

Copyright

The NAB Copyright Committee, meeting Monday in New York, authorized Neville Miller to start negotiations with ASCAP immediately on an agreement to succeed the present contracts.

"Such negotiations shall be predicated on the principle of paying royalties on only that revenue derived from the sale of time for programs involving the use of the ASCAP catalogues," the committee's resolution stated.

The text of the unanimously adopted resolution:

"Whereas in the opinion of the National Association of Broadcasters the American Society of Composers, Authors and Publishers' present method of licensing broadcasters to use the Society's music is inequitable, inasmuch as it compels broadcasters to pay fees on programs not using ASCAP music, and

"Whereas it is imperative that the industry assure itself of an adequate supply of music on an equitable basis after the expiration on December 31, 1940, of the broadcasters' present contracts with ASCAP in order to safeguard both the industry and the public.

"Therefore, Be It Unanimously Resolved, that the Copyright Committee of the National Association of Broadcasters, consisting of representatives of all elements in the industry, authorize Neville Miller, President of the National Association of Broadcasters, in conformance with the authority already conferred upon him by the Board of Directors of the National Association of Broadcasters, to enter into immediate negotiations with ASCAP and that in conducting such negotiations he be authorized to draw upon this Committee and its membership for such assistance as he may desire and,

"Be It Further Resolved, that such negotiations shall be predicated on the principle of paying royalties on only that revenue derived from the sale of time for programs involving the use of the ASCAP catalogues, and

"Be It, Therefore, Further Resolved that negotiations shall be carried on with the object of obtaining definite acceptance on a practical basis to the above principle from ASCAP by May 31, in order that the Copyright Committee may be fully advised so as to make a complete and definite report with recommendations at the NAB annual meeting to be held July 10, 1939."

Members of the Committee present were:

Edwin W. Craig, WSM, Nashville, Tennessee; Walter J. Damm, managing director, WTMJ, Milwaukee, Wisconsin; John Elmer, president, WCBM, Baltimore, Maryland;

Gregory Gentling, general manager, KROC, Rochester, Minnesota; Edward Klauber, executive vice president, Columbia Broadcasting System, New York; Niles Trammell, executive vice president, National Broadcasting Company; Clair McCollough, general manager, WGAL, Lancaster, Pennsylvania; John Shepard, 3rd, president, Yankee Network, Inc., Boston, Massachusetts; Theodore C. Streibert, vice president, Mutual Broadcasting System, New York; Harold Wheelahan, manager, WSMB, New Orleans, Louisiana; E. B. Craney, president, KGIR, Butte, Montana; I. R. Lounsberry, general manager, WGR-WKBW, Buffalo; T. W. Symons, Jr., president, KXL, Portland, Oregon; Neville Miller, president, and Edwin M. Spence, secretary-treasurer, National Association of Broadcasters.

Important Notice to All Members

In the mail today is a thirty page prospectus outlining the NAB-RMA campaign in full detail.

Where there are two or more stations located in the same city, broadcasters are asked to check with each other as to the *time* and *place* of the get-together with local radio dealers and wholesale distributors; to determine if *one* or *more* meetings will be necessary; and to mail back to Headquarters the return post card found in the prospectus, ordering the special transcription record to be played at dealer-station meetings.

Broadcasters are urged to act promptly in sending back the return card *next week*.

A special mailing announcing the dealer angle of the campaign will go out within the next ten days to 55,000 radio dealers.

Plans provide for a nationwide "open house" beginning the week of April 17, when stations are asked to invite the public to visit the studios where each station will have an opportunity to present some of its public service activities; to show the listeners the broad range of subjects in the average day's program schedule; to present some of the fundamentals of America's private and competitive system of broadcasting which has given the American listener the finest radio service in the world, without cost and without censorship.

Headquarters urges every broadcaster to read the full thirty page prospectus; to pass it around to key staff members; to take full advantage of the campaign. Every element within the broad field of the radio industry has been "tied-in" with this campaign. What it means to each broadcaster, what it will mean to all of American radio depends upon the wholehearted cooperation of every NAB member. This is the first effort, in the history of American radio, to "sell radio *via* radio".

Judge Sykes Dinner

A group of Judge Sykes' friends have arranged a dinner in honor of the Judge to be held at the Willard Hotel, April 8, at 7:30 p. m.

The Judge has tendered his resignation as of April 1 as a Commissioner of the Federal Communications Commission after serving in that capacity since

the inception of the Federal Radio Commission in 1927.

The committee in charge of arrangements is composed of the following people:

Neville Miller, Chairman, Sol Taishoff, Frank Roberson, Andrew D. Ring, Frank M. Russell, Harry C. Butcher, William B. Dolph, and Edwin M. Spence, Secretary-Treasurer.

The notice of the dinner is being sent out by Mr. Miller inviting those in the Broadcasting Industry, the FCC Bar Association and the Radio Engineers who wish to take part in this tribute to Judge Sykes.

FREE OFFERS

The Associated Grocery Manufacturers of America, Inc., is asking stations to use material plugging a month-long campaign for "nationally known grocery products," starting April 6.

The NAB has sent the grocery association the following letter:

"Any member of our association or any advertising agency certainly would be glad to discuss with your association, any of your members or any local grocer or group of grocers the use of your 'Parade of Progress' scripts at card rates.

"The NAB Code of Ethics forbids giving free time for commercial purposes, and no member station will consider the use of these scripts without compensation."

The Bureau for Natural Pearl Information and the Glass Container Association again are trying to get free time to advertise their members' wares.

The NAB finds nothing strictly commercial in the Loyal Order of Moose transcription series, although it might be considered a build-up for a membership campaign.

The New York World's Fair has advised the NAB that it has no advertising appropriation, and that, hence, there can be no discrimination against radio in that respect. Fair officials also state that it is a non-commercial venture, with profits, if any, to go to charity.

Legal

MUSIC MONOPOLY BILLS

Bills seeking to curb the activities of pools controlling the public performance of copyrighted music were introduced in Oklahoma, Minnesota and Missouri (NAB REPORTS, March 17, p. 3348). The bill introduced in Oklahoma follows Montana's new law. It would require complete disclosure of the details of each copyrighted musical composition as a condition precedent to the sale or licensing of the performance rights within the state and would prohibit any license agreement which makes a charge on programs which do not use music controlled by the licensor.

The bill before the Minnesota legislature follows the new law of North Dakota (NAB REPORTS, March 10, pp. 3334-6). This law, in addition to the requirements adopted in Montana, also provides that members of a pool issuing blanket licenses shall afford users the option of obtaining portions of the pool copyrights at prices fixed by the individual copyright owner and not by the pool. Unless this option is granted to users, the bill prohibits the granting of blanket licenses by a combination of copyright owners.

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Two bills introduced in Missouri follow the principles of the statute passed by Washington and Montana in 1937. These bills would prohibit any licensing by a combination of copyright owners except on a "per-piece system." The 1937 law has been repealed by Montana and the new statute above outlined substituted. The legislature of Washington had before it a similar bill in substitution for its 1937 statute, but it is reported that this legislature adjourned without acting on the bill and that the 1937 statute remains in effect.

The bill which was passed by both houses of the legislature in New Mexico (NAB REPORTS, March 10, p. 3334) was subjected to a pocket veto by the Governor.

STATE LEGISLATION

CALIFORNIA:

S 73 (Kenny & Fletcher) JUVENILE ENTERTAINERS—To amend section 36 of the Civil Code, and to add Chapter I, comprising sections 1975 to 2003, inclusive, to Title VI, Part IV, Division Third of the Civil Code, relating to juvenile entertainers. Referred to Judiciary Committee.

MICHIGAN:

S 208 (Town) LIQUOR—CONTROL—ADVERTISING—To prohibit liquor in state parks; signs near highways; and the mechanical reproduction of advertising, etc. Referred to Liquor Control Committee.

