

The Week In Washington

Enthusiastic response to the NAB's call for the start of a year-round campaign to promote radio by radio and the release of the FCC's proposed new rules for the broadcasting industry stood out among broadcasting developments this week in Washington.

The first promotion campaign the broadcasting industry has ever undertaken to promote the American System of Broadcasting will get under way April 17, with "Open House Week" at nearly every member station.

The proposed FCC rules and an explanation by the Commission are printed inside. Among them is a rule which would extend the license period from six months to one year. The new rules with appendices make up a mimeographed volume three inches thick, far too bulky for thorough analysis this week. In next week's REPORTS, the NAB expects to present a resumé that will greatly facilitate study of the rules and help each member to decide whether he thinks that any section should be changed before the Commission acts on them.

Kansas has enacted a law seeking to curb the activities of pools controlling public performance of copyrighted music. Similar legislation is before the Vermont Legislature.

The American Federation of Labor joined the NAB in opposing federal legislation to ban radio beer and liquor advertising.

Year Round NAB-RMA Campaign Starts April 17

With dealer-distributor meetings scheduled in broadcasting studios from coast to coast in advance of the April 17th Open House Week, the NAB-RMA year round campaign to promote *radio via radio* is swinging into action, marking the first time in the history of radio that the entire industry has coordinated its efforts in this long-deferred self-promotion.

Desiring to erase the impression that the campaign is limited to one week only, Headquarters desires to point out that the campaign has been set up on a year round basis, as was pointed out in the announcement bulletin sent out three weeks ago.

Plans also place the responsibility for the formation of local Radio Councils on the broadcasters to invite

distributors and retailers to their studio meetings upon their own initiative. While RMA, through their manufacturer members are circularizing their distributors and dealers, in support of the campaign, it would be a mistake on the part of the broadcaster if he waited for the dealer to come to him requesting such a meeting. *Plans were deliberately made to place the initiative and responsibility upon NAB member broadcasters.*

As the campaign moves into the summer months, RMA, through manufacturer members, will place new displays and promotional material in the hands of the 56,000 dealers tying in with the various seasonal appeals NAB will inspire.

Twice weekly NAB-RMA bulletins are going out to all member stations and to all RMA members and their advertising agencies. These bulletins will "service" the campaign, exchange ideas and keep the industry abreast of developments.

(Continued on page 3390)

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YEAR ROUND NAB-RMA CAMPAIGN STARTS APRIL 17

(Continued from page 3389)

Each station has been supplied with 200 window streamers for use in connection with the Open House Party. The thirty minute recorded dramatization of the objectives and possibilities of the drive, entitled "The Giant Speaks" is being shipped out over the week-end. There will also be sent recorded remarks by Mr. A. S. Wells, President of the RMA and by Mr. Neville Miller, President of the NAB.

Announcement will be made early next week as to the titles and time of the special network programs which will be broadcast beginning the week of April 17th. The "Eighteen Hours a Day" transcriptions to be supplied all non-network stations, will not be ready in time for Open House Week, but will have been in production and recorded for use by all non-network members in the early weeks of the year's campaign.

Meanwhile, scores of individual stations, network affiliates and non-network stations, have reported plans for the broadcasting of programs prepared by their own program departments designed to reflect American Radio and the contributions the station has made to it and to the community it serves.

Many broadcasters are lining up dates at luncheons and civic clubs, business and trade groups for "radio talks" to be delivered during the early spring months. Headquarters has sent out the manuscript of a twenty-five minute talk, especially written for this purpose, entitled "What A Free Radio Means to America."

Other members are reordering NAB literature such as "The ABC of Radio," "NAB News Review," "If I Ran the B B C," etc., for distribution during the Open House Week. Some stations are printing their own literature, many in pamphlet form, which features the fundamentals of the American System of Broadcasting and telling something of the history and service of the station.

The initial efforts of the two sections of the Radio Industry in inaugurating a years campaign, beginning the week of April 17th, is attracting national attention. Based on the dozens of telegrams, phone calls and letters received, it has the universal support of the NAB membership. Members are asked to send Headquarters brief

accounts of their plans together with any unusually effective ideas or radio continuities used, so that these may be publicized to the industry.

Proposed FCC Rules

The Federal Communications Commission today issued the second and final part of the committee report on proposed rules governing standard broadcast stations and standards of good engineering practice. Totalling more than 500 pages, and containing scores of charts and tables, part two of the report of the Committee, composed of Commissioners Norman S. Case, Chairman, T. A. M. Craven, Vice Chairman, and George Henry Payne, supplies evidence supporting the conclusions reached in the first section of the report which was issued on January 18, 1939.

Specifically, however, the report makes certain definite recommendations which were not contained in the first section. While a longer license period was advocated in part one of the report, part two makes a flat recommendation that the license period for standard broadcast stations be increased from the present six months to a period of one year. This, the report states, "will assist in stabilizing the broadcast industry without reducing the necessary control of the Commission over the licensees."

While the report incorporates many of the recommendations and suggestions made by the industry, it carries forward the committee's earlier stand against super power. Devoting some 20 pages and an entire sub-section of the report to a discussion of this subject, the committee states that it "deems it unwise to conclude that the existing data are sufficient to warrant a conclusion in favor of super power. . . . The several considerations governing the interest of the public in general broadcasting structure," says the report, "are too great to warrant taking speculative risks, unsupported by adequate data, even though it be true from a technical standpoint that 500 kw power is one of the methods to improve service in rural areas."

The committee's report also recommends extension of the broadcast band from 550 to 1600 kc inclusive instead of from 550 to 1500 kc inclusive, as at present. No new allocation of stations is proposed in the band 1500 to 1600, on which frequencies four special broadcast stations are now assigned. These stations are to be classed as regional channel stations, instead of special broadcast stations.

In making recommendations as to the regulation of the technical phase of broadcasting, the committee states that, "Every effort has been made to make the proposed rules as flexible as possible as it is believed that by this means the fullest usage can be made of the broadcast facilities at the present time as well as providing for the future as the state of the art advances."

Other important changes in the rules, recommended by the committee, are as follows:

1. Establish three classes of standard broadcast channels.
2. Establish four general classes of standard broadcast stations.
3. Increase power of stations where needed and where technically feasible.
4. Requirements for applicants.
5. Experimental authorizations.
6. Extend use of duplicate transmitters.

While the major part of the report deals with the existing situation in radio broadcasting and proposed procedure for improving service, and is of a somewhat technical nature, there are separate sections dealing with the social aspects and the economic aspects of the broadcasting industry.

Certain of the charts and tables contained in these sections of the report reveal an interesting picture of the operation of the industry. It is shown in one of these charts that more than half (52.45%) of all the time on the air used by radio stations is taken up in music. In second place, come talks and dialogues which occupy 11.41% of broadcasting stations' time on the air. An interesting sidelight on this wide use of music is revealed in a table which lists the revenue classification of stations by type of programs. Here it is shown that stations earning \$1,000,000 or over use musical programs in only 37% of their broadcasts, whereas the small commercial stations, earning up to \$15,000, broadcast musical programs 61% of their time on the air.

The section dealing with the economic aspects of broadcasting states that during the period from 1922 to 1937, more than 53 million radio sets were sold with a retail value of nearly 4 billion dollars. The present day investment by the broadcasting industry in stations and equipment is shown to be approximately 50 million dollars, plus an additional 9 million dollars in network plant equipment.

The report states that the broadcasting industry (networks and 629 stations) sold time in 1937 valued at nearly 118 million dollars; and during an average week in 1938 the industry employed 17,085 full-time employees and 5,820 part-time employees.

