pools.



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MILLER APPOINTS PROGRAM AND COPYRIGHT COMMITTEES

Neville Miller, NAB President, this week appointed the highly important program standards and copyright committees to meet this month in New York to work on the two outstanding problems before the broadcasting industry. The copyright committee will meet at the Ambassador Hotel on March 20, and the program standards committee will meet at the same hotel March 23.

Both committees will report to the annual convention in Atlantic City next July.

The program standards committee:

Edgar L. Bill, President, W M B D, Peoria, Illinois; E. B. Craney, K G I R, Butte, Montana; Walter J. Damm, Managing Director, W T M J, Milwaukee, Wisconsin; Earl J. Glade, Managing Director, K S L, Salt Lake City; Herbert Hollister, General Manager, K A N S, Wichita, Kansas; Edward Klauber, Executive Vice President, Columbia Broadcasting System; Lenox Lohr, President, National Broadcasting Company; Paul W. Morency, Assistant Secretary, W T I C, Hartford, Connecticut; Samuel R. Rosenbaum, W F I L, Philadelphia, Pennsylvania; Theodore C. Streibert, Vice President, Mutual Broadcasting System; Karl O. Wyler, Manager, K T S M, El Paso, Texas.

The copyright committees:

Edwin W. Craig, Vice President, W S M, Nashville, Tennessee; Walter J. Damm, Managing Director, W T M J, Milwaukee, Wisconsin; John Elmer, President, W C B M, Baltimore; Mark Ethridge, W H A S, Louisville, Kentucky; Gregory Gentling, General Manager, K R O C, Rochester, Minnesota; Edward Klauber, Executive Vice President, Columbia Broadcasting System; Lenox Lohr, President, National Broadcasting Company; Clair McCollough, General Manager, W G A L, Lancaster, Pennsylvania; John Shepard, 3rd, President, The Yankee Network, Boston; Theodore C. Streibert, Vice President, Mutual Broadcasting System; Harold Wheelahan, Manager, W S M B, New Orleans.

NEW BILL CALLS FOR THREE-YEAR BROADCAST LICENSES

A bill to require the FCC to issue broadcasting licenses for a minimum of three years and a maximum of five, "to remove the fear of political reprisals," was introduced this week by Representative McLeod (R-Mich).

Mr. McLeod issued the following statement when he introduced the bill:

"This Administration or any political party which might be in power holds all radio broadcasting in a vise-like grip. Under the practice of granting licenses for only six months, the slightest whim or nod of a political bureaucrat can mean death to a station which has done no worse than to try to render a public service.

"The fear of reprisals is stultifying all broadcasting and has created an alarming system of indirect censorship. No political

party should thus be able to prevent access to the air of those who have a legitimate message to deliver to the public.

"If this Nation is to realize the fullest possible benefits of our tremendous broadcasting system, that system must be given some assurance that within a few months it will not be destroyed because some remark of a station may have displeased the powers that be.

"Several bills dealing with the Communications Commission have been introduced this session. Many of them contain excellent provisions. However, they are in most instances so detailed that there is a possibility that in squabbling over the detail Congress may lose sight of the vital point at issue. That point, freedom of the air from political persecution is adequately covered in the bill I introduced today."

The text of the bill:

"That Section 307, Subdivisions (d) and (e) be amended to read as follows:

"(d) No license granted for the operation of a broadcasting station shall be for a period of less than three years nor for a period of more than five years, and no license so granted for any other class of station shall be for a period of longer than five years, and any license granted may be revoked as hereinafter provided. Upon the expirations of any license, upon application therefore, a renewal of such license may be granted from time to time for a term of not less than three years in the case of broadcasting licenses and not to exceed five years in the case of other licenses, but applications for the renewal of a license shall be governed by the same considerations and practice which affect the granting of original applications.

"(e) No renewal of an existing station license shall be granted more than ninety days prior to the expiration of the original license. Provided, that in acting upon applications for renewal of the original license, the Commission shall not take into consideration any political views held or expressed by the applicant, and Provided Further that if the Commission shall refuse to grant renewal and the applicant shall state under oath that he believes the refusal to have been based in whole or in part upon such consideration, the applicant may appeal to the District Court of Appeals for a mandamus, and pending action on that appeal the license shall remain in full force and effect."

FREE OFFERS

The NAB's campaign to protect the broadcasting industry from time chiseling is bearing fruit.

Carl Byoir, New York publicity man, whose "Parade of Business" was criticized by the NAB in certain respects, is now working with the NAB in an effort to eliminate objectionable sections of that series.

Perhaps equally important was Mr. Byoir's notice to the NAB this week that "we are putting on a merchandising campaign for the chain stores in Pennsylvania and have persuaded the chains to appropriate a definite sum of money for institutional radio advertising during this ten day period, May 2 to 11."

"We hope to do more along these lines in subsequent promotions," Mr. Byoir said.

S. H. Cuff Associates of New York City has protested against the NAB's opinion that use of the "Track Cracks" scripts, advertising a horse racing magazine, would violate the NAB's Code of Ethics.

Stations were free to sell this script to a local sponsor, the advertising firm maintained, and use of the "Track Cracks" script would not constitute a violation of the Code any more than would the use of scripts offered by the Christian Science Monitor.

Sooner or later, the industry is going to have to decide whether it is going to give "free rides" to "Track Cracks"

and many others just to save the expense of program preparation.

The Better Vision Institute, Inc., at New York; the Concord Grape Juice Institute in New York; the Association of American Soap and Glycerine Producers, Inc., of New York; the National Live Stock and Meat Board of Chicago; and Gardiner S. Greene of New York (garden seeds), are among the organizations that have sent members scripts of various kinds this week in the hope that they would get some free advertising.

The NAB has suggested to all of these that any station or any network would be glad to discuss the advantages of radio advertising campaigns at card rates.

Legal

MONTANA PASSES NEW MUSIC MONOPOLY LAW

The legislature of Montana, on February 27, enacted a new law seeking to curb the activities of pools controlling public performance of copyrighted music and repealed the statute which was enacted in 1937. The statute has been signed by the Governor and now is in force. Under the new law, copyright owners of musical compositions desiring to sell or license performance rights within the state must make full disclosure of the material licensed and are prohibited from charging a fee which takes into consideration programs not using such material. The principles involved in the Montana legislation are similar to those involved in bills now pending before the legislatures of a number of states.

MUSIC MONOPOLY BILLS

Bills seeking to curb the activities of pools controlling public performance of copyrighted music have been introduced in the states of Washington, Oregon, Kansas, Ohio and Michigan. Details with respect to the proposed legislation have not been received, but from information available they appear to follow the principles involved in the new Montana statute and in the legislation pending in a number of other states.

A public hearing on the bill introduced in New Mexico (NAB REPORTS, February 17, p. 3285) was held February 24. The New Mexico bill already has been passed by the Senate of that state and is pending before the House. A hearing on the Connecticut bill (NAB REPORTS, February 3 p. 3252) was held March 2.

MONTANA PASSES LIBEL BILL

The legislature of Montana has passed a new libel bill protecting broadcasting stations against defamation ut-

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tered by persons not under the control of the station and placing the responsibility for defamatory utterances upon the person making the alleged defamatory statements. Bills having the same objective are pending before the legislatures of several other states. The bill as introduced in Montana is reprinted below in its entirety:

"An Act relating to freedom of speech transmitted over and by means of radio broadcasting stations; the liability under the law of libel and defamation of the owners and operators of such stations, who without actual malice allow and permit their facilities to be used in the discussion of controversial or any other subjects; allowing and permitting discretion to be exercised in the submission for permanent filing of a copy of the complete address, discussion, or other form of expression intended or proposed to be broadcast or transmitted over the facilities of such station or stations, and designating the maximum time for the submission of such copy and relating to evidence of malice; declaring the liability under the law of libel and defamation of persons using broadcasting facilities, including any person, firm or corporation owning or operating such station or stations, and repealing all acts, or parts of acts in conflict herewith.

Be It Enacted by the Legislative Assembly of the State of Montana:

Section 1. No person, firm, or corporation owning or operating a radio broadcasting station shall be liable under the law of libel and defamation on account of having made its broadcasting facilities available to any person, whether a candidate for public office or any other person, for discussion of controversial or any other subjects, in the absence of proof of actual malice on the part of such owner or operator.

Section 2. Any person, firm or corporation owning or operating a radio broadcasting station shall have the right, but shall not be compelled to require the submission and permanent filing, in such station, of a copy of the complete address, or other form of expression, if in words, intended to be broadcast over such station not more than 48 hours before the time of the intended broadcast thereof. Neither such submission and filing, nor failure to require such submission and filing, shall constitute evidence of malice, within the meaning of section one of this act.

Section 3. Nothing in this act contained shall be construed to relieve any person broadcasting over a radio station from liability under the law of libel and defamation. Nor shall anything in this act be construed to relieve any person, firm or corporation owning or operating a radio broadcasting station from liability under the law of libel and defamation on account of any broadcast prepared or made by any such person, firm or corporation or by any officer or employee thereof in the course of his employment; and in any case where liability shall exist on account of any broadcast as declared in the first clause of this sentence, in that event where two or more broadcasting stations were connected together simultaneously or by transcription, film, metal tape or other approved

or adapted use for joint operation, in the making of such broadcast, such liability shall be confined and limited solely to the person, firm or corporation owning or operating the radio station which originated such broadcast.

Section 4. All acts or parts of acts in conflict herewith are hereby repealed."

SALESMEN HIRED ON COMMISSION BASIS

Salesmen operating on a commission basis frequently are required to service their accounts during the life of the contracts procured by them, and the compensation to the salesmen for such servicing is included in the commission payment. It has been called to the attention of Headquarters that several stations have experienced difficulty when commission salesmen have left the employ of the station. The station has been compelled to take over the work of servicing the unexpired contracts and at the same time to pay full commission to the salesmen. It has been suggested that this difficulty may be avoided when salesmen leave the employ of the station if the employment agreement with such salesmen provides for a division of the commissions on unexpired contracts in such proportion as will compensate the station for its servicing of the contracts.

NEW LEGISLATION

CONGRESS

S. 517 (Senator Johnson, Colorado) COMMUNICATIONS ACT—To amend S. 517, to prohibit the advertising of alcoholic beverages by radio. Referred to Interstate Commerce Committee.