MISSOURI:

H 633 (Turner & Hamlin) COPYRIGHTS—MUSIC—Regulates and protects the copyrights of dramatic or musical compositions and provides against monopolies and price fixing by those holding copyrights.

H 645 (Asotsky and Gill) COPYRIGHTS—MUSIC—Regulates and protects the copyrights of dramatic or musical compositions and provides against monopolies and price fixing by those holding copyrights. Substantially the same in principle as H 633, above.

NEW JERSEY:

S 277 (Taggart) MUNICIPAL RADIO SYSTEM—Making it mandatory that where a municipality bordering on the Atlantic Ocean operates a municipal radio system or municipal convention hall that such municipality shall, at a public hearing, grant to taxpayers the right to object to individual items in budgets affecting such radio system or convention hall. Referred to Municipalities Committee.

S 279 (Taggart) RADIO SYSTEM—MUNICIPALITY—Providing that where any municipality bordering on the Atlantic Ocean operates a radio system or convention hall that such municipality shall keep their funds in connection therewith in a separate account; provides for quarterly audits. Referred to Municipalities Committee.

Neville Miller, *President* Edwin M. Spence, *Secretary-Treasurer*

Andrew Bennett, *Counsel*; Edward M. Kirby, *Director of Public Relations*; Joseph L. Miller, *Director of Labor Relations*; Paul F. Peter, *Director of Research*

NEW YORK:

A 1999 (Breitbart) **THEATRICAL AGENCIES**—Provides for licensing by industrial commissioner, of all theatrical agencies and bureau and appropriates \$15,000. Referred to Ways and Means Committee.

S 1528 (Perry) **RADIO BROADCASTING**—Makes it larceny to record in this state any broadcast emanating from a broadcasting station without consent in writing of person broadcasting the same or to sell, lease or license such recording or to have in possession for such purpose any recording without consent of broadcaster. Referred to Codes Committee.

S 1624 (Feld) **EMPLOYMENT AGENCIES**—Empowers state industrial commissioner to make rules and regulations for employment agencies, provides that five per cent fee shall be collected only where salary rate is \$2,500 or more a year, relates to the keeping and inspection of records and makes certain exceptions. Referred to General Laws Committee.

TEXAS:

SJR 12 (Weinert) **SOCIAL SECURITY TAX**—A proposed amendment to Article 3 of the Constitution to provide for the assessment and collection of a social security tax. Referred to Constitutional Amendments Committee.

McNINCH INDICATES LICENSE PERIOD MAY BE EXTENDED

Chairman Frank R. McNinch of the FCC was reported in the New York *Herald-Tribune* last week as indicating that the six months licensing period for broadcasters might be extended soon. The paper printed the following account of an interview:

Frank R. McNinch, chairman of the Federal Communications Commission, indicated yesterday that the present six months' licensing period for radio broadcasting stations in this country may be lengthened soon. Mr. McNinch expressed his opinion in an interview in the Hotel Pennsylvania, Seventh Avenue and Thirty-third Street.

"I am not certain that the commission will not extend the license period if and when the Havana treaty is ratified by Mexico," he said, referring to the broadcasting agreement subscribed to by fifteen American nations late in 1937. "Mexican ratification is all that is holding up some readjustments of radio frequencies, which would be necessary before longer license periods could be granted. But we confidently hope that, pending its ratification, the Mexican government will make the agreement administratively effective in the near future."

Mr. McNinch, who came to New York for an informal luncheon conference with a group of representatives of radio committees of women's clubs yesterday noon at the Town Hall Club, 123 West Forty-third Street, declined to say whether he would vote for longer license periods. He acknowledged, however, that there "are many good arguments" in favor of such extension.

"I don't think there's much weight in the argument that longer license periods should be granted to eliminate politics," he said. "But there is merit in the argument that longer periods would relieve the commission of some of the burden of considering applications every six months, and that they would relieve stations of the expenses involved in making their applications. I don't think much of the argument that longer license periods would

enhance the bank credit value of stations, since no station has the slightest title to any wave length."

In response to a question Mr. McNinch admitted there was internal dissension in the commission, but he refused to discuss the matter beyond saying that the "division has not been over the broad policies, but concerns administrative affairs." He praised the provisions of the Wheeler bill, now pending in the Senate, which would abolish the present commission and replace it with a three-man body.

The Wheeler Bill provides for a research bureau, he said, which would encourage listeners to communicate their opinions of radio programs directly to the commission. At present, he said, most of the letters written about programs are complaints.

Mr. McNinch said the flood of communications concerning the Rev. Charles E. Coughlin, of Detroit, had abated considerably in the last month. He estimated the commission had received about 5,000 post cards and letters. More than half of these were on printed forms, signed by more than one individual, he said and the majority of them favored the priest's broadcasts. The remainder of the communications were from individuals, and were about equally divided in commending and criticizing the priest's program.

Declining throughout his interview to speak for the commission, Mr. McNinch emphatically disclaimed any intention of taking action against stations which refused to permit Father Coughlin to continue his use of their facilities. He held that free speech was an absolute essential, as far as the radio was concerned, and that each station was responsible for what it put on the air. The proper way to treat controversial matters would be to enable both sides of the controversy to present their arguments, he said.

"I don't mean to say that stations should be required to broadcast controversial programs," he said. "But where one side of such a controversy is given time on the air, the opponents should be given an opportunity to answer."

Monopoly Hearing

Station leases, management contracts, etc., occupied the FCC this week at the monopoly hearing.

MARCH 16

Mrs. J. M. Selby and Mrs. L. Broida, housewives speaking for neighborhood parent-teacher associations in Washington, D. C., testified that they objected to children's programs now on the air. They had no suggestions for improving these programs.

MARCH 21

Samuel R. Rosenbaum, chairman of the IRNA, described the history and organization of that group. He stated that the networks had granted recognition to the affiliate representative committees for the exchange of views and the expression of wishes of the affiliates in the formulation of network trade practices and operating policies, but he emphasized that it was not the intention of the representative committees to act as a collective bargaining agency for the affiliates as a group, or for any individual affiliate with regard to business dealings involving compensation or other questions of private contract between the affiliate and the network. Mr. Rosenbaum explained that the plan of the IRNA was addressed only to subjects in which under the Federal licenses and interest of the public is affected.

On cross-examination, S. King Funkhouser, counsel for the Commission, asked if there was any complaint by the affiliates with regard to network control of station time, and also asked whether IRNA had any suggestions or recommendations to make to the Commission.

Mr. Rosenbaum explained the fact that IRNA provided an opportunity to accomplish self-regulation within the industry on the question of control of station time, as well as on many other operating policies, and he thought the Commission should give the industry an opportunity to demonstrate whether or not self-regulation would result in adequate and satisfactory arrangements between affiliates and networks to take care properly of the public interest. He stated it was his belief that the intelligent self-interest of the stations and the networks, as guided by the response from the listening public, ought to be sufficient to accomplish the necessary self-regulation without Commission regulation, and that, at any rate, the industry was entitled to an opportunity to see if it would

work. He explained the procedure has only been in effect for a few months, and it was too early to forecast whether there would be any suggestions to which it would be necessary to draw the Commission's attention.

Mark Ethridge, WHAS, vice-chairman of IRNA, discussed at length the contractual relationship between networks and affiliates, and concluded that "as long as the contractual relationship between the affiliate and the network is a voluntary agreement, I believe it will be decidedly against the public interest for a governmental regulatory body to decree whether or not the affiliate was to enter into such a contract, whether the affiliate was to enter into a contract with this chain or network or some other one, and what the terms and conditions of the contractual relationship would be."

Elliott Roosevelt, president of the Texas State Network, described the management contract between the network and KPLT, Paris, Tex.

Paul Porter, CBS, stated that the relationship between CBS and KSFO was no different from that of any affiliate, and that he saw no need of bringing witnesses from the West Coast to testify to this. The Commission agreed.