The committee's report on proposed rules governing standard broadcast stations and standards of good engineering practice is legislative, rather than judicial in character. Similar, however, to the procedure used in examiners' reports, the Commission will grant opportunity to all interested parties to file exceptions, and will hear Oral Argument, before the report will be taken up by the Commission as a whole for final action. Undoubtedly exceptions will be filed.

In next week's REPORTS the NAB will comment on the proposed rules, which follow:

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RULES GOVERNING STANDARD BROADCAST STATIONS

Definitions ¹

30.01 The term "standard broadcast station" means a station licensed for the transmission of radiotelephone emissions primarily intended to be received by the general public and operated on a channel in the band 550 to 1600 kilocycles inclusive.

30.02 The term "standard broadcast band" means the band of frequencies extending from 550 to 1600 kilocycles, inclusive, both 550 kilocycles and 1600 kilocycles being the carrier frequencies of broadcast channels.

30.03 The term "standard broadcast channel" means the band of frequencies occupied by the carrier and two side bands of a broadcast signal with the carrier frequency at the center. Channels shall be designated by their assigned carrier frequencies. Carrier frequencies assigned to standard broadcast stations shall begin at 550 kilocycles and be in successive steps of 10 kilocycles.

30.04 The term "dominant station" means a Class I station, as hereinafter defined, operating on a clear channel.

30.05 The term "secondary station" means any station except a Class I station operating on a clear channel.

30.06 The term "daytime" means that period of time between 6 a.m. local standard time and local sunset.

30.07 The term "nighttime" means that period of time between local sunset and 12 midnight local standard time.

30.08 The term "sunset" means, for each particular location and during any particular month, the average time of sunset as specified in the license of a broadcast station. (For tabulation of average sunset time for each month at various points in the United States see "Average Sunset Time.")

30.09 The term "broadcast day" means that period of time between 6 a.m. and 12 midnight, local standard time.

30.10 The term "experimental period" means that period of time between 12 midnight and 6 a.m. This period may be used for experimental purposes in testing and maintaining apparatus by the licensee of any standard broadcast station, on its assigned frequency and with its authorized power, provided no interference is caused to other stations maintaining a regular operating schedule within such period. No station licensed for "daytime" or "specified hours" of operation may broadcast any regular or scheduled program during this period.

30.11 Service Areas

(1) The term "primary service area" of a broadcast station means the area in which the ground wave is not subject to objectionable interference or objectionable fading.

(2) The term "secondary service area" of a broadcast station means the area served by the sky wave and not subject to objectionable interference. The signal is subject to intermittent variations in intensity.

(3) The term "intermittent service area" of a broadcast station means the area receiving service from the ground wave but beyond the primary service area and subject to some interference and fading.

¹ Other definitions which may pertain to Standard Broadcast Stations are included in Rules 21.01 to 21.35 and the Communications Act of 1934, as amended.

30.12 The term "main studio" means, as to any station, the studio from which the majority of its local programs originate, and/or from which a majority of its station announcements are made of programs originating at remote points.

30.13 The term "portable transmitter" means a transmitter so constructed that it may be moved about conveniently from place to place, and is in fact so moved about from time to time, but not ordinarily used while in motion. In the standard broadcast band, such a transmitter is used in making field intensity measurements for locating a transmitter site for a standard broadcast station. A portable broadcast station will not be licensed in the standard broadcast band for regular transmission of programs intended to be received by the public.

30.14 The term "auxiliary transmitter" means a transmitter maintained only for transmitting the regular programs of a station in case of failure of the main transmitter.

Allocation of Facilities

31.01 *Three Classes of Standard Broadcast Channels*

(1) A "clear channel" is one on which the dominant station or stations render service over wide areas and which are cleared of objectionable interference, within their primary service areas and over all or a substantial portion of their secondary service areas.

(2) A "regional channel" is one on which several stations may operate with powers not in excess of 5 kilowatts. The primary service area of a station operating on any such channel may be limited, as a consequence of interference, to a given field intensity contour.

(3) A "local channel" is one on which several stations may operate with powers not in excess of 250 watts. The primary service area of a station operating on any such channel may be limited, as a consequence of interference, to a given field intensity contour.

31.02 *Classes and Power of Standard Broadcast Stations*

(1) A "Class I Station" is a dominant station operating on a clear channel and designed to render primary and secondary service over an extended area and at relatively long distances. Its primary service area is free from objectionable interference from other stations on the same and adjacent channels, and its secondary service area free from interference, except from stations on the adjacent channel, and from stations on the same channel in accordance with the channel designation in Rule 31.05 or in accordance with the "Engineering Standards of Allocation." The operating power shall be not less than 10 kw nor more than 50 kw (also see Rule 31.05 (a) for further power limitation).

(2) A "Class II Station" is a secondary station which operates on a clear channel (see Rule 31.05) and is designed to render service over a primary service area which is limited by and subject to such interference as may be received from Class I stations. A station of this class shall operate with power not less than 0.25 kilowatts nor more than 50 kilowatts. Whenever necessary a Class II station shall use a directional antenna or other means to avoid interference with Class I stations and with other Class II stations, in accordance with the "Engineering Standards of Allocation."

(3) A "Class III Station" is a station which operates on a regional channel and is designed to render service primarily to a metropolitan district and the rural area contiguous thereto. Class III stations are subdivided into two classes:

(a) A "Class III-A Station" is a Class III station which operates with power not less than 1 kilowatt nor more than 5 kilowatts and the service area of which is subject to interference in accordance with the "Engineering Standards of Allocation."

(b) A "Class III-B Station" is a Class III station which operates with a power not less than 0.5 kilowatt nor more than 1 kilowatt night and 5 kilowatts daytime and the service area of which is subject to interference in accordance with the "Engineering Standards of Allocation."

(4) A "Class IV Station" is a station operating on a local channel and designed to render service primarily to a city or town and the suburban and rural areas contiguous thereto. The power of a station of this class shall not be less than 0.1 kilowatt nor more than 0.25 kilowatt and its service area is subject to interference in accordance with the "Engineering Standards of Allocation."

31.03 *Time of Operation of the Several Classes of Stations*²

The several classes of standard broadcast stations may be licensed to operate in accordance with the following:

² Formal application required for change in time of operation of existing broadcast station. See "Standards of Good Engineering Practice" for form number.

(1) "Unlimited time" permits operation without a maximum limit as to time.

(2) "Limited time" is applicable to Class II (secondary stations) operating on a clear channel only. It permits operation of the secondary station during daytime, and until local sunset if located west of the dominant station on the channel or if located east thereof, until sunset at the dominant station, and in addition during night hours, if any, not used by the dominant station or stations on the channel.

(3) "Daytime" permits operation during the hours between 6 a.m. and average monthly local sunset. (For exact time of sunset at any location, see "Average Sunset Time.")

(4) "Sharing Time" permits operation during hours which are so restricted by the station license as to require a division of time with one or more other stations using the same channel.

(5) "Specified Hours" means that the exact operating hours are specified in the license.

(The minimum hours that any station shall operate are specified in Rule 34.1.)

31.04 An authorization for a new standard broadcast station or increase in facilities of an existing station³ will be issued only after a satisfactory showing has been made in regard to the following, among others:

(1) That the proposed assignment will tend to effect a fair, efficient and equitable distribution of radio service among the several states and communities.

(2) That objectionable interference will not be caused to existing stations or that if interference will be caused the need for the proposed service outweighs the need for the service which will be lost by reason of such interference. That the proposed station will not suffer interference to such an extent that its service would be reduced to an unsatisfactory degree. (For determining objectionable interference, see "Engineering Standards of Allocation" and "Field Intensity Measurements in Allocation.")