STATE LEGISLATION

IOWA:

H. 440 (Blue) STATE PROMOTION—To provide for a commission to promote the State of Iowa by advertising in newspapers, magazines and by radio. Referred to Greater Iowa Committee.

KANSAS:

H. 474 (Nickell) COPYRIGHT—Requires state registration of all copyrighted music before licensing performing rights and limits activities of combinations of copyright owners within the state.

S. 397 (Denious) COPYRIGHTS—Same as H. 474, above.

MASSACHUSETTS:

H. 1929 (From the files) LIBEL OF RACES—Prohibits defamation of races. Referred to Legal Affairs Committee.

MICHIGAN:

H. 243 (Murphy) COPYRIGHT—To provide for a copyright law on music. Referred to State Affairs Committee.

MISSOURI:

H. 400A (House Committee) SALES TAX—Revises the present sales tax act and continues a two per cent levy on retail sales and on the amount charged for certain services.

NEW YORK:

A. 1381 (McCaffrey) MUSICIANS—SCHOOL ORCHESTRAS—Same as S. 200. Makes it unlawful for band or orchestra connected with public school, college, or institution to furnish music at function not connected with such school, college or institution except where no organized civilian band or orchestra exists and except for patriotic parades, and celebrations of national holidays. Referred to Education Committee.

A. 1382 (McCaffrey) MUSICIANS—CIVIL SERVICE EMPLOYEES—Makes it unlawful for band or orchestra composed principally of civil service employees to furnish music at any function not connected with public department or bureau. Referred to Civil Service Committee.

A. 1460 (Giordano) RACIAL AND RELIGIOUS HATRED—Same as S. 1043. Makes it a misdemeanor to incite and promote racial and religious hatred and hostility through printing or distribution of literature, pictures, etc., exhibiting flags, making statements or through use of halls or meeting rooms or broadcasting stations. Referred to Codes Committee.

S. 1043 (Schwartzwald). Same as A. 1460, above.

NORTH DAKOTA:

S. 284 (Committee on Delayed Bills) COPYRIGHT—Requires state registration of all copyrighted music before licensing performing rights and limits activities of combinations of copyright owners within the state. Referred to Committee on Taxes and Tax Laws.

TEXAS:

S. 244 (Hardin) RADIO—NEWSPAPER ADVERTISING—To regulate advertising over the radio and in newspapers. Referred to Criminal Jurisprudence Committee.

UTAH:

S. 254 (Lundell) GRADE SCHOOL SYSTEM—Creates a committee to study the operation of a grade school system and to investigate the feasibility of instruction by radio of children up to and including the fifth grade. Referred to Education Committee.

WASHINGTON:

S. 414 (Edwards) COPYRIGHTS—Requiring the state registration of all musical copyrights at two cents each. Referred to Judiciary Committee.

S. J. M. 13 (Atkinson) LIQUOR—ADVERTISING—RADIO—Asking the President and Congress to prevent the circulation of liquor advertising in interstate commerce and on the radio.

WISCONSIN:

A. 359 (Hipke) RADIO COMMUNICATIONS—Relating to the prevention of crime and apprehension of criminals by radio communications. Referred to State Affairs Committee.

DIRECTORS' MEETING

Beside adopting the legislative policy reported in the Special Bulletin of February 28, the NAB Board of Directors at its meeting here this week took the following action:

Appropriated \$5,000 to cover NAB expenses during 1939 for the NAB-RMA campaign.

Decided to engage an engineer to work under the supervision of John V. L. Hogan (WQXR), Chairman of the Engineering Committee, and Raymond L. Wilmotte, acting engineer, for the time being.

Formally approved the agreement between the NAB Bureau of Copyrights, Inc., and Lang-Worth Feature Programs, Inc.

Decided to cooperate with the National Association of Better Business Bureaus.

Directed Neville Miller to promulgate rules and regulations for submission to the Board at its next meeting concerning the affiliation of state broadcasters associations.

Discussed the FREC campaign.

Directed Mr. Miller to call a meeting of all short-wave station representatives to discuss international broadcasting.

WLW STAY DENIED

Following an oral argument on Tuesday the United States Court of Appeals for the District of Columbia upheld the Federal Communications Commission in its recent decision closing down as of 3 a. m., Wednesday, the 500,000 watts transmitter of WLW, Cincinnati.

The Court denied a restraining order which would have permitted the station to remain on the air until its appeal is decided by the Court. The appeal has not yet been argued nor has a date been set for argument. WLW has been operating with 500,000 watts power on an experimental basis since April, 1934. As a result of the Court order, the station goes back to its regular 50,000 watts operating power.

PUBLICITY ON CRAVEN DISSENT DRAWS McNINCH'S FIRE

FCC adoption this week of a memorandum on the handling of informal complaints by the Law Department drew fire from one commissioner, T. A. M. Craven, who intimated that the procedure adopted would not give broadcasters sufficient protection against government censorship.

Mr. Craven's lone dissent and the publicity given it in the newspapers led Chairman Frank R. McNinch to issue a statement accusing Mr. Craven of making a "stump speech and flag waving."

The memorandum pointed out that the Commission received about 50 complaints a week, about 60 per cent of which were "frivolous" and another 30 per cent non-specific. All complaints should be acknowledged, the Commission decided, and the Law Department could ask the general complainants to be more specific.

"As to the *third* general classification of complaint letters (or those which appear on their face to be informative), the Law Department should investigate in such manner as may appear warranted," the Commission decided. "In the course of such investigation it should be borne in mind that *unreasonable* demands on stations are not to be made. The Department should furnish the Commission each week a list of those complaints falling within this classification and which are being made the subject of investigation. Thereafter and upon the completion of the investigation the Law Department should report its findings with appropriate recommendation either upon the removal of license application or with a memorandum on the subject of revocation of license, as the case may appear to warrant. As to revocation few single complaint matters will warrant such action. In addition, such proceedings may or may not appear warranted in cases of specific violations of the Act, orders or rules and regulations of the Commission where the complaint matter is being *contemporaneously* reported to the Department of Justice for possible criminal action."

The Commission then specified the nature of the complaints it usually handled. In conclusion, the memorandum said:

The committee is further of the opinion that the handling of any broadcast station complaint, as well as a recommendation as to the appropriate procedure to be followed, i. e., by way of action upon the renewal of license or by revocation, is a matter involving the application of sound judgment at all times by the lawyers engaged in this work. Due to the volume of work, the Law Department has seen fit to establish three sections in the Broadcast Division (in lieu of the one section heretofore existing) to handle this work. Necessarily these sections must work in close harmony and the judgment of the three head attorneys together with that of the Assistant General Council in charge, or the General Counsel as the case may warrant, will be secured in each case where affirmative action is to be taken as to a station license.

As to the question of releasing to the public information concerning an investigation of an informal broadcast complaint, the Committee has determined that it is not sound practice to release

such information. However, it is believed advisable to send stations copies of complaints without disclosing in the normal case the name of the complainant. We feel that demand for public information concerning an investigation being conducted will not be made in the future for the reason that as a general policy temporary licenses pending investigation are not warranted and will not be issued. Upon the designation of an application for renewal of license for hearing, a carefully prepared press release stating generally the reasons for such action should be prepared. Interested parties as well as others will have full notice of the matter to be inquired into, upon the issuance of the notice of hearing. This notice should issue as soon as possible after Commission action designating the application for hearing. As to revocation cases, the order of revocation itself must be accompanied by a full statement of the reasons therefor in accordance with the provisions of Section 312(a). If an order of revocation be entered, the licensee should be immediately notified by wire in order that he may be informed that such an order has been entered and that there will be forwarded to him copy thereof together with the required notice or reasons therefor. Thus the licensee will not be informed for the first time through the press.

In his nine-page dissent, Mr. Craven said he agreed in principle with the majority report so far as it went, but that it failed to solve the whole problem.

"I strongly recommend that the Commission abolish entirely its past and present procedure of handling complaints, as well as the practice of designating applications for renewal of license for hearing for isolated instances of infraction of the Act or the Commission's Rules and Regulations, or of conduct of the station contrary to the standard of public interest," he said.

After discussing the nature of complaints, Mr. Craven said:

"Without going into any detail as to the nature and extent of the Commission's power to deal with matters involving the qualifications of a licensee to continue operation of a station because of program service adverse to public interest, it is my opinion that the Commission lacks any final legal guide as to the extent and scope of its power to apply the statutory standard to the program service of broadcasting stations and as to the limitations which the First Amendment and Section 326 impose on that power. In view of this situation it is my opinion that the Commission should exercise its power (whatever may be its extent and limitations) over program service sparingly and with extreme caution.

"It is important that the Commission in dealing with program service does not run counter to the guarantee of free speech in the First Amendment to the Constitution, and the prohibition against censorship or any interference with the right of free speech in Section 326 of the Communications Act. Everyone will agree that there is nothing more vital to our form of government than the preservation of liberty of expression. Broadcasting has largely replaced the public platform of former days as the forum for discussion of issues of public interest, and, if the Constitutional guarantee of free speech is to have any real meaning, it must extend to utterances before the microphone.

"Therefore, it would appear advisable, among other things, to make a distinction between isolated matters as against serious and repeated offenses. It seems that the Commission may best proceed against licensees whose conduct from a service standpoint can be judged and classified after operation over a considerable period of time, rather than judge the conduct of a licensee by an isolated instance. Before taking active steps to punish a licensee either by failure to renew the license or by revoking the license, the Commission should be in possession of sufficient information to enable it to judge whether or not the conduct of a station is such as to qualify the licensee to continue operation of the station. In other words, before proceeding to a hearing the Commission should have a *prima facie* case based upon such substantial evidence, secured over a period of time, as will indicate the actual program service of the station and consequently the capability of its licensee to operate the station in the public interest.