Frederick Caperoon, managing director of WCAM, municipal station at Camden, N. J., described the station's contract with the Mack Radio Sales Company, covering 1,300 hours of the station's 1,739 total.

John H. Stenger, Jr., licensee of WBAX, Wilkes-Barre, Pa., described his management contract with Glenn D. Gillett, and the operation of the station.

Howard D. Gaudin, president of Loyola University, New Orleans, licensee of WWL, described the management contract with the WWL Development Company. Henry C. Crowell of Chicago, appearing for the Moody Bible Institute, described the corporate set-up of WMBI, Chicago.

MARCH 22

William L. Marbury, Jr., general counsel for the Baltimore Radio Show, Inc., WFBR, described the voting trust agreement in that company.

E. J. Regan, St. Albans, Vt., a member of the partnership of Regan and Bostwick, licensee of WQDM, described the management contract the partnership had with Glenn D. Gillett and G. S. Wasser. Mr. Wasser and Mr. Gillett also testified.

Alfred H. Morton, an NBC vice-president, in charge of activities at stations owned by Westinghouse and General Electric, described the contracts between NBC and the owners. He also discussed the arrangement whereby NBC leases stations it owns in Portland, Seattle and Spokane. He was followed by Walter Evans, manager of Westinghouse's radio division, and Boyd W. Bullock, assistant manager of broadcasting for General Electric.

S. Howard Evans, secretary of the National Committee on Education by Radio, was erroneously described in the REPORTS of March 17, as secretary of the National Advisory Council on Radio in Education, Inc.

FLORIDA BROADCASTERS MEET

The Florida Association of Broadcasters met March 12 at the Gatlin Hotel in Orlando. W. Walter Tison, president of the association, presided. The principal business considered at the meeting was prospective legislation by the Florida state legislature, which opens its 1939 session on April 1st. Possible legislation with respect to libel, the performance of phonograph records by radio broadcasting, modification of the present law covering permissible expense items of candidates in primary elections so as to include radio, and copyright monopoly legislation were among the subjects discussed. Mr. Carl Haverlin, representing Davis and Schwegler of Los Angeles, discussed the program of his company in creating tax-free music for broadcasting.

Those attending the meeting were: Henry G. Wells,

WCOA, Pensacola; L. S. Mitchell, WDAE, Tampa; Harold P. Danforth and J. E. Yarbrough, WDBO, Orlando; W. Walter Tison, WFLA, Tampa and WLAK, Lakeland; M. S. Wales WIOD, Miami; Jack Hopkins, WJAX, Jacksonville; Reginald Martin and Gunner Back, WJNO, West Palm Beach; Frank King, WMBR, Jacksonville; W. Wright Esch, WMFJ, Daytona Beach; Fred Mizer, WQAM, Miami; Harold Meyer, WSUN, St. Petersburg; Gilbert Freeman, WTAL, Tallahassee.

BLINDFOLD DRIVING ACT

W. E. Hussman, vice-president of KCMC, Texarkana, will gladly tell any member about his experience with Ruth Hill and Eddie Carter, promoters of a "blindfold driving" act.

WALKER STATEMENT

Doubtless because of the recent resignation from the Federal Communications Commission of Judge Eugene O. Sykes, there have been all kinds of further rumors of resignations from the Commission.

Taking into consideration reports that Commissioner Walker intended to resign the Commissioner issued the following statement:

"The report of my impending resignation is false. As for the rumor from a utility quarter that I am not receptive to reappointment because of criticism of my handling of the Bell Telephone Investigation, that is utterly without foundation. I hope to see a strong report from the Commission on this investigation, and the enactment of legislation by Congress for adequate regulation of the telephone industry."

TELEVISION APPLICATIONS

The Federal Communications Commission has referred to its Television Committee applications of The Crosley Corporation, Cincinnati, Ohio, and Don Lee Broadcasting System, San Francisco, California, for construction permits for new television broadcast stations to operate on an experimental basis.

The Crosley Corporation asked for authority to use the channel 50,000-56,000 kc. with aural and visual power of 1000 watts unlimited time. Don Lee Broadcasting System requested frequencies 42,000-56,000 kc. with aural and visual power of 1000 watts, unlimited time.

The Crosley station would be erected at Cincinnati and the Lee station on a site to be determined in San Francisco or the immediate vicinity.

The applications are for the purpose of developing television broadcasting as a service to the public in distinction to other outstanding authorizations which permit a development of technical systems of television with public reaction secondary. Some apparatus experimentation is contemplated. However, the primary purpose is the development of a television service to the general public and a means of building programs which will ac-

comply this purpose. In the case of the Crosley application, the coverage of a typical television installation in the Cincinnati area is to be investigated.

On the committee are Commissioners Craven, chairman, Brown and Case.

RADIO CENSUS

The Federal Communications Commission intends to ask the Bureau of Census, in connection with its new census of population, to ascertain the number of radios in the homes as was done in the last census. The Commission is also going to ask for the number of radios in automobiles. There has been some discussion at the Commission as to whether or not the Census Bureau will be requested to include "radio habits" in the forthcoming census.

766 STATIONS

During February the FCC issued licenses to two new stations and granted construction permit for the erection of a new station. Also a construction permit previously granted was cancelled. The count of stations as of March 1st compared with January 1st and February 1st is as follows:

	Jan. 1	Feb. 1	Mar. 1
Operating stations	722	727	729
Construction permits.....	42	39	37
Total	764	766	766

FEDERAL COMMUNICATIONS COMMISSION

DECISIONS OF COMMISSION

The Federal Communications Commission has granted Broadcasting Station WDEL, **Wilmington, Delaware**, permission to install a new transmitter and to increase its daytime power from 500 watts to 1000 watts. At present the station operates 250 watts night, 500 watts, day, on **1120 kilocycles**, unlimited time.

It was found by the Commission that there is a need for the additional daytime service in the Wilmington area and that granting of the application will not result in interference to any existing or proposed station. The applicant, the Commission stated, is financially qualified to make the proposed changes in equipment.

The application of Station WBLK, **Clarksburg, West Virginia**, to increase its daytime power from 100 to 250 watts on its present assignment of **1370 kilocycles**, has been granted by the Commission.

The station is rendering a meritorious program service, the Commission stated in its decision, to the Clarksburg

area and there is a need for the increased daytime power "to furnish its program service to the extended rural areas." The Commission also said that the granting of this application will not cause objectionable interference to any existing or proposed station.

The Commission has granted the application of KFEQ of **St. Joseph, Missouri**, to use 2,500 watts until local sunset at St. Joseph and 500 watts until local sunset at San Francisco, on its present frequency of **680 kilocycles**. At present the station operates with 2,500 watts until local sunset.

The Commission found that the granting of the application will serve public interest. It is stated by the Commission "that the public benefits which will result from the granting of the application are sufficient to overcome (a) the slight interference condition which will result to the service area of Station WPTF, and (b) the departure from allocation standards usually applicable to stations of the class here involved."

The application of Broadcasting Station WPRA, **Mayaguez, Puerto Rico**, to change its equipment and vertical antenna and transmitter site, has been granted by the Commission. The Commission also granted authority to the station to operate on **780 kilocycles**, 1000 watts night, 2,500 watts LS, unlimited time, instead of **1370 kilocycles**, 100 watts night, 250 watts LS, specified hours.

The Commission found that there is need for additional service in the area served by the station and no objectionable interference will be caused by the proposed changes. The Commission found that the applicant has adequate finances to install the proposed equipment and to make the changes in the vertical antenna, and the granting of the application will serve the public interest.

The Commission has granted the application of WRNL, **Richmond, Virginia**, to install a directional antenna and to operate on **880 kilocycles**, with 1000 watts, unlimited time.

It is stated by the Commission that the proposed program service is meritorious and will supply a public need in the Richmond area. The Commission stated that the applicant's existing authority for daytime operation only is not adequate "as to time and hours of operation for the complete and effective broadcasting of the programs proposed." The Commission stated also that the proposed operation will not adversely affect the service of any existing or proposed station.