(3) That the applicant is financially qualified to construct and operate the proposed station.⁴ That in case of a station to be supported by sponsored programs, adequate commercial support is available for the station. That in case of a station to be supported in other manner, adequate finances are available to support such service.

(4) That the applicant is legally qualified. That the applicant (or the person or persons in control of an applicant corporation or other organization) is of good character and possesses other qualifications sufficient to provide a satisfactory public service. That an applicant (or the person or persons in control of an applicant corporation or other organization) for a Class IV station is a resident in, and familiar with the needs of, the community to be served.

(5) That the technical equipment proposed, the location of the transmitter, and other technical phases of operation comply with the regulations governing the same, and the requirements of good engineering practice. (See technical regulations herein and "Locations of Transmitters of Standard Broadcast Stations.")

(6) That the facilities sought are subject to assignment as requested under existing international agreements and the Rules and Regulations of the Commission.

(7) That the public interest, convenience, and necessity will be served through the operation under the proposed assignment.

31.05⁵ The frequencies in the following tabulation are designated as clear channels and assigned for use by the classes of stations as given:

(a) To each of the channels below there will be assigned one Class I station and there may be assigned one or more Class II stations operating limited time or daytime only: 640, 650, 660, 670, 700, 720, 740, 750, 760, 770, 800, 810, 820, 830, 850, 860, 870, 980, 990, 1000, 1070, 1090, 1130, 1150, and 1190 kilocycles. The power of the Class I stations on these channels shall not be less than 50 kw.

(b) To each of the channels below there may be assigned Class I and Class II stations: 680, 710, 790, 970, 1020, 1040, 1050, 1060, 1080, 1100, 1110, 1140, 1160, 1170, 1180, 1460, 1470, 1480, and 1490 kilocycles.

31.06⁷ The following frequencies are designated as regional channels and are assigned for use by Class III-A and Class III-B stations⁸: 550, 560, 570, 580, 590, 600, 610, 620, 630, 780, 880, 890,

³ Formal application required. See "Standards of Good Engineering Practice" for form number.

⁴ See "Money Required to Construct and Complete Electrical Tests of Stations of Different Classes and Powers."

⁵ See last three pages of this appendix for alternate Rules 31.05, 31.06, 31.07, 31.08, 31.09 and 31.14 to comply with the North American Regional Broadcasting Agreement.

⁶ See Rule 31.09 in regard to assigning Class IV stations to regional channels.

900, 920, 930, 940, 950, 1010, 1120, 1220, 1230, 1240, 1250, 1260, 1270, 1280, 1290, 1300, 1320, 1330, 1340, 1350, 1360, 1380, 1390, 1400, 1410, 1430, 1440, 1450, 1530, and 1550 kilocycles.

31.07⁷ The following frequencies are designated as local channels and are assigned for use by Class IV stations: 1200, 1210, 1310, 1370, 1420, and 1500 kilocycles.

31.08⁷ The individual assignments of stations to channels shall be made in accordance with the standards of good engineering practice prescribed and published from time to time by the Commission for the respective classes of stations involved. (For determining objectionable interference see "Engineering Standards of Allocation" and "Field Intensity Measurements in Allocation," Section C.)

31.09⁷ On condition that interference will not be caused to any Class III station, and that the channel is used fully for Class III stations and subject to such interference as may be received from Class III stations, Class IV stations may be assigned to regional channels.

31.10 (a) Each standard broadcast station shall be considered located in the state and city where the main studio is located.

(b) The transmitter of each standard broadcast station shall be so located that primary service is delivered to the city in which the main studio is located, in accordance with the "Standards of Good Engineering Practice", prescribed by the Commission.

31.11 The licensee of a standard broadcast station shall not move its main studio outside the borders of the city, State, district, Territory, or possession in which it is located without first making written application⁹ to the Commission for authority to so move, and securing written permission for such removal. A licensee need not obtain permission to move the main studio from one location to another within a city or town, but shall promptly notify the Commission of any such change in location.

31.12 (a) Special Experimental Authorizations⁸ may be issued to the licensee of a standard broadcast station in addition to the regular license upon proper application therefor⁹ and satisfactory showing in regard to the following, among others:

(1) That the applicant has a program of research and experimentation which indicates reasonable promise of contribution to the development and practical application of broadcasting, and will be in addition to and advancement of the work that can be accomplished under its regular license.

(2) That the experimental operation and experimentation will be under the direct supervision of a qualified engineer with an adequate staff of engineers qualified to carry on the program of research and experimentation.

(3) That the public interest, convenience and necessity will be served by granting the authorization requested.

(b) In case a Special Experimental Authorization permits additional hours of operation, no licensee shall transmit any commercial or sponsored program or make any commercial announcement during such time of operation. In case of other additional facilities, no additional charge shall be made by reason of transmission with such facilities.

(c) A Special Experimental Authorization will not be extended after the actual experimentation is concluded.

(d) The program of research and experimentation as outlined in the application for a special experimental authorization shall be adhered to in the main unless the licensee is authorized to do otherwise by the Commission.

(e) The Commission may require from time to time a broadcast station holding such experimental authorization to conduct experiments that are deemed desirable and reasonable.

(f) A supplemental report shall be filed with and made a part of each application for an extension of a special experimental authorization and shall include statements of the following:

(1) Comprehensive summary of all research and experimentation conducted.

(2) Conclusions and outline of proposed program for further research and development.

(3) Comprehensive summary and conclusions as to the social and economic effects of its use.

31.13 (a) No application for authority to install a directional antenna¹⁰ will be accepted unless a definite site and full details

of the design of the directional antenna are given with the application. (See "Data Required with Applications Involving Directional Antenna Systems".)

(b) No application for an authorization to operate a directional antenna during the broadcast day will be accepted unless proof of performance of the directional antenna taken during equipment test period is submitted with the application. (See "Field Intensity Measurements in Allocation," Section B.)

31.14¹¹ All standard broadcast station licenses will be issued so as to expire at the hour of 3 a. m., Eastern Standard Time and will be issued for a normal license period of one year, expiring as follows:

(1) For stations operating on the frequencies 640, 650, 660, 670, 680, 700, 710, 720, 740, 750, 760, 770, 790, 800, 810, 820, 830, 850, 860, 870, 970, 980, 990, 1000, 1020, 1040, 1050, 1060, 1070, 1080, 1090, 1100, 1110, 1130, 1140, 1150, 1160, 1170, 1180, 1190, 1460, 1470, 1480, 1490 kilocycles February 1.

(2) For stations operating on the frequencies 550, 560, 570, 580, 590, 600, 610, 620, 630, 780, 880, 890, 900, and 920 kilocycles March 1.

(3) For stations operating on the frequencies 930, 940, 950, 1010, 1120, 1220, 1230, 1240, 1250, 1260, 1270, 1280, and 1290 kilocycles April 1.

(4) For stations operating on the frequencies 1300, 1320, 1330, 1340, 1350, 1360, 1380, 1390, 1400, 1410, 1430, 1440, 1450, 1530, and 1550 kilocycles November 1.

(5) For stations operating on the frequencies 1200, 1210, and 1310 kilocycles December 1.

(6) For stations operating on the frequencies 1370, 1420, and 1500 kilocycles October 1.