"In the second place, it would appear advisable that the Commission bear in mind that other federal agencies have jurisdiction over various matters which may be complained of concerning

the operation of a broadcast station. These agencies include the Federal Trade Commission, Post Office Department, Department of Justice, the Pure Food and Drug Administration of the Department of Agriculture, the Securities and Exchange Commission, and perhaps others. The jurisdiction claimed by this Commission should not overlap or duplicate that of these other agencies. * * *

"In the third place, it would appear advisable that the Commission avoid, so far as possible, announcing or applying any standard likely to encourage or force licensees to exercise private censorship over utterances made over their stations by third parties in discussions of issues of public interest. Section 315 forbids licensees to censor the speeches of political candidates. It seems similarly desirable that licensees be free and encouraged to follow a policy of fairness to opposing schools of thought on all issues of public interest, and to refrain from private censorship in matters where the public has the right to expect full and free debate. Where the speaker is in the licensee's employ, or where the subject matter is advertising content, submitted to and broadcast by the station, it may be conceded that the licensee should bear full responsibility for what is said and that he may with propriety exercise censorship in order to eliminate objectionable matter. This is an obviously different situation from that presented by speeches by third parties, on a sustaining basis, on issues of public interest, where a minimum for responsibility should be imposed on the broadcaster for the utterances of such third parties, so long as opposing schools of thought are accorded fair treatment.

"I realize that unfortunately the question is complicated by certain State court decisions indicating a tendency to hold that, even with respect to speeches of political candidates broadcast under Section 315, a broadcaster is liable for defamation occurring in a speech which he is forbidden to censor. Such decisions create a perfectly understandable dilemma for the broadcaster and furnish a strong incentive toward private censorship which would not otherwise be exercised. There are many who believe that the time has come for amendment of the federal statute so as to make it clear that the broadcaster is not liable under such circumstances, or under any circumstances where it is desirable that private censorship not be exercised. I suggest the possibility of making an appropriate recommendation to Congress as a proper subject for the Commission's consideration.

"In the fourth place, it is my opinion that the Commission should refrain from any attempt, direct or indirect, to force stations to broadcast programs which the Commission thinks best for the public; in other words, to attempt to substitute its judgment as to the needs and desires of the listening public for that of the broadcaster. It should confine the exercise of whatever regulatory powers it may have over program service to particular evils as they develop, and these evils should be of serious proportions,—should be of such character that the Commission's power over them is unquestionable, and should be susceptible of being clearly defined and embraced in standards (whether expressed in regulations or in decisions resulting from hearings) susceptible of being applied to all licensees uniformly, fairly and without discrimination. * * *

Mr. McNinch followed, the next day, with the following statement:

"Articles published in a limited number of newspapers today, especially one credited to the Chicago Tribune Press Service, thoroughly misrepresent the Commission's action on program complaint procedure on February 27. They call for correction even though the publications are partly explained by the incitement of gratuitous, alarmist statements by Commissioner T. A. M. Craven in a one-man minority report. Commissioner Craven, by implication, attacked the intelligence, the integrity and the motives of the other six commissioners, to execute a grandstand play of devotion to free speech and opposition to censorship.

"The simple fact is that the Commission adopted a report clarifying and formalizing the staff procedure for handling informal complaints and presenting them to the Commission. * * *

"Nowhere is there any color of the Commission's 'widening its field of censorship.' It is baldly untrue that 'Commissioner Craven refused to sign the report and submitted a minority report charging that the procedure recommended would invade freedom of speech.' The minority report which he made all by himself says in its very opening sentence, 'I agree in principle with the majority report of the Complaint Committee insofar as it goes * * *'

"It is true that Commissioner Craven goes much further—miles further than was asked or expected in the Commission's

direction to the Committee, which was "recommending procedure to be followed in the handling of informal complaints against radio broadcast stations." The Commission recognized this overstepping Monday in adopting the report of Commissioners Sykes and Payne instead of Commissioner Craven's report. No one voted for Commissioner Craven's report but himself.

"Commissioner Craven has much to say of the dangers of censorship. What if any actions of the Commission could he refer to? In the only two cases which have even been conspicuously attacked on this alleged ground—Mae West and "Beyond the Horizon"—Commissioner Craven was a party to the actions.

"Commissioner Craven says in thousands of words that he favors avoidance of censorship, free speech, due regard for the authority of other Federal agencies, full discussion of political questions, and privately owned and competitive broadcasting. Who doesn't? A committee report to his associates on "procedure"—not on policies—is hardly an appropriate setting for a stump speech and flag waving. And such treatment is highly unjust to the other six commissioners."

BOARD APPROVES ESTABLISHMENT OF BUREAU OF RADIO ADVERTISING

At its meeting this week, the NAB Board of Directors formally approved the establishment of a Bureau of Radio Advertising. Filling a long-felt need in the broadcasting industry, the Bureau will undertake to (1) promote radio as an advertising medium, (2) serve as a clearing house for the collection and use of basic industry information and surveys of direct and indirect benefit to commercial representatives of member stations, (3) establish closer relations with trade and advertising groups, and the trade press, (4) prepare proper material which can be used in sales presentations, dealer and distributor meetings, and in auditions.

The Bureau of Radio Advertising is an outgrowth of the work of the NAB Sales Managers' Committee which this year has been under the leadership of Craig Lawrence, KSO. The Bureau will be set up in the Headquarters offices and will be jointly supervised by Paul F. Peter, Director of Research and Ed Kirby, Director of Public Relations. It will continue to work in close cooperation with the Sales Managers' groups in the seventeen NAB Districts.

RADIO GETS 2,700,000 DIMES FOR INFANTILE FUND

With radio the backbone of the 1939 "March of Dimes" campaign, an all-time record was established.

A total of 2,700,000 dimes poured in through American radio stations during the month of January. This is in direct contrast to the 870,000 dimes received by radio stations through the same period of time in the year 1938.

George E. Allen, former Commissioner of the District of Columbia, and prominent member of the "March of Dimes" committee, has expressed his thanks to Neville Miller, NAB President. Referring to the remarkable record established this year, Mr. Allen said: "I think that tells the radio story better than words or congratulations. Many thanks again."

RED CROSS PROGRAMS

Fully aware of the great humanitarian objectives of the American Red Cross, NAB is lending its support to the Headquarters Staff of the Red Cross in Washington, in its endeavor to encourage local Red Cross Chapters to use radio other than in times of emergency or during the annual Roll Call. Headquarters believes that each local chapter has a great story of service to tell, and can contribute much stimulating material to the public service record of the American radio station.

Toward that end, the following statement is being published this week in both the National Red Cross Bulletin and the NAB REPORTS:

Cooperation between broadcasters and the American Red Cross in the production of educational programs has existed, with excellent results, since broadcasting began. These programs on networks and individual stations have presented not only the disaster relief and Roll Call appeals of the Red Cross, but also its many-sided services to the public in life saving, first aid and accident prevention, public health nursing, assistance to war veterans and enlisted men, and in character building by the Junior Red Cross.

Up to the present, however, most of the local Red Cross programs have had to do with disaster relief and the membership Roll Call. Relatively few local schedules have been carried the year 'round for the purpose of informing the public of the regular services of Red Cross Chapters to their own communities.

This year the National Organization of the Red Cross is making a special effort to develop such local year 'round schedules of educational broadcasting over as many stations as possible. Through its radio bulletin, field representatives, and correspondence, the Red Cross is urging its Chapters with radio stations in their territories to solicit the aid of managers and program directors in working out "Red Cross Hours" or "Red Cross Workshops" to be presented once or twice a month at the same hour throughout the year.

In this activity, the Red Cross has the full endorsement and support of the National Association of Broadcasters. Because of its importance as the voluntary humanitarian agency of all the people of the United States, the Red Cross offers unusual opportunities for educational broadcasting of the highest order.

Broadcasters, of course, will require no urging to enlist their assistance in planning these year 'round schedules with Red Cross Chapters. Managers and program directors who are interested are invited to consult their local Chapters, or to communicate directly with National Headquarters of the American Red Cross, Washington, D. C.

Radio Committees

Following are the members of the two Congressional Committees dealing with broadcasting legislation:

SENATE COMMITTEE ON INTERSTATE COMMERCE

Democrats

Burton K. Wheeler, of Montana, Chairman
Ellison D. Smith, of South Carolina
Robert F. Wagner, of New York
Alben W. Barkley, of Kentucky
M. M. Neely, of West Virginia
Homer T. Bone, of Washington
Vic Donahey, of Ohio

Sherman Minton, of Indiana
Harry S. Truman, of Missouri
Charles O. Andrews, of Florida
Edwin C. Johnson, of Colorado
H. H. Schwartz, of Wyoming
Lister Hill, of Alabama
Ernest Lundeen, of Minnesota
Tom Stewart, of Tennessee

Republicans

Wallace H. White, Jr., of Maine
Warren R. Austin, of Vermont
Henrik Shipstead, of Minnesota
Charles W. Tobey, of New Hampshire
Clyde M. Reed, of Kansas
Chan Gurney, of South Dakota

HOUSE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Democrats

Clarence F. Lea, of California, Chairman
Robert Crosser, of Ohio
Alfred L. Bulwinkle, of North Carolina
Virgil Chapman, of Kentucky
William P. Cole, Jr., of Maryland
Edward A. Kelly, of Illinois
John A. Martin, of Colorado
Herron Pearson, of Tennessee
Lyle H. Boren, of Oklahoma
Martin J. Kennedy, of New York
Elmer J. Ryan, of Minnesota
Charles L. South, of Texas
James P. McGranery, of Pennsylvania
Donald L. O'Toole, of New York
Luther Patrick, of Alabama

Republicans

Carl E. Mapes, of Michigan
Charles A. Wolvertson, of New Jersey
James Wolfenden, of Pennsylvania
Pehr G. Holmes, of Massachusetts
B. Carroll Reece, of Tennessee
James W. Wadsworth, of New York
Charles A. Halleck, of Indiana
Oscar Youngdahl, of Minnesota
Carl Hinshaw, of California
Clarence J. Brown, of Ohio

Monopoly Hearing

February 23

E. C. Page, of the engineering firm of Page and Davis, continued presentation of technical and coverage phases of the Mutual Broadcasting System, which concluded Mutual's presentation.

On motion of counsel, John Shepard, 3rd, President of the Yankee and the Colonial Networks, was permitted to submit evidence for both simultaneously. Mr. Shepard outlined the corporate and financial set-up and history of the two networks. He stated that the Yankee Network owns four broadcasting stations: WNAC, WAAB, WICC and WEAN. Mr. Shepard pointed out that while Yankee and Colonial were two separate corporate set-ups, the two could be considered, from an operations standpoint, as a single unit, both using the same telephone lines on a time-sharing basis and originating programs from the same studios.