Application of the Tri-City Broadcasting Company, Inc., for a construction permit for a new station at

Schenectady, New York, to use **950 kilocycles**, 1000 watts, unlimited time, has been denied by the Commission.

The Commission stated in its decision that the granting of the application of the Troy Broadcasting Company, Inc., for a construction permit for a new station at Troy, New York, and operating on **950 kilocycles**, which was effective in September of last year, "precludes the granting of the application of the Tri-City Broadcasting Company, Inc., since the simultaneous operation of both stations would result in destructive interference to the area served by each station."

The Commission also has denied the application of **WTAD, Quincy, Illinois**, to operate unlimited time. The station now operates daytime only on **900 kilocycles** with 1000 watts power.

The Commission stated in its decision that it had to consider "in connection with the proper allocation of radio facilities, satisfactory use of a regional frequency, and good engineering practice." It was found by the Commission that if the unlimited time were granted to this station that it would be limited at nighttime to the 5.3 millivolt per meter contour. In connection with this decision the Commission said further:

"It is not considered to be in accordance with proper allocation of radio facilities, satisfactory use of a regional frequency, and in accordance with good engineering practice to license a radio broadcast station to operate on a regional frequency where the limitation will be to the extent shown to exist in this case. In the absence of compelling need, which has not here been shown to exist, the Commission will not grant an application for a regional broadcast station where its nighttime service will be limited to its 5.3 millivolt per meter contour."

Application of **R. C. Atwood** for the erection of a new broadcast station at **Port Angeles, Washington**, to use **1500 kilocycles**, 100 watts night, 250 watts daytime, unlimited hours, was denied by the Commission.

The Commission stated that the applicant has no experience in broadcasting which fact "together with his limited financial ability to employ qualified and experienced personnel, precludes a finding that he is technically qualified." The Commission stated also that the applicant did not show "a knowledge of acquaintanceship with the needs of the community which he seeks to serve."

The Commission has granted the application of **KVOD, Denver, Colorado**, to permit it to change from **920 kilocycles**, 500 watts, sharing time with **KFEL, Denver**, to **630 kilocycles**, 1000 watts, unlimited time, using a directional antenna at night.

The Commission also granted the application of **KFEL**

to increase its power on **920 kilocycles** from 500 watts, sharing time with **KVOD**, to 1000 watts, unlimited time.

Dealing with **KVOD**, the Commission found that the granting of the application would not cause objectionable interference to any existing station. In connection with the granting of **KFEL's** application, the Commission also found that under the proposed change no objectionable interference would be caused and that a need exists for the proposed service.

FINDINGS OF FACT AND CONCLUSIONS

The Federal Communications Commission this week adopted a Proposed Findings of Fact proposing granting the application of **KTOK, Oklahoma City, Oklahoma**, to change its equipment and operation during unlimited hours on its frequency of **1370 kilocycles**. At present the station operates unlimited hours with 100 watts power, but under the Proposed Finding the power is increased to 250 watts daytime, and 100 watts night.

In the Proposed Finding, the Commission stated that there is an existing public need for the additional service which would result from the daytime operation of **KTOK** with the increased power requested. Such interference as would result from the granting of the increased power "is not sufficient to warrant the disapproval of this application." The Commission has given all parties an opportunity to file exceptions within 20 days.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases beginning the week of March 27. They are subject to change.

Monday, March 27

- NEW**—Spartanburg Advertising Co., Spartanburg, S. C.—C. P., **1370 kc.**, 100 watts, 250 watts LS, unlimited time.
NEW—Ben Farmer, d/b as Cabarrus Broadcasting Co., Concord, N. C.—C. P., **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

Tuesday, March 28

- WFBG**—The Gable Broadcasting Co., Altoona, Pa.—Modification of license, **1310 kc.**, 100 watts, unlimited time. Present assignment: **1310 kc.**, 100 watts, shares **WJAC**.
NEW—Lawrence J. Heller, Washington, D. C.—C. P., **1310 kc.**, 100 watts, 250 watts LS, unlimited time.
NEW—Lawrence J. Heller, Washington, D. C.—Special experimental authorization, **1310 kc.**, 10 to 100 watts, unlimited time.

Wednesday, March 29

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

Friday, March 31

- KPLT**—North Texas Broadcasting Co., Paris, Tex.—Modification of license, **1500 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1500 kc.**, 250 watts, daytime.

FUTURE HEARINGS

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

April 20

WAGA—Liberty Broadcasting Co. (Assignor), Liberty Broadcasting Corp. (Assignee), Atlanta, Ga.—Voluntary assignment of license, **1450 kc.**, 500 watts, 1 KW LS, unlimited time.

April 24

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

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

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

April 28

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

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

NEW—The Gazette Co., Cedar Rapids, Iowa.—C. P., **1420 kc.**, 100 watts, unlimited time.

May 10

KOH—The Bee, Inc., Reno, Nev.—C. P., **630 kc.**, 1 KW, unlimited time (DA night). Present assignment: **1380 kc.**, 500 watts, unlimited time.

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

Hearing Reopened

Broadcast

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Modification of license, **550 kc.**, 1 KW, unlimited time. Present assignment: **1390 kc.**, 1 KW, unlimited time.

May 15

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

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

WEAU—Central Broadcasting Co., Eau Claire, Wis.—Granted C. P. to make changes in composite equipment and increase day power from 1 KW to 5 KW (operate 5 KW local sunset at Eau Claire, 1 KW local sunset at Abilene).

WJSV—Columbia Broadcasting System, Inc., Washington, D. C.—Granted modification of C. P. to move transmitter site locally to .4 mile east of Wheaton, Md., and install a directional antenna system.

NEW—WHB Broadcasting Co., Kansas City, Mo.—Granted C. P. for new high frequency (exp.) broadcast station, frequency **26100 kc.**, on an experimental basis only conditionally, 100 watts.

DESIGNATED FOR HEARING

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

KMA—May Seed and Nursery Co., Shenandoah, Iowa.—Application for C. P. to move station to Council Bluffs, Iowa, a

distance of approximately 40 miles, and install a radiating system. (Station operates on **930 kc.**, 1 KW night, 5 KW day, unlimited.) (Application was set for hearing as pending applications from both Iowa and Nebraska involve an increase in service to the metropolitan area of Council Bluffs and Omaha, and to determine if interference might result.)

NEW—World Peace Foundation, Abraham Binnewag, Jr., Oakland, Calif.—Set for hearing application for C. P. for new international broadcast station on an experimental basis to be located in Oakland, Calif., to use frequencies **6040, 9510 and 11890 kc.**, 5 KW power, unlimited time. (Application designated for hearing to determine financial qualifications of applicant and the proposed research program.)

WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—Set for hearing application for C. P. to move transmitter site, exact site to be determined with Commission's approval; install new equipment, and increase power from 500 watts night, 1 KW day, to 1 KW night, 5 KW day. (Application designated for hearing to determine if interference might result.)

NEW—Joseph A. Latimore, Shelby, N. C.—Set for hearing application for C. P. to erect a new station to operate on **1370 kc.**, 100 watts night, 250 watts day, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

KVOS—KVOS, Inc., Bellingham, Wash.—Set for hearing application for renewal of license, and granted temporary license pending hearing on renewal of KVOS and the application of the Bellingham Broadcasting Co.

KWLC—Luther College, Decorah, Iowa.—Set for hearing application for renewal of license, and granted temporary license. (Application designated for hearing to be heard with application of Mason City Globe Gazette Co. (KGLO), and application of KGCA. KGLO requests facilities of these two stations.)

KGCA—Charles Walter Greenley, Decorah, Iowa.—Set for hearing application for renewal of license and granted temporary license subject to whatever action may be taken upon pending applications for renewal of KGCA, KWLC, and KGLO. (Set for hearing to be heard with the applications of KWLC and KGLO.)