Equipment

32.01 The maximum rated carrier power of a standard broadcast transmitter shall not be less than the authorized power nor shall it be greater than the value specified in the following table:

<i>Class of station</i>	<i>Maximum power authorized to station</i>	<i>Maximum rated carrier power permitted to be installed¹²</i>
Class IV	100 or 250 watts	250 watts
Class III	500 or 1000 watts	1000 watts
	5000 watts	5000 watts
Class II	250, 500 or 1000 watts	1000 watts
	5000 or 10,000 watts	10,000 watts
	25,000 or 50,000 watts	50,000 watts
Class I	10,000 watts	10,000 watts
	25,000 or 50,000 watts	50,000 watts

32.02 The maximum rated carrier power of a standard broadcast transmitter shall be determined as the sum of the applicable power ratings of the vacuum tubes employed in the last radio stage.

(1) The power rating of vacuum tubes shall apply to transmitters employing the different classes of operation or systems of modulation as specified in "Power Rating of Vacuum Tubes", prescribed by the Commission.

(2) If the maximum rated carrier power of any broadcast transmitter as determined by subsection (1) of this Rule, does not give an exact rating as recognized in the Commission's plan of allocation, the nearest rating thereto shall apply to such transmitter.

(3) Authority will not be granted to employ, in the last radio stage of standard broadcast transmitter, vacuum tubes from a manufacturer or of a type number not listed until the manufacturer's rating for the class of operation or system of modulation is submitted to and approved by the Commission. These data must be supplied by the manufacturer in accordance with "Requirements for the Approval of the Power Rating of Vacuum Tubes," prescribed by the Commission.

32.03 No licensee shall change, in the last radio stage, the number of vacuum tubes to vacuum tubes of different power rating or class of operation, nor shall it change system of modulation without the authority of the Commission.¹³

32.04 Other changes except as provided for in these Rules or "Standards of Good Engineering Practice," prescribed by the

⁷ See last three pages of this appendix for alternate Rules 31.05, 31.06, 31.07, 31.08, 31.09 and 31.14 to comply with the North American Regional Broadcasting Agreement.

⁸ Special authorizations which do not involve experimental operation may be granted pursuant to Rule 15.15.

⁹ Formal application required. See "Standards of Good Engineering Practice" for form number.

¹⁰ Formal application required. See "Standards of Good Engineering Practice" for form number.

¹¹ See last three pages of this appendix for alternate Rules 31.05, 31.06, 31.07, 31.08, 31.09 and 31.14 to comply with the North American Regional Broadcasting Agreement.

¹² The maximum rated carrier power must be distinguished from the operating power (See Rules 21.18 and 21.20).

¹³ Formal application required. See "Standards of Good Engineering Practice" for form number.

Commission, which do not affect the maximum power rating or operating power of the transmitter or the operation or precision of the frequency control equipment may be made at any time without authority of the Commission, but in the next succeeding application for renewal of license such changes must be shown in full.

32.05 (a) All applicants for new, additional, or different broadcast facilities and all licensees requesting authority to move the transmitter of an existing station shall specify a radiating system the efficiency of which complies with the requirements of good engineering practice for the class and power of the station. (Also see "Use of Common Antenna by Standard Broadcast Stations or Another Radio Station.")

(b) The Commission will publish from time to time specifications deemed necessary to meet the requirements of good engineering practice. (See "Minimum Antenna Heights or Field Intensity Requirements" and "Field Intensity Measurements in Allocation," Section A.)

(c) No broadcast station licensee shall change the physical height of the transmitting antenna, or supporting structures, or make any changes in the radiating system which will measurably alter the radiation patterns except upon written application to and authority from the Commission.¹⁴

(d) The antenna and/or supporting structure shall be painted and illuminated in accordance with the specifications supplied by the Commission pursuant to Section 303(q) of the Communications Act of 1934, as amended. (See "Standard Lamps and Paints.")

(e) The simultaneous use of a common antenna by two standard broadcast stations or by a standard broadcast station and a station of any other class or service will not be authorized unless both stations are licensed to the same licensee. (See "Use of Common Antenna by Standard Broadcast Stations or Another Radio Station.")

32.06 (a) The transmitter proper and associated transmitting equipment of each broadcast station shall be designed, constructed, and operated in accordance with the standards of good engineering practice in all phases not otherwise specifically included in these regulations.

(b) The transmitter shall be wired and shielded in accordance with good engineering practice and shall be provided with safety features in accordance with the specifications of Article 37 of the current National Electrical Code as approved by the American Standards Association.

(c) The station equipment shall be so operated, tuned, and adjusted that emissions are not radiated outside the authorized band¹⁵ which cause or are capable of causing interference to the communications of other stations. The spurious emissions, including radio frequency harmonics and audio frequency harmonics, shall be maintained at as low level as required by good engineering practice. The audio distortion, audio frequency range, carrier hum, noise level, and other essential phases of the operation which control the external effects shall at all times conform to the requirements of good engineering practice.

(d) Whenever, in this Rule, the term "good engineering practice" is used, the specifications deemed necessary to meet the requirements thereof will be published from time to time. (See "Construction, General Operation and Safety of Life Requirements.")

Technical Operation

33.01 The operating power of broadcast stations will be determined either by:

- (1) Indirect measurement by means of the plate input power to the last radio stage,
- (2) Direct measurement of the antenna, power, or
- (3) Radiated power measurement computed from field intensity measurements.

33.02 Unless specifically authorized by the Commission to do otherwise, the licensee of a broadcast station shall compute its operating power by indirect method by means of the plate input power to the last radio stage.

33.03 Any licensee who has at any time been authorized by the Commission to compute operating power by any other method (e. g., by antenna input direct measurement, or radiated power measurement computed from field intensity measurements) shall, upon making any change in the antenna system or in the antenna current measuring instruments, or any other change which may change the characteristics of the antenna, revert to the use of the

indirect measurement of power determination until authorized to do otherwise by the Commission.

33.04 The operating power shall be determined by indirect measurement from the plate input power of the last radio stage by multiplying the plate voltage (E_P) by the total plate current of the last radio stage (I_P) and by the proper factor (F) given in the following tables:
that is

$$\text{Operating power} = E_P \times I_P \times F$$

A. Factor to be Used for Stations Employing Plate Modulation in the Last Radio Stage

<i>Maximum rated carrier power of transmitter¹⁶</i>	<i>Factor (F) to be used in determining the operating power from the plate input power</i>
Watts	
100 - 1000	0.65
5000 and over	0.70

B. Factor to be Used for Stations of all Powers Using Low-Level Modulation

<i>Class of Power Amplifier in the Last Radio Stage</i>	<i>Factor (F) to be used in determining the operating power from the plate input power</i>
Class B	0.33
Class BC ¹⁷	0.60

C. Factor to be Used for Stations of all Powers Employing Grid Modulation in the Last Radio Stage

<i>Type of tube in the Last Radio Stage</i>	<i>Factor (F) to be used in determining the operating power from the plate input power</i>
Table C ¹⁸	0.22
Table D ¹⁸	0.33

33.05 In computing operating power by indirect measurement, the above factors shall apply in all cases, and no distinction will be recognized due to the operating power being less than the maximum rated carrier power. (See "Plate Efficiency of Last Radio Stage.")

33.06 The antenna input power determined by direct measurement is the square of the antenna current times the antenna resistance at the point where the current is measured and at the operating frequency. Direct measurement of the antenna input power will be accepted as the operating power of the station, provided the data on the antenna resistance measurements are submitted under oath giving detailed description of the method used and the data taken. The antenna current shall be measured by an ammeter of accepted accuracy.¹⁹ These data must be submitted to and approved by the Commission before any licensee will be authorized to operate by this method of power determination.²⁰ The antenna ammeter shall not be changed to one of different type, maximum reading or accuracy without the authority of the Commission. If any change is made in the antenna system or any change made which may affect the antenna system, the method of determining operating power shall be changed immediately to the indirect method. (See "Further Requirements for Direct Measurements of Power.")