February 24

Mr. Shepard resumed with a discussion of the operating and program policies of his stations. He stated that in the last three months he has discontinued the use of editorials on news periods, but that when such editorials had been presented before, they were "clearly labeled" as editorials. Mr. Shepard stated the majority of his radio editorials had been in the nature of "cleaning up" certain conditions such as the pardon and parole racket, etc., in which there was genuine public interest. He asserted, however, that this editorial technique did not extend to the "selection of candidates for office"; that they concerned themselves only with "good government" and not political candidates.

February 28

Paul A. De Mars, technical director of the Yankee and Colonial Networks, concluded their testimony with a presentation of technical and coverage information.

This was followed by the testimony of the Pacific Broadcasting Company, the first witness of which was Mr. E. C. Page (referred to above), who presented its engineering data.

Carl E. Haymond, general manager of the Pacific Broadcasting Company, followed and stated that the network was organized in 1937 for "the purpose of affiliating a group of stations in Oregon and Washington as outlets for the Mutual and the Mutual-Don Lee Broadcasting Systems." He stated that at the time Mutual became a coast-to-coast network, there were no outlets in these states for either Mutual or Don Lee; that the cost of maintaining long lines from San Francisco to Seattle and across the State of Washington had previously prevented the completing of a coast-wide network. He gave a history of the network's financial and program operations.

Appearing for the Virginia Broadcasting Company, as Secretary-Treasurer was Mr. S. C. Ondarcho, who is also manager of Station WBTM. The Corporation, he said, is made up of five stations and is controlled by five directors, one from each of the stations. In 1936 the stations were connected by permanent landlines, 16 hours a day, for a period of three months. In April, 1936, however, this plan was abandoned and since that time the stations have been connected as a network for special events only.

March 1

Lynne C. Smeby took the stand as technical witness for the Michigan Radio network as the hearing continued and occupied most of the morning.

In the afternoon session, George W. Trendle, President of the King-Trendle Broadcasting Corporation, appeared as witness for the Michigan Broadcasting Network and stated that the Michigan Radio Network "really means that we have made contracts as the King-Trendle Broadcasting Corporation with several stations out in the state by the terms of which we supply them with sustaining programs, and also have the use of their lines for certain programs." The network is an association, is not an incorporation. It owns no interest, direct or indirect, in any of the stations affiliated with the Michigan Network, Mr. Trendle declared.

He explained that through an arrangement with NBC, programs created and produced by his station, such as the Lone Ranger and the Green Hornet, are piped to Chicago where they are recorded and later sold throughout the world. Lone Ranger is now on 127 stations at the present time, he stated, including stations in Australia. He concluded with a resume of the operating experiences and policies of Station WXYZ and the Michigan Radio Network.

Scheduled to appear next week are the Texas Quality Network and the Texas State Network.

UNLICENSED STATIONS

Following an investigation by FCC Inspectors of the operation of unlicensed radio stations in San Francisco,

California, Edward Maleski and Edward Rittler were indicted for violations of Sections 310 and 318 of the Communications Act of 1934, as amended.

On February 28, Edward Maleski, following a plea of guilty, was sentenced in the United States District Court for the Northern District of California to one year probation and a fine of one hundred dollars. The other defendant, Edward Rittler, also plead guilty to such unlawful radio operation and was to be sentenced by the Court on March 2.

TELEVISION BROADCAST STATIONS

As of February 1, 1939

(Prepared by the FCC)

Licensee and Location	Call Letters	Frequency (kc) or Group	Power Visual	Power Aural	Emission
Columbia Broadcasting System, Inc., New York, N. Y.	W2XAX	B, C	50w C.P. 7½kw	7½kw	A3, A5
Don Lee Broadcasting System, Los Angeles, Calif.	W6XAO	B, C	1kw	150w	A3, A5
Allen B. Du Mont Laboratories, Inc., Passaic, N. J.	W2XVT	B	50w	50w	A3, A5 (C. P. only)
Farnsworth Television, Incorporated of Pennsylvania, Springfield, Penna.	W3XPF	B, C	250w	1kw	A3, A5
First National Television, Inc., Kansas City, Mo.	W9XAL	B, C	300w	150w	A3, A5
General Electric Company, Bridgeport, Conn.	W1XA	C	10kw	3kw	A3, A5 (C. P. only)
General Electric Company, Albany, New York.	W2XB	C	10kw	3kw	A3, A5 (C. P. only)
General Electric Company, Schenectady, New York.	W2XD	D (156000-162000)	40w		A5 (C. P. only)
General Electric Company, Schenectady, New York.	W2XH	B	40w		A5 (C. P. only)
General Television Corporation, Boston, Mass.	W1XG	B, C	500w		A5
Kansas State College of Agriculture and Applied Science, Manhattan, Kansas.	W9XAK	A	125w	125w	A3, A5
National Broadcasting Co., Inc., New York, N. Y.	W2XBS	B, C	12kw	15kw	A3, A5
National Broadcasting Co., Inc., Portable (Camden, N. J. and New York, N. Y.)	W2XBT	D (92000 & 175000-180000)	400w	100w	A1, A2 A3, A5
Philco Radio and Television Corp., Philadelphia, Pa.	W3XE	B, C	10kw	10kw	A3, A5
Philco Radio and Television Corp., Philadelphia, Pa.	W3XP	D (204000-210000)	15w		A5
Purdue University, West Lafayette, Ind.	W9XG	A	1½kw		A5
Radio Pictures, Inc., Island City, N. Y.	W2XDR	B, C	1kw	500w	A3, A5
RCA Manufacturing Co., Inc., Portable (Camden, N. J.)	W3XAD	D (124000-130000)	500w	500w	A3, A5
RCA Manufacturing Co., Inc., Camden, N. J.	W3XEP	B, C	30kw	30kw	A3, A5
RCA Manufacturing Co., Inc., Portable-Mobile (Camden, N. J.)	W10XX	B, C	50w	50w	A3, A5
University of Iowa, Iowa City, Iowa.	W9XK	A	100w		A5
University of Iowa, Iowa City, Iowa.	W9XUI	B, C	100w		A5
Zenith Radio Corporation, Chicago, Ill.	W9XZV	B, C	1kw	1kw	A3, A5 (C. P. only)
Group A	Group B	Group C	Group D		
2000 to 2100 kc.	42000 to 56000 kc.	60000 to 86000 kc.	Any 6000 kc. frequency band above 110000 kc., excluding 400000 to 401000 kc.		

FEDERAL COMMUNICATIONS COMMISSION ORDER

The Federal Communications Commission this week denied Station WAIR, Winston-Salem, North Caro-

lina, its petition for rehearing. Commissioner Brown did not participate.

The Commission on January 3 denied the station's application which would have granted WAIR power of 250 watts night on its present assignment of **1250 kilocycles**. The station now operates on that frequency with 250 watts daytime only.

The applicants filed a petition for rehearing in which it was alleged the Commission committed error in declining to grant the application. In denying the application for rehearing the Commission stated that the operation of the station as proposed would limit Station WNEW, New York City, and WHBI, Newark, N. J., to their respective 2.4 millivolt per meter nighttime contours.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases beginning the week of Monday, March 6. They are subject to change.

Monday, March 6

NEW—William C. Barnes and Jonas Weiland, tr/as Martinsville Broadcasting Co., Martinsville, Va.—C. P., **1420 ke.**, 100 watts, 250 watts LS, unlimited time.

NEW—The Niagara Falls Gazette Publishing Co., Niagara Falls, N. Y.—C. P., **1260 ke.**, 1 KW, daytime.

Tuesday, March 7

KRSC—Radio Sales Corporation, Seattle, Wash.—C. P., **1120 ke.**, 1 KW, unlimited time. Present assignment: **1120 ke.**, 250 watts, unlimited time.

NEW—Panama City Broadcasting Co., Panama City, Fla.—C. P., **1200 ke.**, 100 watts, 250 watts LS, unlimited time.

Wednesday, March 8

WCY—Radiomarine Corp. of America, West Dover, Ohio.—C. P. for additional frequencies, **2550, 2738, 6470 and 11370 ke.**, 400 watts, Emission A2, A3, unlimited, except day only on **11370 ke.**

KFPW—Southwestern Hotel Company, Fort Smith, Ark.—C. P., **1210 ke.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1210 ke.**, 100 watts, unlimited time.

Friday, March 10

NEW—Publix Bamford Theatres, Inc., Asheville, N. C.—C. P., **1430 ke.**, 1 KW, unlimited time (DA at night).

FUTURE HEARINGS

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

March 16

Oral Argument Before the Commission

Examiner's Report No. I-669:

NEW—Colonial Broadcasting Corp., Norfolk, Va.—C. P., **1370 ke.**, 100 watts, 250 watts LS, unlimited time.

March 22

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Modification of license, **1370 ke.**, 100 watts, 250 watts LS,

unlimited time. Present assignment: **1370 ke.**, 100 watts, 250 watts LS, specified hours.

NEW—Lane J. Horrigan, d/b as Copper Country Broadcasting Co., Hancock, Mich.—C. P., **1370 ke.**, 100 watts, 250 watts LS, specified hours (requests facilities in part of WHDF).

March 29

NEW—Northwest Broadcasting Co., Fort Dodge, Iowa.—C. P., **1370 ke.**, 100 watts, 250 watts LS, specified hours.

April 3

KGNO—Dodge City Broadcasting Co., Inc., Dodge City, Kans.—C. P., **1340 ke.**, 500 watts, unlimited time. Present assignment: **1340 ke.**, 250 watts, unlimited time.

KOVC—KOV, Inc., Valley City, N. Dak.—C. P., **1340 ke.**, 500 watts, 1 KW LS, unlimited time. Present assignment: **1500 ke.**, 100 watts, 250 watts LS, unlimited time.

April 10

NEW—M. C. Reese, Phoenix, Ariz.—C. P., **1200 ke.**, 100 watts, 250 watts LS, unlimited time.

KRBA—Red Lands Broadcasting Assn. (Ben T. Wilson, President), Lufkin, Tex.—C. P., **1310 ke.**, 250 watts, daytime. Present assignment: **1310 ke.**, 100 watts, daytime.

April 11

KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Modification of C. P., **1370 ke.**, 100 watts, unlimited time. Present assignment: **1370 ke.**, 100 watts, daytime.

NEW—W. B. Greenwald, Topeka, Kans.—C. P., **1370 ke.**, 100 watts, 250 watts LS, unlimited time.