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Set for hearing, to be heard with application for renewal, an application for C. P. requesting change in transmitter and studio sites (local move approximately 200 feet), and installation of a vertical radiator. (This application was designated for hearing in view of the fact that applicant's renewal of license was designated for hearing because of violations of Rules 132, 139, 143 and 144 and 172.)

RENEWAL OF LICENSES

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Present license extended on a temporary basis only, subject to whatever action may be taken by the Commission upon pending application for renewal.

WCAM—City of Camden, Camden, N. J.—Present license extended on a temporary basis only, subject to whatever action may be taken by the Commission upon pending application for renewal.

WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Present license extended on a temporary basis only, subject to whatever action may be taken by the Commission upon pending application for renewal.

WNEL—Juan Piza, San Juan, P. R.—Present license extended on a temporary basis only, subject to whatever action may be taken by the Commission upon pending application for renewal.

WSUN—St. Petersburg Chamber of Commerce, St. Petersburg, Fla.—Granted renewal of license for the regular period ending September 1, 1939.

WASH—King Trendle Broadcasting Corp., Grand Rapids, Mich.—Present license extended upon a temporary basis only for the period ending May 1, pending determination upon renewal application.

WNAC—The Yankee Network, Inc., Boston, Mass.—Present license extended upon a temporary basis only for the period ending May 1, pending determination upon renewal application.

Licenses for the following high frequency broadcast (experimental) stations expiring April 1 were extended upon a temporary basis only, pending determination upon renewal applications, for the period ending May 1, 1939:

W9XUY, Central States Broadcasting Co., Omaha; W2XDV, Columbia Broadcasting System, Inc., New York; W9XHW, Columbia Broadcasting System, Inc., Minneapolis; W8XNU, The Crosley Corp., Cincinnati; W9XA, Commercial Radio Equipment Co., Kansas City, Mo.; W8XWJ, The Evening News Assn., Detroit; W9XLA, KLZ Broadcasting Co., Denver; W2XQO, Knickerbocker Broadcasting Co., Inc., Flushing, N. Y.; W4XCA, Memphis Commercial Appeal Co., Memphis, Tenn.; W9XUP, National Battery Broadcasting Co., St. Paul; W2XDG, National Broadcasting Co., Inc., Bound Brook, N. J.; W2XHG, National Broadcasting Co., Inc., New York City; W9XH, South Bend Tribune, South Bend, Ind.; W4XBW, WDOE Broadcasting Corp., Chattanooga; W1XKA, Westinghouse E. and M. Co., Boston; W1XKB, Westinghouse Co., E. Springfield, Mass.; W8XKA, Westinghouse Co., Pittsburgh, Pa.; WKY Radiophone Co., Oklahoma City (W5XAU); W1XER, The Yankee Network, Inc., Sargents Purchase, N. H.

WAXG—Florida Capitol Broadcasters, Inc., Portable-Mobile.—Present relay broadcast station license further extended upon a temporary basis only, pending determination upon application for renewal, but in no event later than May 1, 1939.

MISCELLANEOUS

NEW—Colonial Broadcasting Corp., Norfolk, Va.—Dismissed with prejudice application for C. P. (Ex. Rep. 1-669).

NEW—Martin Anderson, Orlando, Fla.—Denied (Walker, Craven and Payne, Commissioners, voting "No"), the petition of applicant for rehearing on his application for C. P., which was denied by the Commission on December 23, 1938.

KRLD—KRLD Radio Corp., Dallas, Tex.—Retired to the closed files application for Mod. of C. P. which was granted November 7, 1938.

KDEA—The KANS Broadcasting Co. (Wichita, Kans.), Portable-Mobile.—Granted license to cover C. P. for relay broadcast station; frequencies 1622, 2058, 2150 and 2790 kc., 40 watts.

WJLS—Joe L. Smith, Jr., Beckley, W. Va.—Granted license to cover C. P. authorizing new station to operate on 1210 kc., 100 watts night, 250 watts day, unlimited time.

KWAL—Chester Howarth & Clarence Berger, Wallace, Idaho.—Granted modification of C. P. approving transmitter and studio sites and vertical radiator.

KTBC—State Capitol Broadcasting Assn., Austin, Texas.—Granted modification of C. P., subject to compliance with Rules 132 and 139, to change type of transmitter.

WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—Granted modification of C. P. approving transmitter and studio sites, installation of new equipment and vertical radiator.

WCOV—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—Granted license to cover C. P. authorizing new station to operate on 1210 kc., 100 watts, daytime only.

W9XZV—Zenith Radio Corp., Chicago, Ill.—Granted modification of C. P. for changes in equipment in television (Exp.) broadcast station.

W9XZV—Zenith Radio Corp., Chicago, Ill.—Granted license to cover C. P. as modified, authorizing minor changes in equipment.

W8XIG—Evening News Association (Detroit, Mich.) Portable-Mobile.—Granted modification of Exp. broadcast station license to increase authorized power from 3 to 4 watts without new construction.

W2XDA—General Electric Co., Schenectady, N. Y.—Granted license to cover C. P. for new high frequency broadcast (exp.) station, frequency 41800 kc., on an experimental basis conditionally, 50 watts.

WHB—WHB Broadcasting Company, Kansas City, Mo.—Granted petition to intervene in the hearing on the application of WREN to install directional antenna and move transmitter and studio.

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Granted petition to intervene in the hearing on the application of WREN to install directional antenna and move transmitter and studio.

NEW—The Monocacy Broadcasting Co., Rockville, Md.—Action on applicant's motion for continuance of hearing now set for April 7 to some time after July 1, was continued for two weeks with leave to counsel to amend if he so desires.

WSPA—Voice of South Carolina, Spartanburg, S. C.—Overruled motion of WSPA (Intervener) to continue hearing now set

for March 27 until late June or early July on application of Spartanburg Advertising Co. for a new station to operate on 1370 kc., 100 watts, 250 watts LS, unlimited time.

WOC—Tri-City Broadcasting Co., Davenport, Iowa.—Granted motion to take depositions in re application for C. P. to change frequency from 1370 kc. to 1390 kc. and power from 100 watts, 250 watts LS, unlimited, to 1 KW, unlimited, move transmitter and install directional antenna for night use.

KOVC—KOV, Inc., Valley City, N. Dak.—Granted petition to continue hearing now set for April 3 to May 15 in re application to change from 1500 kc., 100 watts, 250 watts LS, unlimited, to 1340 kc., 500 watts, 1 KW LS, unlimited.

KRBA—Red Lands Broadcasting Assn., Lufkin, Tex.—Granted petition to continue hearing now set for April 10 to April 24 on application for C. P. to increase power from 100 to 250 watts, on 1310 kc., daytime.

NEW—Coastal Broadcasting Co., Brunswick, Ga.—Granted petition for order to take depositions in re application for new station to use 1500 kc., 100 watts, 250 watts LS, unlimited time.

KOH—The Bee, Inc., Reno, Nev.—Granted petition to amend application with reference to transmitter site, and to retain the hearing date of May 10, 1939, in re application to install new transmitter and DA for night use; change frequency from 1380 kc. to 630 kc., power from 500 watts to 1 KW, and move transmitter and studio locally.

WAGA—Liberty Broadcasting Co., Atlanta, Ga.—Granted continuance of hearing now scheduled for March 17, to April 20, on application for consent to voluntary assignment of license to Liberty Broadcasting Corp.

Columbia Broadcasting System, Inc., New York City.—Granted special temporary authority to rebroadcast a two-way exchange of communication with Coast Guard Ice Patrol Cutter *Chelan*, with call letters NRUB, operating on frequencies 2680 kc. to 4230 kc. This broadcast will constitute a part of the Americans at Work program, a Columbia sustaining feature, for the period April 15 to 30, communications from Coast Guard cutter to be picked up by RCAC on Long Island and thence transmitter to WABC for rebroadcast.