33.07 The operating power of a broadcast station determined by the radiated power computed from field intensity measurements may be accepted in lieu of antenna input power, provided a sufficient number of measurements are taken to insure accuracy and an analysis of the antenna system is submitted indicating the relative distribution of the radiation (i. e., ground and sky wave radiation). The data on the antenna resistance, complete description of the antenna system with dimensions and method of taking field intensity measurements and of relating these measurements to the operating power shall be submitted to and approved by the Commission before any licensee will be authorized to operate by this method of power determination. If any change is made in the antenna system or any change made which may affect the antenna system, the method of determining

¹⁶ The maximum rated carrier power must be distinguished from the operating power (see Rules 21.19 and 21.20).

¹⁷ All linear amplifier operation where efficiency approaches that of Class C operation.

¹⁸ See "Power Rating of Vacuum Tubes."

¹⁹ See "Indicating Instruments Pursuant to Rule 33.11."

²⁰ Formal application required. See "Standards of Good Engineering Practice" for form number.

¹⁴ Informal application may be made, except in controversial cases or directional antenna; then formal application shall be made.

¹⁵ See "Construction, General Operation and Safety of Life Requirements."

operating power shall be changed immediately to the indirect method. (See "Field Intensity Measurements in Allocation," Section D.)

33.08 (a) A license of a broadcast station will not be authorized to operate a transmitter unless it is capable of delivering satisfactorily the authorized power with a modulation of at least 85 per cent. When the transmitter is operated with 85 per cent modulation, not over 10 percent combined audio frequency harmonics shall be generated by the transmitter.

(b) All broadcast stations shall have in operation a modulation monitor approved by the Commission.

(c) The operating percentage of modulation of all stations shall be maintained as high as possible consistent with good quality of transmission and good broadcast practice and in no case less than 85 per cent on peaks of frequent recurrence during any selection which normally is transmitted at the highest level of the program under consideration.

(d) The Commission will, from time to time, publish the specifications, requirements for approval, and a list of approved modulation monitors. (See "Approved Modulation Monitors" and also "Requirements for Approval of Modulation Monitors".)

33.09 A licensee of a broadcast station claiming a greater percentage of modulation than the fundamental design indicates can be procured, shall submit full data showing the antenna input power by direct measurement and complete information, either oscillograms or other acceptable data, to show that a modulation of 85 per cent or more, with not over 10 per cent combined audio harmonics, can be obtained with the transmitter operated at the maximum authorized power.

33.10 The licensee of a broadcast station shall maintain the operating power of the station within the prescribed limits of the licensed power at all times except that in an emergency when, due to causes beyond the control of the licensee, it becomes impossible to operate with the full licensed power, the station may be operated at reduced power for a period of not to exceed 10 days, provided that the Commission and the Inspector in Charge²¹ shall be notified in writing immediately after the emergency develops. (See "Operating Power Tolerance".)

33.11 Each broadcast station shall be equipped with suitable indicating instruments of accepted accuracy to measure the antenna current, direct plate circuit voltage, and the direct plate circuit current of the last radio stage. These indicating instruments shall not be changed or replaced, without authority of the Commission, except by instruments of the same type, maximum scale reading, and accuracy. (See "Indicating Instruments Pursuant to Rule 33.11".)

33.12 The operating frequency of each broadcast station shall be maintained within 50 cycles of the assigned frequency until January 1, 1939, and thereafter the frequency of each new station or each station where a new transmitter is installed shall be maintained within 20 cycles of the assigned frequency, and after January 1, 1942, the frequency of all stations shall be maintained within 20 cycles of the assigned frequency.

33.13 The licensee of each standard broadcast station shall have in operation at the transmitter a frequency monitor independent of the frequency control of the transmitter. The frequency monitor shall be approved by the Commission. It shall have a stability and accuracy of at least 5 parts per million. (See "Approved Frequency Monitors" and also "Requirements for Approval of Frequency Monitors".)

33.14 The Commission will authorize the installation of new transmitting equipment in a broadcast station or changes in the frequency control of an existing transmitter only if such equipment is so designed that there is reasonable assurance that the transmitter is capable of maintaining automatically the assigned frequency within the limits specified in Rule 33.12.

33.15 New automatic frequency control equipment and changes in existing automatic frequency control equipment that may affect the precision of frequency control or the operation of the transmitter shall be installed only upon authorization²² from the Commission. (See "Approved Equipment".)

33.17 Upon showing that a need exists for the use of an auxiliary transmitter²³ in addition to the regular transmitter of a broadcast station, a license therefor may be issued provided that:

(1) An auxiliary transmitter may be installed either at the same location as the main transmitter or at another location.

(2) A licensed operator shall be in control whenever an auxiliary transmitter is placed in operation.

(3) The auxiliary transmitter shall be maintained so that it may be put into immediate operation at any time upon failure of the main transmitter, or upon request by a duly authorized Government representative.

(4) The auxiliary transmitter shall be tested at least once each week to determine that it is in proper operating condition, and that it is adjusted to the proper frequency. A record shall be kept of the time and result of test. Tests shall be conducted only between 1 a. m. and 6 a. m., local standard time.

(5) The auxiliary transmitter shall be equipped with satisfactory control equipment which will enable the maintenance of the frequency emitted by the station within the limits prescribed by these regulations.

(6) An auxiliary transmitter which is licensed at a geographical location different from that of the main transmitter shall be equipped with a frequency control which will automatically hold the frequency within the limits prescribed by these regulations without any manual adjustment during operation or when it is being put into operation.

(7) The operating power of an auxiliary transmitter may be less than the authorized power but in no event shall it be greater than such power.

33.18 The licensee of a Standard Broadcast Station may be licensed for duplicate main transmitters provided that a technical need²⁴ for such duplicate transmitters is shown and that the following conditions are met:

(1) Both transmitters are located at the same place.

(2) The transmitters have the same power rating.

(3) The external effects from both transmitters is substantially the same as to frequency stability, reliability of operation, radio harmonics and other spurious emissions, audio frequency range and audio harmonic generation in the transmitter.

33.19 Within two days after each use of the auxiliary transmitter, except for testing, the Commission and the Inspector in Charge shall be notified in writing of the date, time, and power at which the auxiliary transmitter was operated, and the reasons for each use.

Operation

34.01 Except Sundays, the licensee of each standard broadcast station shall maintain a minimum regular operating schedule of two-thirds of the total hours that it is authorized to operate during each broadcast day (both day and night), except that in an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating, the station may cease operation for a period of not to exceed 10 days, provided that the Commission and the Inspector in Charge²⁵ shall be notified in writing immediately after the emergency develops.

34.02 The licensee of each standard broadcast station shall operate or refrain from operating its station during the experimental period as directed by the Commission in order to facilitate frequency measurement or for the determination of interference. (Stations involved in the after-midnight frequency monitoring programs are notified of their operating and silent schedule.)

34.03 If the license of a station specifies the hours of operation, the schedule so specified shall be adhered to except as provided in Rules 34.1 and 34.2.

34.04 If the licenses of stations authorized to share time do not specify hours of operation, the licensees shall endeavor to reach an agreement for a definite schedule of periods of time to be used by each. Such agreement shall be in writing and each licensee shall file the same in triplicate original with each application to the Commission for renewal of license. If and when such written agreements are properly filed in conformity with this rule the file mark of the Commission will be affixed thereto, 1 copy will be retained by the Commission, 1 copy forwarded to the inspector in charge, and 1 copy returned to the licensee to be posted with the station license and considered as a part thereof. If the license specifies a proportionate time division, the agreement shall maintain this proportion. If no proportionate time division is specified in the license, the licensees shall agree upon a division of time. Such division of time shall not include simultaneous operation of the stations unless specifically authorized by the terms of the license.