April 12

WHMA—Harry M. Ayers, Anniston, Ala.—Modification of license, **1420 ke.**, 100 watts, unlimited time. Present assignment: **1420 ke.**, 100 watts, daytime.

WMBR—Florida Broadcasting Co., Jacksonville, Fla.—C. P., **1120 ke.**, 500 watts, 1 KW LS, unlimited time (DA night). Present assignment: **1370 ke.**, 100 watts, 250 watts LS, unlimited time.

NEW—WJMS, Inc., Ashland, Wis.—C. P., **1370 ke.**, 100 watts, unlimited time.

April 24

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, **1290 ke.**, 100 watts, daytime.

WQDM—E. J. Regan and Arthur Bostwick, d/b as Regan & Bostwick, St. Albans, Vt.—Modification of license, **1390 ke.**, 1 KW, daytime to LS at WHK at Cleveland, Ohio. Present assignment: **1390 ke.**, 1 KW, daytime.

April 25

WKAQ—Radio Corporation of Porto Rico, San Juan, P. R.—Renewal of license, **1240 ke.**, 1 KW, unlimited time.

WNEL—Juan Piza, San Juan, P. R.—Renewal of license, **1290 ke.**, 1 KW, 2½ KW LS, unlimited time.

NEW—Enrique Abarca Sanfeliz, San Juan, P. R.—C. P., **580 ke.**, 1 KW, 5 KW LS, unlimited time.

NEW—United Theatres, Inc., San Juan, P. R.—C. P., **580 ke.**, 1 KW, unlimited time.

April 26

NEW—C. T. Sherer Co., Inc., Worcester, Mass.—C. P., **1200 ke.**, 100 watts, 250 watts LS, unlimited time.

KSAM—Sam Houston Broadcasting Assn. (H. G. Webster, President), Huntsville, Tex.—C. P., **1500 ke.**, 250 watts, daytime. Present assignment: **1500 ke.**, 100 watts, daytime.

April 28

NEW—Coastal Broadcasting Co., Brunswick, Ga.—C. P., **1500 ke.**, 100 watts, 250 watts LS, unlimited time.

WOC—Tri-City Broadcasting Co., Davenport, Iowa.—C. P., **1390 ke.**, 1 KW, unlimited time (DA night). Present assignment: **1370 ke.**, 100 watts, 250 watts LS, unlimited time.

May 1

WHA—University of Wisconsin, Madison, Wis.—C. P., **670 kc.**, 50 KW, unlimited time (requests facilities of WMAQ). Present assignment: **940 kc.**, 5 KW, daytime.
WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Renewal of license, **670 kc.**, 50 KW, unlimited time.

May 2

WCOU—Twin City Broadcasting Co., Inc., Lewiston, Maine.—C. P., **1210 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1210 kc.**, 100 watts, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

NEW—World Wide Broadcasting Corp., Norwood, Mass.—Granted C. P. for a new international broadcast station to use frequencies **11730** and **15130 kc.**, listed as "Pan American" frequencies, on an experimental basis in accordance with Rules 980-987 and 1010-1015, with power of 20 KW. Applicant proposes to conduct a program of research which includes the making of comparative test measurements in Puerto Rico, Buenos Aires and London.

NEW—John V. L. Hogan, New York City.—Granted C. P. for new experimental high frequency broadcast station, frequency **41200 kc.**, on an experimental basis in accordance with Rules 980-987 and 1050-1056, with power of 1 KW, special emission for frequency modulation, unlimited time, in accordance with Rule 983, and transmitter to be located in New York City, site to be determined.

NEW—WBNS, Inc., Columbus, Ohio.—Granted C. P. for new facsimile broadcast station, frequencies **31600**, **35600**, **38600** and **41000 kc.**, on an experimental basis only, conditionally, 100 watts.

WGN—WGN, Inc., Chicago, Ill.—Granted extension of special experimental authority to operate with 50 KW power for the purpose of transmitting facsimile signals experimentally between 1 a. m. and 6 a. m., CST, for the period ending August 1, 1939.

KMJ—McClatchy Broadcasting Co., Fresno, Calif.—Granted extension of special experimental authority to operate with 1 KW (used by broadcast station) for the purpose of transmitting facsimile signals experimentally from 12 midnight to 6 a. m., PST, for the period ending September 1, 1939.

WAAW—Omaha Grain Exchange, Omaha, Nebr.—Granted consent to assignment of license (Chairman McNinch and Commissioner Walker voting "No") for Station WAAW from Omaha Grain Exchange to World Publishing Company. Station operates on **660 kc.**, 500 watts, daytime.

KWKH—International Broadcasting Corp., Shreveport, La.—Granted modification of special experimental authority to move transmitter site locally, install new equipment, and increase power from 10 KW night and day to 50 KW, employing DA for nighttime operation, operating on **1100 kc.**, unlimited time.

WCLE—The Cleveland Radio Broadcasting Corp., Cleveland, Ohio.—Granted renewal of broadcast station license for the regular period.

DESIGNATED FOR HEARING

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

KUSD—University of South Dakota, Vermillion, S. Dak.—Application for renewal of license designated for hearing, and station granted a temporary license pending outcome of hearing. (This application was set for hearing by reason of applicants' failure to file renewal application in accordance with Rule 340.01.)

KINY—Edwin A. Kraft, Juneau, Alaska.—Application for C. P. to make changes in equipment, change frequency from **1430**

kc. to **740 kc.**, and increase power from 250 watts to 1 KW. (To be heard before the Commission.) Application designated for hearing because request violates Rules 116 and 117, and because interference might result to existing station WSB.

NEW—John R. Pepper, Greenville, Miss.—Application for C. P. for new station to operate on **1310 kc.**, 100 watts night, 250 watts day, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval. (Application designated for hearing to determine if interference might result to existing stations.)

NEW—The Gazette Company, Cedar Rapids, Iowa.—Application for C. P. for new station to operate on **1420 kc.**, 100 watts, unlimited time. Exact transmitter and studio sites and types of antenna to be determined with Commission's approval. (Application designated for hearing to determine if interference might result to existing stations, and pending applications from Iowa involve an increase in service.)

MISCELLANEOUS

KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted extension of special temporary authority to operate from 5 to 6 a. m., CST, with 1 KW only, for the period March 10 to April 8, in order to conduct experimental farm programs.

WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Granted special temporary authority to operate a 100-watt test transmitter in and around Greensboro, N. C., during experimental period beginning February 27 and ending March 28, in order to determine suitability of proposed new transmitter site.

WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Continued hearing on application for renewal of license now scheduled for February 28, to May 1, 1939, to be heard with the application of WHA requesting the facilities of WMAQ.

WLAC—J. T. Ward, tr/as WLAC Broadcasting Service, Nashville, Tenn.—Continued indefinitely and until further order of the Commission the hearing on the application of WLAC for a construction permit to increase power from 5 KW to 50 KW, on **1470 kc.** (DA night).

WHLS—Port Huron Broadcasting Co., Port Huron, Mich.—Granted special temporary authority to operate from 8:30 p. m. to conclusion of basketball game on February 25.

WGN—WGN, Inc., Chicago, Ill.—Granted extension of special temporary authority to use the WENR transmitter equipment located at Downers Grove, Ill., formerly used as main transmitter for Station WENR-WLS, and now used as auxiliary transmitter for WENR-WLS under Commission licenses, for the period March 3 to April 1, 1939, in order to give WGN an opportunity to move present transmitter equipment located 4 miles east of Elgin, Ill., to its new location pursuant to C. P.

NEW—Woodmen of the World Life Ins. Society, Omaha, Nebr., Portable-Mobile.—Granted C. P. for new experimental relay broadcast station, frequencies **1622**, **2058**, **2150** and **2790 kc.**, 20 watts.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted license to cover C. P. authorizing installation of new equipment and increase in day power from 1 to 5 KW.

KVWC—The Northwestern Broadcasting Co., Vernon, Tex.—Granted license to cover C. P. authorizing new station to operate on **1500 kc.**, 100 watts, unlimited time.

WTCN—Minnesota Broadcasting Corp., Minneapolis, Minn.—Granted license to cover C. P. authorizing changes in equipment.

WHA—University of Wisconsin, Madison, Wis.—Granted in part petition for continuance of hearing, now set for February 28, for a period of 60 days, instead of 90 days as requested.

WATL—Atlanta Broadcasting Co., Atlanta, Ga.—Granted petition of respondent to waive Rule 15.31 and accept their answer in re application of Spartanburg Advertising Co., Spartanburg, S. C., for C. P. to operate on **1370 kc.**, 100 watts night, 250 watts LS, unlimited time.

NEW—Ben Farmer, d/b as Cabarrus Broadcasting Co., Concord, N. C.—Granted petition to take depositions before M. G. Bost in re application for C. P. to operate on **1370 kc.**, 100 night, 250 watts LS, unlimited time.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted petition for continuance of hearing, now scheduled for March 14, to a new date to be fixed by Docket Section, on application of WHDF for modification of license to change from specified hours to unlimited time on **1370 kc.**,

100 watts night, 250 watts day, and the application of Copper Country Broadcasting Co., Hancock, Mich., for the facilities of WHDF.

KFJZ—Fort Worth Broadcasters, Inc., Fort Worth, Tex.—Granted petition for order to take depositions in re application for C. P. to change from **1370 kc.**, 100 watts night, 250 watts day, unlimited time, to **930 kc.**, 500 watts, unlimited, using DA at night.

NEW—Spartanburg Advertising Co., Spartanburg, S. C.—Granted petition to take depositions in re application for C. P. to erect a new station to operate on **1370 kc.**, 100 watts night, 250 watts day, unlimited time.

NEW—Birney Imes, Columbus, Miss.—Granted petition to dismiss without prejudice application for C. P. to operate on **1370 kc.**, 100 watts night, 250 watts day, unlimited time.

KOVC—KOV, Inc., Valley City, N. Dak.—Granted petition for acceptance of applicant's appearance filed late in re application for C. P. to change from **1500 kc.**, 100 watts night, 250 watts day, unlimited, to **1340 kc.**, 500 watts night, 250 watts day, unlimited time.

WRDO—WRDO, Inc., Augusta, Maine.—Denied petition to reopen hearing in re application for renewal of license to operate on **1370 kc.**, 100 watts night and day, unlimited time.