WQDM—Regan & Bostwick, St. Albans, Vt.—Granted supplemental petition to take depositions in re application for modification of license to increase hours of operation from daytime only to local sunset at WHK, on 1390 kc., 1 KW.

NEW—The Brockway Company, Watertown, N. Y.—Granted petition for continuance of hearing now set for April 6, and opposition to petition filed by Edw. J. Doyle. Hearing on application of Edw. J. Doyle for C. P. to erect a new station at Rochester, N. Y., to use 1270 kc., 500 watts, daytime, was continued without date.

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Directed that hearing date remain as May 10, 1939, the same date as Docket 5310, in re application of M. C. Reese, Phoenix, Ariz.

NEW—M. C. Reese, Phoenix, Ariz.—Granted petition for continuance of hearing now set for April 10, and the hearing on applicant's application for new station to operate on 1200 kc., 100 watts, 250 watts day, unlimited, was continued to May 10, the same date as scheduled for application of KOY, Docket 5054.

WBAX—John H. Stenger, Jr., Assignor, and Stenger Broadcasting Corp., Assignee, Wilkes-Barre, Pa.—Granted motion to dismiss without prejudice, the application for assignment of license of station WBAX.

WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 10:30 to 11:30 a. m., and 2 to 4 p. m., CST, on April 4, 5, 11, 12, 13, 18, 19, 20, 25, 26 and 27, and from 8 to 10 p. m., CST, on April 28, in order to broadcast Educational programs (provided KGGF remains silent).

KGGF—Powell & Platz, Coffeyville, Kans.—To operate from 7:15 to 9:15 p. m., CST, on April 6, in order that Station WNAD may remain silent for Easter vacation, and from 8:15 to 9:15 p. m., CST, on April 5, in order to broadcast concert by Coffeyville Community Chorus, (provided WNAD remains silent).

KOB—Albuquerque Broadcasting Co., Albuquerque, N. Mex.—Granted extension of special temporary authority to operate unlimited time on 1180 kc., using 10 KW power, employing directional antenna system after sunset at Portland, Ore. (March 6:15 p. m. and April 7 p. m., PST), for the period March 24 to April 22.

KEX—Oregonian Publishing Co., Portland, Ore.—To operate unlimited time on **1180 kc.**, using 5 KW power, for the period March 24 to April 22.

WCO—Press Wireless, Inc., Hicksville, N. Y.—Granted special temporary authority for mobile press station WCO to communicate on frequency **6450 kc.** with relay broadcast station WBAM on March 19 during reception of program material to be delivered to broadcast station WOR. This authority is on a temporary basis only, and may be cancelled without notice or hearing.

W2XUP—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted extension of special temporary authority to operate facsimile broadcast station W2XUP on frequency **25700 kc.** in lieu of normal licensed frequencies for the period March 19 to April 17, pending definite arrangements to be made in ultra high frequency bands.

National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate experimental relay broadcast stations W2XF, W2XK, W3XEK, W3XOP, W3XPP, W6XDE, W6XDG, W8XUE, W8XB, W9XAP, W9XDV, W9XDW, W9XXD, W9XXG, W10XAH, W10XAI, W10XAK, W10XAM, W10XAN, W10XAP, W10XAX, W10XCG, W10XCH, W10XDX, W10XDY, W10XDZ, W10XEA, W10XEB, W10XED, W10XFQ, W10XFR, W10XGC, W10XN, W10XV and W10XY, on the frequencies **31.22** and **37.02 megacycles** in lieu of present assignments **31.1** and **37.6 megacycles**, for the period March 21 to April 19, pending adjustment of relay broadcast frequency assignments above **30 megacycles** as contemplated by General Order 19.

WTAW—Agricultural & Mechanical College of Texas, College Station, Tex.—Granted special temporary authority to operate simultaneously with WJBO from 4 to 6:45 p. m., CST, March 23 and 24, in order to broadcast intercollegiate baseball games.

W2XDA—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to test the high frequency broadcast equipment of station W2XDA authorized by C. P., on the frequencies **41000, 41250** and **41500 kc.**, power output 50 watts, for a period not to exceed 30 days, for the express purpose of conducting frequency modulation experiments.

W10XFZ—Don Lee Broadcasting Co., Los Angeles, Cal.—Granted special temporary authority to operate Relay Broadcast (Exp.) station W10XFZ with 10 watts instead of 100 watts, transmitting eqpt., for a period of 30 days pending the filing and action on application for C. P. to change the eqpt. and licensed power of station.

W8XPJ—The Evening News Assn., Detroit, Mich.—Granted special temporary authority to operate high frequency broadcast (exp.) station on frequency **42060 kc.** in addition to the normal licensed frequencies, for a period of 30 days, pending definite arrangements to be made in the ultra high frequency bands.

W2XBF—Wm. G. H. Finch, New York City.—Granted extension of special experimental authority to operate experimental broadcast station W2XBF on frequency **42260 kc.** in addition to normal licensed frequencies, for the period March 22 to April 20, pending definite arrangements to be made in the ultra high frequency bands.

WLL-WQV-WCG-WDN—RCA Communications, Inc., Rocky Point, N. Y.—Granted extension of special temporary authority for stations to communicate on regularly assigned frequencies with relay broadcast stations KSFM and WCBN aboard seaplane on flight from Alameda, Cal., to Europe and return by way of New York, for contact control purposes in connection with reception of addressed program material. This authority is granted on a temporary basis only for a period of 1 month from March 28 to April 28, subject to condition that no interference is caused to the point-to-point service for which these stations are licensed, and may be canceled at any time by the Commission without notice or hearing.

W6XBE—General Electric Company, Schenectady, N. Y.—Granted license to cover C. P. as modified for new international broadcast station; frequencies **6190, 9530** and **15330 kc.**, on a temporary experimental basis only, subject to change or cancellation by Commission at any time, without advance notice or hearing, if in its discretion the need for such action arises; 20 watts.

WRVA—Larus & Bros. Co., Inc., Richmond, Va.—Granted special temporary authority to increase the fields in the directions of the minimums to around 500 millivolts per meter, for

a period of 10 days, in order to determine the cause of fading in the Petersburg, Va. area.

KSFM—National Broadcasting Co., Inc., Portable-Mobile.—Granted extension of special temporary authority to operate relay broadcast station KSFM aboard Boeing seaplane *Yankee Clipper* on the frequencies **4797.5, 6425, 8655, 12862.5** and **17310 kc.**, in addition to the normal licensed frequencies, for the period March 29 to April 27, for transmission of special program features from newly developed Boeing seaplane during experimental trial flight from California to New York and Europe and return; program material to be received by RCA Communications, Inc., receiving station at Riverhead, N. Y., for delivery to NBC Network.

KWEW—W. E. Whitmore, Hobbs, N. Mex.—Granted special temporary authority to operate simultaneously with station KBST from 7:30 to 8:45 p. m., MST, on March 23, in order to broadcast speech on special Rotary Club Program.

WTAR—WTAR Radio Corp., Norfolk, Va.—Granted special temporary authority to rebroadcast over station WTAR special program from aboard the USS San Francisco while passing out Hampton Roads, for a period of 15 minutes on March 21.

KHUB—John P. Scripps, Watsonville, Cal.—Granted special temporary authority to operate from 8:30 to 9:30 p. m., PST, on March 29, in order to broadcast an address given by Stephens F. Chadwick, the National Commander of the American Legion.

KGCA—Charles Walter Greenley, Decorah, Ia.—Granted extension of special temporary authority to remain silent for the period March 23 to April 21, pending KWLC's compliance with Rule 131.

WKAQ—Radio Corp. of Porto Rico, San Juan, P. R.—Granted special temporary authority to rebroadcast sustaining programs to be received from international broadcast station W2XE over station WKAQ, for a period of 30 days, on a noncommercial exp. basis only.