34.05 For the purpose of determining the proportionate division of time of the broadcast day for sharing time stations one night hour shall be considered the equivalent of two day hours.

²¹ See "Field Offices of the Commission."

²² Formal application required. See "Standards of Good Engineering Practice" for form number.

²³ All regulations as to safety requirements and spurious emissions applying to broadcast transmitting equipment shall apply also to an auxiliary transmitter. (See "Use of Frequency and Modulation Monitors at Auxiliary Transmitter".)

²⁴ Such as licensees maintaining 24-hour schedule and needing alternate operation for maintenance, or development work is being carried on requiring such alternate operation.

²⁵ See "Field Offices of the Commission."

34.06 If the license of a station authorized to share time does not specify the hours of operation, the station may be operated for the transmission of regular programs during the experimental period provided an agreement thereto is reached with the other stations with which the broadcast day is shared and further provided such operation is not in conflict with Rule 34.02. Time sharing agreements for operation during the experimental period need not be submitted to the Commission.

34.07 Departure from the regular operating schedule set forth in a time-sharing agreement will be permitted only in cases where an agreement to that effect is reduced to writing, is signed by the licensees of the stations affected thereby and filed in triplicate by each licensee with the Commission prior to the time of the proposed change. If time is of the essence, the actual departure in operating schedule may precede the actual filing of written agreement, provided appropriate notice is sent to the Commission and the Inspector in Charge.²⁰

34.08 If the licensees of stations authorized to share time are unable to agree on a division of time, the Commission shall be so notified by statement to that effect filed with the applications for renewal of licenses. Upon receipt of such statement the Commission will designate the applications for a hearing and, pending such hearing, the operating schedule previously adhered to shall remain in full force and effect.

34.09 If the licensee of a broadcast station is required to cease operation of the station at the time of sunset at some point within the United States, the license will specify the hour of the day during each month of the license period when operation of such station shall cease. (See "Average Sunset Time".)

34.10 The licensee of a secondary station authorized to operate limited time and which may resume operation at the time the dominant station or stations on the same channel ceases operation shall, with each application for renewal of license, file in triplicate a copy of its regular operating schedule, signed and approved by the licensee of the dominant station or stations. Upon receipt of such operating schedule, properly executed, the Commission will affix its file mark, retain 1 copy, forward 1 copy to the Inspector in Charge, and return 1 copy to the licensee authorized limited time, which shall be posted with the station license and considered as a part thereof. Departure from said operating schedule will be permitted only in accordance with the procedure set forth in Rule 34.07.

34.11 If the licensee of a secondary station authorized to operate limited time and a dominant station on a channel are unable to agree upon a definite time for resumption of operation by the station authorized limited time, the Commission shall be so notified by the licensee of the station authorized limited time. After receipt of such statement the Commission will designate for hearing the applications of both stations for renewal of license, and pending the hearing the schedule previously adhered to shall remain in full force and effect.

34.12 In all cases where a station licensee is required to prepare and file an operating schedule, any deviation or departure from such schedule, except as herein authorized, shall be considered as a violation of a material term of the license.

34.13 All references herein to standard time or local standard time refer to local standard time as determined and fixed by the Interstate Commerce Commission.

34.14 If local time is changed from standard time to daylight saving time at the location of all stations sharing time on the same channel, the hours of operation of all such stations on that channel shall be understood to refer to daylight-saving time, and not standard time, as long as daylight-saving time is observed at such locations. This provision shall govern when the time is changed by provision of law or general observance of daylight-saving time by the various communities, and when the time of operation of such stations is specified in the license or is mutually agreed upon by the licensees: *Provided, However*, That when the license specifies average time of sunset, local standard time shall be observed and in no event shall a station licensed for daytime only operate on regular schedule prior to 6 a. m. local standard time or shall a station licensed for greater daytime power than nighttime power operate with the daytime power prior to 6 a. m. local standard time.

34.15 Where the local time is not changed from standard time to daylight-saving time at the location of all stations sharing time on the same channel, the hours of operation of such stations shall be understood to have reference to standard time, and not daylight-saving time, unless said licensees mutually agree upon a new schedule which shall be effective only while daylight-saving time is observed at the location of some of these stations.

34.16 The time of operation of any broadcast station which does not share time with other stations on the same channel shall be understood to have reference to local standard time unless modification of such license with respect to hours of operation is authorized by the Commission.

34.17 The station license and any other instrument of authorization or individual order concerning construction of the equipment or the manner of operation of the station shall be posted in a conspicuous place in the room in which the transmitter is located in such manner that all terms thereof are visible and the license of the station operator shall be posted in the same manner (see Rule 22.13).

34.18 The licensee of each station shall have a licensed operator or operators of the grade specified by the Commission on duty during all periods of actual operation of the transmitter at the place where the transmitting equipment is located (see Rule 22.14).

34.19 The licensed operator on duty and in charge of a standard broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another radio station or stations in accordance with the class of operator's license which he holds and by the rules and regulations governing such other stations: *Provided, However*, That such duties shall in no wise interfere with the proper operation of the standard broadcast transmitter.

34.20 The licensee of each broadcast station shall maintain program and operating logs and shall require entries to be made as follows:

(1) In the program log,
(a) An entry of the time each station identification announcement (call letters and location) is made, with an indication of the type of announcement.

(b) An entry briefly describing each program broadcast, such as "music", "drama", "speech", etc., together with the name or title thereof, by whom presented, and the sponsor's name, with the time of the beginning and ending. If a mechanical record is used, the entry shall show the exact nature thereof such as "record", "transcription", etc., together with the name or title of each, and the time it is announced as a mechanical record. If a speech is made by a political candidate, the name and political affiliations of such speaker shall be entered.

(c) An entry showing that each sponsored program broadcast has been announced as sponsored, paid for, or furnished by the sponsor.

(2) In the operating log,

(a) An entry of the time the station begins to supply power to the antenna and the time it stops.

(b) An entry of the time the program begins and ends.

(c) An entry of each interruption to the carrier wave, its cause and duration.

(d) An entry of the following each 30 minutes:

1. Operating constants of last radio stage (total plate current and plate voltage).

2. Antenna current.

3. Frequency monitor reading.

4. Modulation monitor reading for maximum and average for the past half-hour period.

5. Temperature of crystal control chamber if thermometer is used.

(e) Log of experimental operation during experimental period (If regular operation is maintained during this period, the above logs shall be kept).

1. A log must be kept of all operation during the experimental period. If the entries required above are not applicable thereto, then the entries shall be made so as to fully describe the operation.

34.21 Logs of standard broadcast stations shall be retained by the licensee for a period of two years except when required to be retained for a longer period in accordance with the provisions of Rule 22.15.

34.22 (a) A licensee of a standard broadcast station shall make station identification announcement (call letters and location) at the beginning and ending of each time of operation and during operation on the hour and half hour as provided below:

(b) Such identification announcement during operation need not be made when to make such announcement would interrupt a single consecutive speech, play, religious service, symphony concert or operatic production of longer duration than thirty minutes. In such cases the identification announcement shall be made at the first interruption of the entertainment continuity and at the conclusion of such program.

²⁰ See "Field Offices of the Commission."

(c) In case of variety show programs, baseball game broadcasts, or similar programs, of longer duration than thirty minutes, the identification announcement shall be made within five minutes of the hour and half hour.

(d) In case of all other programs (except provided in subsections (b) and (c) of this rule) the identification announcement shall be made within two minutes of the hour and half hour.

(e) In making the identification announcement, the call letters shall be given only on the channel of the station identified thereby.