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—The Commission (Commissioner Sykes voting "No"), entered an order setting aside the order of December 12, 1938, denying respondent's (KOAC) motion to reopen the hearing in Docket No. 5054; reopened the hearing; amended the order of January 30, 1939, and denied the motion filed by Salt River Valley Broadcasting Co. and granted the motion filed by Oregon State Agriculture College in this matter.

KNOW—KUT Broadcasting Co., Austin, Tex.—Retired to the closed files for want of prosecution, the application for modification of C. P. requesting authority to make further changes in equipment, move transmitter locally and extend commencement and completion dates.

WAWZ—Pillar of Fire Zarephath, N. J.—Granted license to cover C. P. authorizing increase in night power from 500 watts to 1 KW, and installation of a directional antenna system for nighttime operation only.

KAOG—Don Lee Broadcasting System, Portable-Mobile (area of Los Angeles, Calif.)—Granted license to cover C. P. for new relay broadcast station, frequencies **1646, 2090, 2190** and **2830 kc.**, 8 watts.

WIXOJ—The Yankee Network, Inc., Paxton, Mass.—Granted modification of C. P. as modified authorizing extension of completion date of C. P. from April 29 to October 29, 1939, for high frequency broadcast station.

KVOS—KVOS, Inc., Bellingham, Wash.—Granted modification of C. P. authorizing changes in equipment and extension of commencement date to 90 days after grant and completion date to 90 days thereafter, upon the express condition that the grant shall not be construed as a finding by the Commission upon the application of Bellingham Broadcasting Co. for C. P. and upon the application for renewal of license of KVOS, nor any issues involved therein.

WSMK—WSMK, Inc., Dayton, Ohio.—Granted special temporary authority to operate simultaneously with station KQV from 7:30 to 10 p. m., EST, on February 29, in order to broadcast non-commercial movie-quizz contest, instead of February 20, as authorized by grant of February 17.

WEBQ—Harrisburg Broadcasting Co., Harrisburg, Ill.—Granted special temporary authority to operate simultaneously with station KFVS from 9 to 10:30 p. m., CST, March 2, in order to broadcast Illinois State Regional Basketball Tournament.

KUOA—KUOA, Inc., Siloam Springs, Ark.—Granted special temporary authority to rebroadcast time signals originated by Radio station NAA, at 8 to 11 a. m. and 6 p. m., CST, daily for the period beginning March 1 and ending no later than March 31, 1939.

KGEK—Elmer G. Beehler, Sterling, Colo.—Granted special temporary authority to operate from 1:30 to 2:15 p. m., MST, on March 6, 13, 20, 27, in order to broadcast livestock auction and merchants programs from Ft. Morgan, Colo.

W8XIQ-W8XIR—WGAR Broadcasting Co., Cleveland, Ohio.—Granted extension of special temporary authority to operate relay broadcast experimental stations on the frequency **31220 kc.**, pending definite arrangements to be made to eliminate interference with Cleveland's Police Radio Service, for the period March 11 to April 9, 1939.

KINY—Edwin A. Kraft, Juneau, Alaska.—Granted special temporary authority to use temporary studios at the transmitter site on the A-J Rock Dump, near Juneau, Alaska, as main studios, until definite arrangements can be made for new studios in downtown Juneau and in no event for a period exceeding 30 days.

W2XVT—Allen B. DuMont Labs., Inc., Passaic, N. J.—Denied special temporary authority to operate experimental television broadcast station W2XVT during the hours from 9 a. m. to midnight, EST, for a period not to exceed 30 days, in accordance with Rule 983, in order to conduct tests.

WBAA—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 7:15 to 9 p. m., CST, on March 6, in order to broadcast Purdue University basketball game.

WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m. until midnight on April 17, in order to broadcast general election for offices of Mayor and City Commissioners, and on April 18 in order to broadcast general election returns.

WPIC—Sharon Herald Broadcasting Co., Sharon, Pa.—Granted special temporary authority to operate from 7:30 to 9:30 p. m., EST, on February 28, in order to broadcast proceedings attendant upon banquet being given by the American Legion.

W9XA—Commercial Radio Equipment Co., Kansas City, Mo.—Granted special temporary authority to rebroadcast over high frequency broadcast station W9XA programs originating from special broadcast station KITE, Kansas City, Mo., and from standard broadcast station WLW, Cincinnati; KSL, Salt Lake City; KCKN, Kansas City, Kans., subject to the provisions of Rule 1052, for the normal licensed period of high frequency broadcast stations expiring April 1, 1940.

APPLICATIONS FILED AT FCC

930 Kilocycles

KMA—May Seed and Nursery Co., Shenandoah, Iowa.—Construction permit to install new antenna and move transmitter from near Shenandoah, Iowa, and studio from Elm and Lowell Sts., Shenandoah, Iowa, to a site to be determined at Council Bluffs, Iowa.

1050 Kilocycles

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Construction permit to increase power from 1 KW to 5 KW, changes in equipment. Amended to request power of 1 KW night and 5 KW day.

1200 Kilocycles

NEW—Mollin Investment Co., Palm Springs, Calif.—Construction permit for new broadcast station to be operated on **1200 kc.**, 100 watts, daytime hours of operation.

WKBO—Keystone Broadcasting Corp., Harrisburg, Pa.—Authority to transfer control of corporation from The Telegraph Press, Inc., to J. H. Steinman and John F. Steinman.

KELO—Sioux Falls Broadcast Assn., Inc., Sioux Falls, S. Dak.—License to cover construction permit for installation of new equipment and increase in daytime power.

NEW—North Shore Broadcasting Company, Salem, Mass.—Construction permit for a new station on **1200 kc.**, 100 watts power, unlimited time.

WMRO—Martin R. O'Brien, Aurora, Ill.—License to cover construction permit for new broadcast station.

1310 Kilocycles

WSGN—The Birmingham News Company, Birmingham, Ala.—Modification of license to increase power from 100 watts night and 250 watts day to 250 watts day and night.

WEMP—Milwaukee Broadcasting Co., Milwaukee, Wis.—License to cover construction permit for installation of new equipment and increase in daytime power.

1370 Kilocycles

NEW—Tom M. Bryan, Fort Lauderdale, Fla.—Construction permit for new broadcast station to be operated on **1370 kc.**, 100 watts night, 250 watts day, unlimited hours of operation.

1400 Kilocycles

WVFW—Paramount Broadcasting Corp., Brooklyn, N. Y.—Modification of construction permit authorizing equipment changes requesting an extension of commencement date from 2-13-39 to 4-13-39 and completion date from 7-13-39 to 8-13-39.

1420 Kilocycles

KWAL—Chester Howarth and Clarence Berger, Wallace, Idaho.—Modification of construction permit for new broadcast station requesting approval of transmitter location at U. S. Highway No. 10, between Wallace and Kellog, Idaho, and approval of antenna.

KRBM—KRBM Broadcasters, Bozeman, Mont.—Modification of construction permit for new broadcast station requesting change in transmitter location to 103 W. Main Street, Bozeman, Mont., and extension of commencement and completion dates to 30 and 180 days after grant.

1460 Kilocycles

WJSV—Columbia Broadcasting System, Inc., Washington, D. C.—Modification of construction permit (B1-P-1827) to increase power, new transmitter, antenna, and move, further requesting approval of directional antenna for day and night use, and approval of transmitter site at 4 miles east of Wheaton, Md.

1490 Kilocycles

KFBK—McClatchy Broadcasting Co., Sacramento, Calif.—Extension of special experimental authorization to operate a facsimile station from 12 midnight to 6 a. m., PST, using 10 KW power, period 5-1-39 to 11-1-39.

1500 Kilocycles

NEW—Neptune Broadcasting Corp., Atlantic City, N. J.—Construction permit for new broadcast station to be operated on 1500 kc., 100 watts night, 250 watts day, unlimited hours of operation.

MISCELLANEOUS

NEW—Don Lee Broadcasting System, San Francisco, Calif.—Construction permit for a new television station on 42000-56000 kc., 250 watts power, A3 and A4 emission; also special emission, located in the immediate vicinity of San Francisco, Calif. Amended to request 1 KW power, changes in transmitting equipment, and slight changes in proposed program of research.

W2XBF—William G. H. Finch, New York, N. Y.—License to cover construction permit (B1-PEX-25) for move of transmitter, installation of new antenna.

W2XSN—Paul F. Godley, Alpine, N. J.—Modification of construction permit authorizing new high frequency broadcast station, requesting extension of completion date from 3-18-39 to 9-15-39.

W9XEA—Paducah Broadcasting Co., Inc., Portable-Mobile in area of Paducah, Ky.—License to cover construction permit (B2-PRE-234) for new relay broadcast (experimental) station.

NEW—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Construction permit for reinstatement of high frequency broadcast (experimental) station W9XAZ on frequencies 31600, 35600, 38600 and 41000 kc., 500 watts power, A-3 emission.

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:

Atlantic Grocery Company—See B. Green & Company.

Consumers Bureau of Standards—A complaint has been issued against Albert Lane, trading as Consumers' Bureau of Standards, 319 West 48th St., New York, publisher of pamphlets now known as "Consumers' Bureau Reports," and formerly as "Consumers' Preference."

In circulars, sales talks and letters to prospective purchasers, it allegedly was advertised that "Consumers' Bureau of Standards" is a national, non-profit consumers' research and educational organization which maintains a staff of technicians and investigators, tests and reports on goods and services for the benefit of the ultimate consumer, when such were not the facts.

The respondent is alleged to have represented and implied that the Consumers' Bureau of Standards is affiliated with the Government's National Bureau of Standards; that his publications, which competed with magazines published for consumers like "Consumers' Research" and "Consumers' Union," were designed to present the manufacturer's side of the picture in advertised products and that his magazines would be sold nationally with 1,000,000 copies distributed free, when such are not the facts.

Intimidation and coercion by the respondent of manufacturers and producers whose products he sought to list in his publications, are alleged. The respondent allegedly threatened that if such manufacturers and producers did not purchase copies of his magazines their products would be disparagingly listed therein. (3718)

E. Fougere & Company, Inc.—See Perastham Company, Inc.

B. Green & Company—A complaint charging four Baltimore wholesale grocery firms with combining and conspiring to restrict competition in the resale of certain products in the Baltimore trade area has been issued. The respondents are Benjamin Green and Harry L. Minch, trading as B. Green & Co., 636 West Pratt St.; Isador Rudo and Barnette H. Rudo, trading as The Atlantic Grocery Company, 121 Cheapside St.; Morris Kolker, Harry Mark and Samuel Guttman, trading as The Maryland Grocery Company, 722 East Pratt St., and Michael Joffee and Reubin Joffee, trading as Joffee Brothers, 623 West Pratt St.