APPLICATIONS FILED AT FCC

850 Kilocycles

WWL—Loyola University, New Orleans, La.—Modification of C. P. (B3-P-228) as modified for extension of completion date from 3-26-39 to 4-26-39.

930 Kilocycles

KROW—Educational Broadcasting Corp., Oakland, Calif.—Authority to transfer control of corporation from H. P. Drey, S. L. Brevit, R. E. Morgan, Charles Martin, C. V. Knemeyer, to W. I. Dumm, Philip G. Lasky, Fred J. Hart, and Wallace F. Elliott, 9536.5 shares stock.

1050 Kilocycles

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Modification of license to change hours of operation from daytime to limited, sunset at Eau Claire, Wis.

1110 Kilocycles

WRVA—Larus & Brother Co., Inc., Richmond, Va.—C. P. to use old W.E. D-94992 transmitter as an auxiliary transmitter for emergency use only.

1120 Kilocycles

WSPA—Virgil V. Evans, tr/as The Voice of South Carolina, Spartanburg, S. C.—Modification of license to change frequency from **920 kc.** to **1120 kc.**, time from daytime to unlimited, and power from 1 KW to 500 watts night, 1 KW day.

1300 Kilocycles

KALE—KALE, Inc., Portland, Ore.—Construction permit to install a new transmitter; make changes in antenna; increase power from 1 KW to 1 KW night, 5 KW day; and move transmitter from 518 S. E. Morrison St., Portland, Ore., to Barnes Road, west of city limits of Portland, Ore.

WBBR—Peoples Pulpit Asso., Brooklyn, New York.—Modification of license to change name from Peoples Pulpit Association to Watchtower Bible & Tract Society, Inc.

1310 Kilocycles

WCMI—Ashland Broadcasting Co., Ashland, Ky.—Authority to transfer control of corporation from J. T. Norris and B. F. Forgey to Gilmore N. Nunn and J. Lindsay Nunn, 110 shares of common stock.

1500 Kilocycles

KBKR—Louis P. Thornton, Baker, Oregon.—Modification of construction permit (B5-P-1841) as modified for a new station, requesting authority to move studio and transmitter locally (same address), extend commencement and completion dates from 12-17-38 and 6-17-39 to 60 days after grant and 240 days thereafter.

WKEU—Radio Station WKEU, Griffin, Ga.—Modification of license to change hours of operation from daytime to unlimited, using 100 watts power.

MISCELLANEOUS

W2XAF—General Electric Co., S. Schenectady, N. Y.—License to cover construction permit (B1-PIB-8) as modified for equipment changes.

NEW—Jonas Weiland, Kinston, N. C.—Construction permit for a new relay broadcast (experimental) station on **31100 kc.**, 2 watts power, A-3 emission. Amended to specify frequencies **31100, 34600, 37600 and 40600 kc.**

KIFO—Nichols & Warinner, Inc., Long Beach, Calif.—License to cover construction permit (B5-PRY-142) for new equipment and reduction in power.

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.

Metz Bros. Baking Company—Charging price discrimination in the sale of bread in violation of the Robinson-Patman Act, a complaint has been issued against Metz Bros. Baking Company of Sioux City, Iowa, and Sioux Falls, South Dakota.

The complaint alleges that the respondent discriminates in price between different purchasers buying its bread of like grade and quality by giving certain purchasers lower prices than those allowed others. In certain trade areas the respondent is alleged to sell its products of the same grade, quality and weight at lower prices than it sells the identical products in other localities. (3740)

Restoria Company—Harry Epstein, trading as Restoria Company, with a place of business at 805 East Mason St., Milwaukee, Wis., is charged in a complaint with misrepresentation in the sale and distribution of a medicinal preparation known as "Restoria," sold as a treatment for the blood and a remedy for blood disorders. Bad blood, ulcers, eruptions, swollen glands, eczema, neurasthenia, rheumatism, syphilis, skin eruptions, and blood poisoning are among the ailments for which the preparation is alleged to be sold as a cure.

The complaint alleges that false statements and misrepresentations were disseminated by the respondent as purported testimonial letters. Claims that the preparation is manufactured in modern laboratories under expert supervision and is safe and harmless, and that its use will produce no bad after-effects, also were alleged to have been made. The complaint alleges that these assertions are false and misleading and that the respondent fails to reveal to purchasers that use of the preparation by uninformed persons under conditions prescribed might cause injury to health. (3737)

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

W. H. Barnard Rubber Company—W. H. Barnard, trading as W. H. Barnard Rubber Company, 131 South Fourth St., Phila-

delphia, has been ordered to cease and desist from certain misrepresentations and practices in the sale of garden hose and other rubber goods.

The respondent, according to findings of the Commission, is only a jobber in rubber goods, although representing himself as a manufacturer, and is found to have sent to purchasers material inferior to displayed samples. He is also ordered to cease representing that products distributed by him are of a quality, fabric, material, construction or value other than such products are in fact. (3520)

E. J. Brach & Sons, a Chicago candy manufacturing corporation, has been ordered to cease and desist from the use of lottery methods in the sale of its products to ultimate consumers.

Through the use of lottery devices, such as push cards or punch boards, the respondent has distributed candy to the purchasing public wholly by chance, the Commission found.

The respondent corporation was directed to cease selling or otherwise disposing of any merchandise by the use of punch boards or push or pull cards or other lottery devices and required to cease supplying others with assortments of candy or other merchandise for use without alteration to conduct a lottery. (3307)

Certified Sales Service—See Good Humor Corp. of America.

DeKama, Inc.—An order to cease and desist has been issued against DeKama, Inc., 3255 Wilshire Blvd., Los Angeles, prohibiting misleading representations in the sale of cosmetics.

The order directs the respondent to discontinue representing that, because of the hormone or gland extracts therein, any of its preparations is of remedial or therapeutic value in the prevention or treatment of skin conditions or disorders or will beneficially affect the oil glands and pores. The order also prohibits the assertion that use of the preparations will nourish and rejuvenate the skin and prevent sagging or wrinkling. (3480)

Good Humor Corporation of America, 64-81 Metropolitan Ave., Maspeth, Long Island, N. Y., Sidney A. Weitzman, trading as Certified Sales Service, 357 West 63rd St., Chicago, and Fred W. Herschner, Jr., trading as 20th Century Sales Company, 329 South Wood St., Chicago, were served with orders to cease and desist from the use of lottery methods in the sale of products to ultimate consumers.

Good Humor Corporation of America was directed to discontinue placing in the hands of others for use in conducting a lottery sticks coated with ice cream, or other articles of merchandise. Findings are that certain of the sticks bore the words "Lucky Stick," concealed by the ice cream, and that ultimate purchasers of these "Lucky Sticks" were entitled to another stick without additional cost.

The respondent no longer sells the sticks, according to the findings.

Engaged in the sale of various articles of merchandise, including clocks, electric razors, cameras, vibro shavers, and pen and pencil sets, Certified Sales Service and 20th Century Sales Company were ordered to cease selling or otherwise disposing of any merchandise by the use of push or pull cards, punch boards or other lottery devices.

The Commission found that through use of lottery devices the three respondents distributed their products to the purchasing public wholly by lot or chance. (3516, 3245, 3251)

Lightmore Appliance Corporation and Solar-Ray Lamp Co., Inc., 16 East 12th St., New York, makers and distributors of incandescent lamps for general lighting service and for country home lighting, have been ordered to desist from certain misrepresentations concerning their product.

Among misrepresentations prohibited was the respondents' assertion that their products sell for less or operate more economically than similar competing products.

The Commission found that the Lightmore and Solar-Ray bulbs were not of high quality and uniformity, and did not produce good service and economy.