34.23 Each broadcast program consisting of a mechanical record, or a series of mechanical records, shall be announced in the manner and to the extent set out below:

(1) A mechanical record, or a series thereof, of longer duration than fifteen minutes shall be identified by appropriate announcement at the beginning of the program, at each fifteen minute interval, and at the conclusion of the program: *Provided, However*, That the identifying announcement at each fifteen minute interval is not required in case of a mechanical record consisting of a single, continuous, uninterrupted speech, play, symphony concert or operatic production of longer duration than fifteen minutes:

(2) A mechanical record, or a series thereof, of a longer duration than five minutes and not in excess of fifteen minutes, shall be identified by an appropriate announcement at the beginning and end of the program;

(3) A single mechanical record of a duration not in excess of five minutes shall be identified by appropriate announcement immediately preceding the use thereof;

(4) In case a mechanical record is used for background music, sound effects, station identification, program identification (theme music of short duration), or identification of the sponsorship of the program proper, no announcement of the mechanical record is required.

(5) The exact form of the identifying announcement is not prescribed but the language shall be clear and in terms commonly used and understood by the listening public. The use of the applicable identifying words such as "a record", "a recording", "a recorded program", "a transcription", "an electrical transcription", will be considered sufficient to meet the requirements hereof. The identifying words shall accurately describe the type of mechanical record used, i.e., where a transcription is used it shall be announced as a "transcription" or an "electrical transcription" and where a phonograph record is used it shall be announced as a "record" or a "recording".

34.24 (a) The term "rebroadcast" means reception by radio of the program²⁷ of a radio station, and the simultaneous or subsequent retransmission of such program by a broadcast station.²⁸

(b) The licensee of a standard broadcast station may, without further authority of the Commission, rebroadcast the program of a United States standard broadcast station, provided the Commission is notified of the call letters of each station rebroadcast and the licensee certifies that express authority has been received from the licensee of the station originating the program.²⁹

(c) No licensee of a standard broadcast station shall rebroadcast the program of any other class of United States radio station without written authority having first been obtained from the Commission upon application accompanied by written consent or certification of consent of the licensee of the station originating the program.³⁰

(d) In case of a program rebroadcast by several standard broadcast stations such as a chain rebroadcast, the person legally responsible for distributing the program or the network facilities may obtain the necessary authorization for the entire rebroadcast both from the Commission and from the person or licensee of station originating the program.

Attention is directed to Section 325(b) of the Communications Act of 1934, which reads as follows:

"No person shall be permitted to locate, use or maintain a radio broadcast studio or other place or apparatus from which or whereby sound waves are converted into electrical energy, or mechanical or physical reproduction of sound waves produced, and caused to be transmitted or delivered to a radio station in a

foreign country for the purpose of being broadcast from any radio station there having a power output of sufficient intensity and/or being so located geographically that its emissions may be received consistently in the United States, without first obtaining a permit from the Commission upon proper application therefor."³²

36.01 No station licensee is required to permit the use of its facilities by any legally qualified candidate for public office, but if any licensee shall permit any such candidate to use its facilities, it shall afford equal opportunities to all other such candidates for that office to use such facilities, provided that such licensee shall have no power of censorship over the material broadcast by any such candidate.

36.02 The following definitions shall apply for the purposes of Rule 36A 1:

(a) "A legally qualified candidate" means any person who has met all the requirements prescribed by local, state or federal authority, as a candidate for the office which he seeks, whether it be municipal, county, state, or national, to be determined according to the applicable local laws.

(b) "Other candidates for that office" means all other legally qualified candidates for the same public office.

36.03 The rates, if any, charged all such candidates for the same office, shall be uniform and shall not be rebated by any means, directly or indirectly; no licensee shall make any discrimination in charges, practices, regulations, facilities or services for or in connection with service rendered pursuant to these rules, or make or give any preference to any candidate for public office or subject any such candidate to any prejudice or disadvantage; nor shall any licensee make any contract or other agreement which shall have the effect of permitting any legally qualified candidate for any public office to broadcast to the exclusion of other legally qualified candidates for the same public office.

36.04 Every licensee shall keep and permit public inspection of a complete record of all requests for broadcast time made by or on behalf of candidates for public office, together with an appropriate notation showing the disposition made by the licensee of such requests, and the charges made, if any, if request is granted.

Assignment of Channels in Compliance with the North American Regional Broadcasting Agreement

31.05A The frequencies in the following tabulation are designated as clear channels and are assigned for use by the classes of stations as given:

(1) To each of the channels below there will be assigned one Class I station and there may be assigned one or more Class II stations operating limited time or daytime only: 640, 650, 660, 670, 700, 720, 750, 760, 770, 780, 820, 830, 840, 850, 870, 880, 890, 1020, 1030, 1040, 1100, 1120, 1160, 1180, and 1210 kilocycles. The power of the Class I stations on these channels shall not be less than 50 kw.

(2) To each of the channels below there may be assigned Class I and Class II stations: 680, 710, 810, 940, 1000, 1060, 1070, 1080, 1090, 1110, 1130, 1140, 1170, 1190, 1200, 1500, 1510, 1520, 1530, 1550, and 1560 kilocycles.

(3) For Class II stations located not less than 650 miles from the nearest Canadian Border and which will not deliver over 5 microvolts per meter ground wave or 25 microvolts per meter 10 per cent time sky wave at any point on said border, 690, 740, 860, 990, 1010,³³ and 1580 kilocycles.

(4) For Class II stations located not less than 650 miles from the nearest Mexican Border and which will not deliver over 5 microvolts per meter ground wave or 25 microvolts per meter 10 per cent time sky wave at any point on said border, 730, 800, 900, 1050, 1220, and 1570 kilocycles.

(5) For Class II stations located not less than 650 miles from the nearest Cuban Border and which will not deliver over 5 microvolts per meter ground wave or 25 microvolts per meter 10 per cent time sky wave at any point on said border, 1540 kilocycles.

31.06A The following frequencies are designated as regional channels and are assigned for use by Class III-A and Class III-B stations³⁴: 550, 560,³⁵ 570,³⁵ 580, 590,³⁵ 600, 610, 620, 630,³⁵ 790, 910, 920, 930, 950, 960, 970, 980, 1150, 1250, 1260, 1270,³⁵ 1280,

²⁷ As used in Rule 34.24 "program" includes any complete program or part thereof, or any signals if other than A₃ emission.

²⁸ In case a program is transmitted from its point of origin to a broadcast station entirely by telephone facilities in which a section of such transmission is by radio, the broadcasting of this program is not considered a rebroadcast.

²⁹ The notice and certification of consent shall be given within three (3) days of any single rebroadcast, but in case of the regular practice of rebroadcasting certain programs of a standard broadcast station several times during a license period, notice and certification of consent shall be given for the ensuing license period with the application for renewal of license, or at the beginning of such rebroadcast practice if begun during a license period.

³⁰ The broadcasting of a program relayed by a relay broadcast station (Rule 1000) is not considered a rebroadcast.

³¹ Informal application may be employed.

³² Formal application required. See "Standards of Good Engineering Practice" for form number.

³³ A station on 1010 kilocycles shall also protect a Class I-B station at Havana, Cuba.

³⁴ See Rule 31.09 in regard to assigning Class IV stations to regional channels.

³⁵ See North American Regional Broadcasting Agreement for special provision concerning the assigning of Class II stations in other countries of North America to these regional channels. Such stations shall be protected from interference in accordance with Appendix II, Table I, of said Agreement.

1290, 1300, 1310, 1320, 1330, 1350, 1360, 1370, 1380, 1390, 1410, 1420, 1430, 1440, 1460, 1470, 1480, 1590, and 1600 kilocycles.