The complaint charges that it is a custom for the wholesale groceries in Baltimore to pool their respective purchases of less than carload lots from producers and manufacturers selling in interstate commerce, to take advantage of price concessions granted for carload lots; each wholesaler being responsible for only that part representing his individual purchase.

During 1938 the respondents are alleged to have entered into and thereafter carried out an agreement to refuse to join in the making up of carload shipments if certain designated wholesale grocers in Baltimore were permitted to pool their purchases in such shipments, thus depriving the designated wholesalers requiring less than carload lots of the benefit of carload prices.

The complaint also charges that the respondents threatened producers and manufacturers to refuse to make purchases of their products if the producers and manufacturers allowed other designated wholesale grocers in Baltimore to include their purchases of less than carload lots to make up carload lots for shipment into the Baltimore area. (3720)

Herbtex Company—Charging misleading representations of the therapeutic value of a medicinal preparation a complaint has been issued against James F. Cox and H. C. Elliott, trading as Herbtex Company, 1200 Chapline St., Wheeling, W. Va.

The complaint alleges that the respondent's product, Herbtex, was advertised as a cure, remedy or competent treatment for constipation, headaches, biliousness, stomach troubles, sleeplessness, run-down condition, nervousness, piles, sluggish kidneys, backache, rheumatism, arthritis, neuritis, gout, and loss of appetite, and as being capable of cleansing, strengthening and stimulating the functioning of the stomach, liver, bladder, blood and bowels, when such were not the facts. (3723)

Joffee Brothers—See B. Green & Company.

Maryland Grocery Company—See B. Green & Company.

Morehouse Manufacturing Company—Charging false and misleading representations in the sale of a hair removing preparation a complaint has been issued against Morehouse Manufacturing Company, Savannah, Ga., trading as Shaving Powder Co.

It is alleged that the respondent corporation's Magic Shaving Powder is not, as represented in newspaper advertisements, a shaving powder, and that it is not a new method for removing hair, will not leave a clear, smooth skin, and is not harmless in all cases.

The complaint charges that use of the preparation may, under customary and usual conditions, be harmful to the skin and its underlying structures because of the ingredients from which the powder is compounded, and that its use may also result in severe injury to the eyes of the user. (3721)

Perastham Company, Inc.—Alleging violation of the Federal Trade Commission Act in the sale of Perastham Tablets, a proprietary medicine, a complaint has been issued against two New York companies, The Perastham Company, Inc., 276 Fifth Ave., and E. Fougere & Co., Inc., 75 Varick St., its exclusive distributor.

The respondents are alleged to have disseminated false advertisements to the effect that Perastham Tablets will cure or be of substantial therapeutic benefit in treating asthma and its symptoms, and that the preparation is a new sensational European discovery, free from harmful drugs, and may be used indiscriminately without harmful effects.

According to the complaint, the respondents also alleged that use of their preparation has freed thousands from asthma; that its use will benefit all sufferers from asthma, assuring nights of restful sleep and days of greater comfort, and that it will stop wheezing and other symptoms and manifestations of asthma. (3719)

Pronto File Corporation—False and misleading representations are charged in a complaint issued against Pronto File Corporation, 349 Broadway, New York, manufacturers and sellers of steel filing cabinets.

The complaint alleges that in folders and circulars distributed to its dealers and prospective purchasers, representations were made of a 50 per cent reduction from regular prices, and prices printed in black numerals were stricken through with red lines and lower prices in red numerals substituted. (3717)

Shaving Powder Company—See Morehouse Manufacturing Company.

STIPULATIONS

The Commission has entered into the following stipulations:

Acme Feeds, Inc., 7715 Van Buren St., Forest Park, Ill., distributor of animal and fowl feed supplements designated The Old Reliable Acme, Acme Big-9-Steer Feed, Acme Egg Mash, Acme Chick Starter, Acme Egg Balancer, Acme Dairy Cattle 9 Proteins and Acme Calf Meal, has entered into a stipulation to discontinue certain advertising matter concerning its feed products.

Among the claims which will be discontinued are that one pound of Acme Big-9-Steer Feed is equal to two pounds of oil meal; that molasses dairy feeds are only fillers, or that molasses feeds are partially composed of oat hulls and screenings, so as to imply that this is true of all molasses dairy feeds or all molasses feeds; that the Old Reliable Acme plus grain is the best ration on earth at the least cost; that Acme Calf Meal is the most perfect milk substitute on the market for the purpose intended; that Acme Egg Balancer added to grain will provide a mixture at less cost than any formula ever used; that Acme Egg Mash is the most palatable on the market; that Acme Chick Starter has the "highest raise the chick percentage"; that Acme balances corn better than any other kind or form of protein on the market, and that the Acme plant is the most modern in the world. (02320)

Adjuvant Specialties Company, Inc., 111 Academy St., Jersey City, N. J., will discontinue misleading representations in the sale of Belixol, a tonic fortified by the addition of Vitamin B₁.

The respondent corporation agrees to cease representing that Belixol is a new way of mixing Vitamin B₁ in a liquid, and as such is a new scientific discovery; that its tonic will be effective in improving appetite, increasing weight or speeding the growth of children, except in cases caused by Vitamin B₁ deficiency, that Belixol will increase the quantity and improve the quality of milk for nursing mothers, and that many doctors have called B₁ "the key vitamin." (02322)

Cookware Company of America, Hartford, Mich., agrees to stop representing that its cooking utensils are "health" utensils, and that the Cookware Company of America points the way to health to hundreds of thousands of people, or maintains a "Health and Research Department" of recognized merit. In its stipulation the respondent admits that the aluminum utensils it sells are not "health" products and will not automatically save the health-giving elements of natural foods. The respondent agrees to cease representing that by cooking with "Dr. Burnette's Cookware Utensils" one may save money because of a very slight food shrinkage, an economical use of greases, and because foods do not stick or burn. (02323)

Dickerson Manufacturing Company—Leonard E. Dickerson, trading as Dickerson Manufacturing Company, Springfield, Mo., manufacturing gas and electric cooking assemblies for lunch counter operations, stipulates that he will discontinue advertising that his "Mexihot Barbecue Hamburger Machine" is of a larger capacity than the actual measurements of the machine, and that it will "pay for itself first week," thereby implying that purchasers of the machine will realize sufficient profit during the first week of its use to cover its cost. (2400)

Lenox Manufacturing Company—William G. Turner, trading as Lenox Manufacturing Company, 486 Sixth Ave., Brooklyn, engaged in the manufacture and sale of a tooth filling and toothache remedy called Dent-Zel-Itc, agrees to desist from advertising that the product is a tooth filling or that its use will prevent tooth decay or will close, seal or protect tooth cavities, or instantly remedy alveolar abscesses; will banish toothaches, sleepless nights, prevent formation of tooth cavities, or relieve users of the necessity of professional dental treatment. (2396)

National Oil Products Co., Inc., First and Essex Sts., Harrison, N. J., has entered into a stipulation with the Commission to discontinue false and misleading representations in the sale of its products, Admiracion Olive Oil Shampoo and Admiracion Foamy Oil Shampoo.

The respondent agrees to cease advertising that either of its products is a competent treatment for excessive scalp dryness, unless the assertion is limited to the temporary effect of cleansing, and that either preparation will double the life of waves and curls, and rid the scalp and hair of dirt, dandruff and dulling film. The stipulation points out that neither product will have more than temporary effect.

The representation that "In beauty shops Admiracion outsells all others 2 to 1," will also be discontinued. The respondent admits that the combined sales volume of competing products sold in beauty shops is greater than that of Admiracion shampoo preparations sold therein. (02319)

T. M. Sayman Products Company, 2111-2137 Franklin Ave., St. Louis, distributor of Sayman's Vegetable Wonder Soap, agrees to cease representing that the soap is "the best" for infants; that it "differs from all other soaps"; that it is an effective remedy for pimples, blackheads and skin blemishes, and that it cleans "way down into the pores." (02321)

Walter Turner Coffee Company—D. Walter Turner, trading as the Walter Turner Coffee Company, Lenoir, N. C., engaged in the sale of peanuts and other merchandise, agrees to desist from the use of any plan or method promoting the sale of merchandise which involves the use of any gift enterprise, lottery or scheme of chance. (2397)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Charles Atlas, Ltd., New York, distributor of correspondence courses in physical culture, has been served with an order requiring it to cease and desist from misleading representations of its courses or the results to be obtained from following the instructions given.

This corporation, which carries on the business formerly conducted individually by Charles Atlas, was directed to cease representing that users of its courses could acquire, or that the respondent, in 7 days or any other specified time, could prove to anyone that he could have a muscular development like that of Atlas or any other person of similar physique and appearance.

Atlas, who is now treasurer of the respondent corporation and owner of half of its outstanding capital stock, was advertised in the respondent's current book "Ever-lasting Health and Strength," as recipient of the title "America's Most Perfectly Developed Man" at a physical culture exhibition held in 1922, according to findings.

Findings are that while the respondent's correspondence courses may be generally beneficial to users they will not accomplish the results claimed. (3308)

Bacon-Scott Company, Inc.—See Charles H. Bacon Company.

Charles H. Bacon Company—An order has been issued against Charles H. Bacon Company, Lenoir City, Tenn., hosiery manufacturer, and its sales agent, Bacon-Scott Company, Inc., formerly Scott-Bartels Company, Inc., New York, prohibiting misleading representations in the sale of hosiery.

Under the order, the respondents are to cease representing that hosiery manufactured or sold by them contains "silk" or "pure thread silk" in greater quantity than is actually a fact. The respondents also are to discontinue employing the words "silk" or "pure thread silk" to designate hosiery not made entirely of silk, except that in the case of hosiery composed in substantial part of pure silk, such silk content may be described as "silk" or "pure thread silk" if each constituent fiber is conspicuously named in the order of its predominance by weight, beginning with the largest single constituent.

The Commission specifies that the order shall not be construed as approving the use of the unqualified words "silk" or "pure thread silk" to refer to weighted silk.