Another misrepresentation prohibited is that the respondents' lamps are made in the United States by skilled American workers. Findings are that the lamps are not wholly made in the United

States; that many of them contain bases made in Japan by foreign workers and are labeled "Made in Japan," but that this label is concealed from the view of buyers when these bases are placed in lamps ready for use. The cost of these bases was found to be \$4.25 per thousand for Japanese as compared with \$5.65 per thousand for American bases, or a saving by using Japanese instead of American bases of a trifle less than one-seventh of one cent per lamp.

The order also forbids the misrepresentation that Solar-Ray Lamp Co., Inc., manufactures light bulbs. Findings are that this company, a distributor, never made lamps, and that, although still in existence as a corporation, it is not at present in actual operation. (2575)

Lux-Visel Company, Inc., Elkhart, Ind., manufacturer and distributor of an electric water heater advertised as a "Magic Disc" that "heats water instantly," has been ordered to cease and desist from misrepresentations concerning its product.

Typical of the advertisements of the respondent, the Commission found, was one reading "Mysterious Disc Boils Water instantly without coal, gas or oil. Pays to \$30 daily. New Principle. Pocket size. Free offer. Write Superlux, Elkhart, Indiana."

Prospective salesmen who replied to the advertisement were found to have been sent "follow up" literature containing, among others, representations as follows: "Thousands of others have accepted my FREE SAMPLE OFFER and are now making profits up to 233%, and you can do the very same thing. Unlike other concerns which require you to buy your sales outfit at an exorbitant price, I am going to help you get started with my FREE SAMPLE OFFER, which you will find explained in detail under Offer #1 in the enclosed application blank. I will send you two SUPER LUX HEATERS for the price of only one, which is \$3.00. When they arrive you can sell one immediately for \$3.00 and get your money back. That will give you your demonstrator without any cost whatsoever."

The Commission's findings are that the respondent does not make a "free offer" and its agents do not normally make profits "up to \$30 a day" or any comparable amounts. (3683)

Solar-Ray Lamp Company—See Lightmore Appliance Corporation.

20th Century Sales Company—See Good Humor Corp. of America.

STIPULATIONS

The Commission has entered into the following stipulations:

Theo. Alteneder & Sons, New York City, manufacturing drawing instruments, including compasses, bow instruments, ruling pens, beam compasses, dividers and railroad pens, will abandon the representation in its catalogs or otherwise that its drawing instruments are the only ones currently made in the United States or that it is the nation's only drawing instruments manufacturer, when this is not a fact.

Brock Candy Company—A Tennessee candy company and an Oklahoma flour miller have entered into stipulations to discontinue lottery methods in the sale of their products to ultimate consumers.

Respondents are: Brock Candy Company, 1113 Chestnut St., Chattanooga, Tenn., and Dobry Flour Mills, Inc., Yukon, Okla.

Brock Candy Company, according to its stipulation, sold to jobbers and retailers its "150 Humdinger Assortment" so assembled that ultimate purchasers selecting pieces having pink centers received a 5-cent bar of candy without extra cost. The respondent company also distributed another assortment together with a punch or push card. In each instance the ultimate consumer received prizes wholly by chance, according to the stipulation.

Dobry Flour Mills, Inc., in an effort to stimulate sales to the wholesale and retail trade, according to the stipulation, furnished retailers with a large card containing numbered lines on which purchasers wrote their names. A master seal on the card was broken when the lines were filled with names and the individual whose number was the same as that under the seal received wholly by chance a barrel of flour, according to the stipulation. (2411-2414)

Cannon Cosmetic Company—W. S. Cannon, Jr., trading as Cannon Cosmetics Company, Atlanta, Ga., agrees to cease advertising that his cosmetics act quicker or are in any way superior to or lower in price than numerous similar competing products; that 200,000 or any other unsubstantiated number of customers use his products; that Cannolene Tar Shampoo has a direct influence on the cause of dandruff; that Complexion Powder contains only the purest ingredients in perfect balance, or that the respondent's coconut oil shampoo is made of coconut oil, the respondent admitting that the preparation is made of coconut oil base soap added to water. (02337)

Clay-Adams Company, Inc., New York City, wholesaler of various types of surgical instruments and laboratory supplies, including microscope cover glasses, stipulates that it will cease using on labels affixed to containers of its microscope cover glasses or in any other way the slogan "Made in U. S. A." or any other word of similar inference implying that the glass of which these products are made is, or that the products in their entirety are, of domestic origin, when this is not a fact. (2413)

Denney & Denney—Frances Denney, a corporation, and Anthony deP. Denney, John D. Denney, Anne Denney Fleming and William F. Denney, Jr., trading as Denney & Denney, Philadelphia, Pa., in the sale of their various cosmetic preparations, will refrain from advertising that the use of the products will eliminate or prevent crowsfeet or wrinkles, or that any of the products constitutes a competent treatment for acne generally. (02338)

Direct Mail System—Charles C. Howell, trading as The Direct Mail System, Summit, N. J., engaged in selling a plan for making money designated Prosperity Scheme, agrees to desist from representing that his plan or scheme will enable anyone to earn money fast, is a sure or immediate way of making money, enables one to start a profitable business on less than \$3 capital, or will lay the foundation for a profitable business, and that his proposition is suitable for any person, regardless of age, educational or business qualifications, or environment. (02332)

Dobry Flour Mills, Inc.—See Brock Candy Company.

Marie Earle, Inc., New York City, stipulates that it will cease various representations concerning its cosmetic products and agrees to desist from use of the word "acne" in the trade name Acne Lotion, unless clearly explained that the preparation is limited to treating superficial conditions; designating as "astringent" the product Astringent Throat Cream; advertising Strong Astringent in any way implying that its astringent properties are strong so long as they are in fact extremely mild; designating as a bleach the products Perfection Elixir (Liquid Bleach) and Perfection Extra Strong Bleach (Liquid), unless the products are accompanied by a warning to the effect that the container must be kept tightly closed to retain the effectiveness and that even then the bleaching power lasts but a limited time. (02340)

Gray Drug Store—Frank Kalen, trading as Gray Drug Store, New York City, will desist from advertising that use of Mul-Leves for the Hair will stimulate new hair growth or stop falling hair, and that use of the respondent's shampoo will assure a healthy scalp or a scalp free from dandruff. The respondent agrees to discontinue use of the name Eyelash Grower for a product so designated. (02339)

Charles Marchand Company—Under its stipulation, The Charles Marchand Company, New York City, will desist from representing that the use of Marchand's Golden Hair Wash will achieve results which cannot be obtained by competing products; that this preparation will keep the hair healthy; that its application will not lighten the color of the hair of brunettes; that the product is guaranteed, unless the advertisement clearly explains that the guarantee is limited to a refund of the purchase price; that its use "restores" any natural characteristic or quality or enables every user to be a "natural" blonde. (02335)

New York Post, Inc., and its subsidiaries, Publishers Service Company, Inc., both of 75 West St., New York, have entered into a stipulation to discontinue certain misleading representations in the sale of ten-volume sets of books entitled Oxford Universal Dictionary and Oxford Universal English Dictionary.

Among the respondents' customers, according to the stipulation, were newspaper publishers who used the books in connection with circulation promotion plans offered by Publishers Service Company, Inc.

Each of the respondent corporations agrees to desist from the use in their advertisements or in any other way of the words "gold leaf" as descriptive of the lettering, embossing or finishing of such books which are not in fact lettered, embossed or finished in gold leaf or gold; and from use of the word "gold" in any way so as to imply that the material used in the lettering, embossing or finishing of the books is gold leaf or gold, when such is not a fact. (2408)

Peris—A. Peris, trading as Peris, East Rochester, N. Y., in offering for sale a money-making plan involving salted peanuts in the shell, will discontinue representing that there have been no salted peanuts in the shell since the advertiser retired and that there is no competition in this field, and that his plan will enable one to make a fortune without capital. The respondent further agrees that he will not make unmodified representations or claims of earnings in excess of the average earnings of active full-time purchasers of his plan under normal business conditions. (02333)

Publishers Service Company—See New York Post, Inc.