The order further prohibits advertising or selling hosiery made in whole or in part of rayon without clear disclosure of the fiber content. When such hosiery is composed in part of rayon and partly of other fibers or materials, all the constituent elements shall be named in the order of their predominance by weight, beginning with the largest single constituent, according to the order. (2087)

J. D. Drushell Company—Under an order to cease and desist issued J. D. Drushell, trading as J. D. Drushell Company, 4753 Broadway, Chicago, is directed to cease making misleading representations in the sale of coin-operated vending machines. The order also names as a respondent Laurence A. Smith, a Drushell sales representative.

The order directs the respondents to cease representing that J. D. Drushell is a representative or agent of or is in any manner connected with the Hershey Chocolate Corporation or the Chocolate Sales Corporation, of Hershey, Pa., or that Drushell's "company" is a division or affiliate of either of these corporations, when such are not the facts.

Drushell and Smith are ordered to cease representing that Drushell is the sole distributor of Hershey penny candy bars; that such bars are distributed exclusively through the Drushell vending machines, or that Drushell has authority to arrange for distribution of candy for the Hershey or the Chocolate Sales Corporation.

Other representations ordered discontinued are that the respondents' vending machines will pay operators thereof an average net profit of \$1 a week per machine or that "automatic stores" vending machines can be set to vend candy and other merchandise at the rate of \$1 a pound, unless this is true. (3642)

El Moro Cigar Company—Misleading representations in the sale of cigars are prohibited under an order to cease and desist

issued against El Moro Cigar Company, 636 South Elm St., Greensboro, N. C.

The order directs the respondent company to stop employing the word "Havana" or other words or picturizations indicative of Cuban origin to designate cigars not made from tobacco grown in Cuba.

Pointing out that Cuban or Havana tobacco is regarded by the public as the finest grown, findings are that none of the respondent company's cigars sold under the label "Havana Counts" contain Cuban tobacco, but are made entirely from tobacco grown in the United States.

The order also prohibits use of the expressions "Take-Outs" or "Throw Outs" to designate cigars, unless they are culled, removed or thrown out from more expensive brands or lots because of defects arising in the manufacturing process and are sold at reduced prices because of the defects.

Findings are that cigars advertised by the respondent company as "Take-Outs" were not culled or discarded, but had been manufactured by the respondent to be sold at retail at 2 for 5 cents, in simulation of a "Throw Out" or "Take-Out" cigar. They were made of a grade of tobacco permitting the respondent to sell at such a price and at a profit, according to findings. (2603)

Florida Sponge Packers Association—An order has been issued prohibiting "white listing," "black listing," price fixing and other trade restraints in the distribution of sponges. The primary respondents are the Sponge Institute, Washington, D. C., an association of wholesale distributors, and Florida Sponge Packers Association, Tarpon Springs, Fla., an association of packers, and their officers and members. (3025)

La Pep Health Beverage Company—John J. Kane, trading as La Pep Health Beverage Company, 2765 Kensington Ave., Philadelphia, has been ordered to discontinue unfair methods of competition in the sale of a preparation known as La Pep.

The respondent was directed to cease representing that his product, a mixture of fruit juices and herbs, is a competent remedy in the treatment of skin eruptions, sluggish blood, constipation, fatigue, gall bladder trouble, heart trouble, rheumatism, or other similar ailments; that it will guide a person to health and acts as a body disinfectant, cause wrinkles to disappear or cleanse and clarify the skin. (2681)

W. S. Libbey Company—Use of the word "fleece" as descriptive of blankets not composed wholly of wool is forbidden in a cease and desist order.

The respondent W. S. Libbey Company, Lewiston, Maine, is a manufacturer and distributor of blankets under the trade name "Golden Fleece." Findings are that the blankets are made chiefly of cotton, the wool content being negligible.

The order of the Commission forbids use of the word "fleece" or any other word descriptive of wool, to be applied to any fabric or product not composed wholly of wool, except that in the case of fabrics or products composed in part of wool the word "fleece" may be used as descriptive of the wool content if there is used in immediate connection therewith in letters of at least equal size and conspicuousness words truthfully describing each constituent fiber or material thereof in the order of its predominance by weight. (3638)

National Guard Equipment Company—Under an order to cease and desist, Louis Cohen, trading as National Guard Equipment Company, 155 East 34th St., New York, was directed to discontinue certain misleading representations in the sale and distribution of general merchandise. Cohen is also known as Louis Kahn.

The respondent was ordered to cease representing, through use of his trade name containing the term "National Guard" or in any manner, that his business is a branch of, or affiliated with the United States War Department or National Guard or that his merchandise was made for or purchased from the War Department or National Guard; provided that any merchandise actually purchased at War Department surplus, refuse or reject sales may be so represented. (3588)

Pacific Coast Specialty Company—Prohibiting the use of lottery schemes and games of chance in the sale of novelty mer-

chandise and candy to ultimate consumers, orders to cease and desist have been issued against Philip H. Koolish, Jr., trading as Pacific Coast Specialty Company, Los Angeles, and against Specialties, Inc., 601 South Smallwood St., Baltimore.

The Los Angeles respondent was ordered to cease and desist from supplying to or placing in the hands of others push or pull cards, punch boards or other lottery devices to enable such persons to sell merchandise by the use of the devices. Articles sold by the respondent included clocks, cameras and electric shavers.

The order against Specialties, Inc., prohibits selling and distributing candy or other merchandise so packed and assembled that sales to the public may be made by means of a lottery or gift enterprise. (3246 and 3248)

Publix Sales Corporation—Chicago, doing business as a wholesale mail order house, in the sale of new and second-hand and damaged clothing and shoes, has been ordered to cease advertising misrepresentations as to the quality and value of the merchandise it distributes.

Among the misrepresentations ordered discontinued are that it is the largest cash buyer and distributor of rummage sale merchandise; that its merchandise is factory dry cleaned and reblocked, when such is not the fact; that it is of high grade material, good quality, newest pattern, or of latest style, when this is untrue, and that the persons purchasing it from the respondent will make 100 per cent profit, unless purchasers consistently make such profit. (2561)

Run-Proof Laboratories, Inc.—Albert E. Berger, trading as Run-Proof Laboratories, Inc., 134 North LaSalle St., Chicago, has been ordered to cease and desist from representing, through use of the words "run-proof," "Run-proof Laboratories, Inc." or any other words of similar meaning, that the product Run-Proof, when applied to silk or rayon apparel, will render it proof against runs, rips, snags, breaks and ladders, or representing that the respondent owns or operates a laboratory where his product is analyzed and tested, or that he owns or operates a factory making the product, until he actually owns and operates such laboratory or manufacturing plant. (3366)

Specialties, Inc.—See Pacific Coast Specialty Company.

Sponge Institute—See Florida Sponge Packers Association.

Sylvan Company—Prohibiting the use of lottery schemes and games of chance in the sale of novelty merchandise to ultimate purchasers, an order to cease and desist has been issued against Joseph W. Graff, trading as The Sylvan Company, 4224 Lincoln Ave., Chicago.

The respondent was ordered to cease and desist from supplying to or placing in the hands of others push or pull cards, punch boards or other lottery devices to enable such persons to sell merchandise by the use of the devices. (3182)

FCC Assignments For March

Duties of Commissioners, Secretary, and Chief Engineer of the FCC as allocated by Order No. 28, dated November 29, 1937, which provides "That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon:

ASSIGNMENT FOR MONTH OF March

"All applications for aeronautical, aircraft, geophysical, motion picture, airport, aeronautical point to point, municipal and state police, marine relay, marine fire, and emergency and special emergency radio facilities.

**Commissioner
Thad H. Brown**

"All applications for licenses following construction which comply with the construction permit; applications for extensions of time within which to commence and complete construction; applications for construction permit and modification of construction permit involving only a change in equipment; applications to install frequency control; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for special temporary authorization; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter site; and applications for relay broadcast stations.

**Commissioner
Paul A. Walker**

"All radio matters of every character (except broadcast, operator licenses and amateur and ship stations) within the territory of Alaska.

**Commissioner
Norman S. Case**

"All uncontested proceedings involved in the issuance of certificates of convenience and necessity; and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act.

**Commissioner
T. A. M. Craven**

"All matters arising in connection with the administration of tariff circulars of the Commission adopted pursuant to Section 203 of the Act, including the waiver of notice for the filing of tariffs.

**Commissioner
George Henry Payne**

"All matters arising under the Rules of Practice and Procedure of the Commission relating to withdrawals, dismissals, or defaults of applications or other proceedings, subject to the statutory right of appeal to the Commission; and to hear and determine all interlocutory motions, pleadings and related matters of procedure before the Commission.

**Commissioner
Eugene O. Sykes**

"That the Secretary of the Federal Communications Commission is hereby authorized to determine, order, certify, report or otherwise act, with the advice of the General Counsel and the Chief Engineer, upon:

- (a) all applications for operator licenses, and
- (b) all applications for amateur and ship stations.

**Secretary
T. J. Slowie**

"That the Chief Engineer of the Federal Communications Commission is hereby authorized to determine upon all applications and requests, and to make appropriate order in letter form for the signature of the Secretary in the following matters:

- (a) operation without an approved frequency monitor;
- (b) operation without an approved modulation monitor;
- (c) operation without thermometer in automatic temperature control chamber;
- (d) operation without antenna ammeter, plate voltmeter or plate ammeter;
- (e) operation with substitute ammeter, plate voltmeter or plate ammeter;
- (f) operation with temporary antenna system;
- (g) operation with auxiliary transmitter as main transmitter;
- (h) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application;
- (i) where formal application is not required, application for new or modified equipment or antenna system;
- (j) where formal application is not required, change of specifications for painting and lighting of antenna towers;
- (k) operation to determine power by direct method during program test periods;
- (l) relocation of transmitter in the same building;
- (m) operation with reduced power or time under Rules 142 and 151;
- (n) approval of types of equipment;
- (o) where it appears that terms of construction permit have been complied with, authorization for equipment and program tests or extensions thereof;
- (p) denial of requests for equipment and program tests where specifications of construction permit have not been met;
- (q) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorization it appears that the terms of the construction permit have not been met;
- (r) extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission;
- (s) changes in equipment necessary to comply with technical requirements specified in authorizations, orders, rules or releases (except formal applications);
- (t) representations of compliance with technical requirements specified in authorizations, orders, rules or releases (except formal applications);
- (u) operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location."

**Chief Engineer
Ewell K. Jett**