31.07A The following frequencies are designated as local channels and are assigned for use by Class IV stations: 1230, 1240, 1340, 1400, 1450, and 1490 kilocycles.

31.08A (a) The individual assignments of stations to channels which may cause interference to other United States stations only, shall be made in accordance with the standards of good engineering practice prescribed and published from time to time by the Commission for the respective classes of stations involved. (For determining objectionable interference see "Engineering Standards of Allocation" and "Field Intensity Measurements in Allocation", Section C.)

(b) In all cases where an individual station assignment may cause interference with or may involve a channel assigned for priority of use by a station in another North American country, the classifications, allocation requirements and engineering standards set forth in the North American Regional Broadcasting Agreement shall be observed.

31.09A On condition that interference will not be caused to any Class III station, and that the channel is used fully for Class III stations and subject to such interference as may be received from Class III stations, Class IV stations may be assigned to regional channels.

License Periods

31.14A All standard broadcast station licenses will be issued so as to expire at the hour of 3 a.m. Eastern Standard Time and will be issued for a normal license period of one year, expiring as follows:

(1) For stations operating on the channels 640, 650, 660, 670, 680, 690, 700, 710, 720, 730, 740, 750, 760, 770, 780, 800, 810, 820, 830, 840, 850, 860, 870, 880, 890, 900, 940, 990, 1000, 1010, 1020, 1030, 1040, 1050, 1060, 1070, 1080, 1090, 1100, 1110, 1120, 1130, 1140, 1160, 1170, 1180, 1190, 1200, 1210, 1220, 1500, 1510, 1520, 1530, 1540, 1550, 1560, 1570 and 1580 kilocycles February 1.

(2) For stations operating on the channels 550, 560, 570, 580, 590, 600, 610, 620, 630, 790, 910, 920, 930, and 950 kilocycles March 1.

(3) For stations operating on the channels 960, 970, 980, 1150, 1250, 1260, 1270, 1280, 1290, 1300, 1310, and 1320 kilocycles April 1.

(4) For stations operating on the channels 1330, 1350, 1360, 1370, 1380, 1390, 1410, 1420, 1430, 1440, 1460, 1470, 1480, 1590, and 1600 kilocycles November 1.

(5) For stations operating on the channels 1230, 1240, and 1340 kilocycles December 1.

(6) For stations operating on the channels 1400, 1450, and 1490 kilocycles January 1.

NAB TO DIRECT DISCUSSION AT OHIO UNIVERSITY CONFERENCE

The National Association of Broadcasters will direct a panel discussion on the opening day of the Tenth Institute of Radio by Education to be held by Ohio State University at Columbus, Ohio, May 1, 2 and 3.

Headquarters feels that this is a most important meeting and urges member stations to send representatives qualified to take part in the discussions to reflect the contributions commercial broadcasting has made to education in the past year and to assist in the formulation of NAB-sponsored educational activities designed to round out the already improved character and scope of radio educational programs.

Meetings will be held on the campus of Ohio State and also in the Deshler-Wallick Hotel, Columbus.

MILLER, STAHLMAN MEET

James G. Stahlman, president of the American Newspaper Publishers Association, and Neville Miller, NAB

president, will head joint committees representing the newspapers and radio stations which meet on the afternoon of April 27, at the Waldorf Astoria Hotel, in New York, to review and analyze the entire field of press-radio relations.

The meeting scheduled during the ANPA annual convention will be preceded by a luncheon.

LIQUOR ADVERTISING

The American Federation of Labor joined the NAB last week in opposing legislation to ban beer and liquor advertising on the air.

I. M. Ornburn, secretary of the A. F. of L. Union Label Trades Department, and Joseph Oberghell, president of the Brewery Workers union, appeared before the Senate Interstate Commerce Committee in opposition to the legislation.

Mr. Ornburn agreed with Neville Miller that the legislation "will invite further pressure by militant minority groups to prohibit advertisement of other commodities."

Dr. Howard A. Dawson, director of the Division of Rural Education of the National Education Association, and Mrs. Sina H. Stanton of the Council of Women for Home Missions appeared in support of the legislation.

Mr. Dawson said radio advertising of alcoholic beverages made more difficult the educator's task of "teaching the harmful effects of consumption of alcohol and narcotics."

ACCOUNTING COMMITTEE MEETS

A meeting of the NAB Accounting Committee was held at Headquarters Tuesday and Wednesday, April 4 and 5. Those in attendance were Chairman Harry C. Wilder, N. L. Kidd, WSYR, Syracuse, New York; J. E. Holley, WTAG, Worcester, Massachusetts; H. F. McKeon, NBC, Washington, D. C.; E. M. Stoer, Hearst Radio, Inc., New York, N. Y.; and Frank White, S. R. Dean, CBS, New York, N. Y. President Neville Miller, Paul Peter, and Edwin M. Spence of NAB Headquarters Staff were also present. The purpose of the meeting was to study and to endeavor to work out a system for NAB cooperation with the FCC Accounting Division as far as future accounting and statistical reports are concerned. Another committee meeting will be held on May 8.

FREE OFFERS

The NAB is investigating Warner Brothers' offer of a series of transcriptions entitled "America Marches On."

The Gold Standard Watch Company, Newton, Mass., has been notified that acceptance of advertising for its

simulated diamond rings on a cost-per-inquiry basis would constitute a violation of the NAB code.

The Flower Industries Council, New York City, is offering a fashion script to promote flower buying.

Monopoly Hearing

Drawing toward a close, the FCC monopoly investigation turned this week to the transcription business, after the commission had placed in the record a series of exhibits purporting to show groups of ownership interest in the industry.

MARCH 30

DeQuincy V. Sutton, FCC accountant, continued to place commission exhibits in the record, most of them dealing with rates, but the last 117 purporting to show "groups" of "ownership interest."

MARCH 31

Paul Porter, CBS counsel, objected when "Schedule 117" listed as a "group" 34 stations called the "City Stores-Columbia-Gannett-Paramount Group."

APRIL 4

In cross-examining Mr. Sutton, Mr. Porter attacked the validity of the schedule which listed thirty-four stations as the "City Stores-Columbia-Gannett-Paramount Group." Twelve stations on the exhibit were included in the "Gannett" group and Mr. Porter developed from the Commission witness the fact that the CBS relationship with this group, insofar as common ownership was concerned, rested solely on the circumstance that Richard K. Phelps, Manager of KITE, holds one qualifying share of stock in the corporation operating the station and that Sam Pickard, a vice-president of CBS, owns a minority interest in the station. It was developed that Phelps also has a minority interest in WOKO in which The Press Company, a Gannett controlled corporation, also holds a minority interest. Because of these holdings, the Commission exhibit included twelve stations in the group which Mr. Porter insisted flowed from the single share of stock held by Mr. Phelps in KITE. The CBS counsel developed the fact that no officers or directors of Columbia had any ownership in twenty-one of the stations listed on the schedule. After completing cross-examination of Mr. Sutton, Mr. Porter moved that the exhibit be stricken from the records and characterized it as "misleading and insubstantial" and urged that it presented "a completely distorted picture insofar as any relation with CBS is concerned." Commissioner Walker overruled the motion and the CBS counsel asked and was granted the privilege, if he so desired, of arguing the question of its admissibility before the full Commission.

APRIL 5

The Commission turned to electrical transcriptions, and heard testimony by C. Lloyd Egner, NBC; E. V. Brinckerhoff, Frank B. Walker, RCA vice-president, and Merritt E. Tompkins, Associated Music Publishers, Inc. The whole field of recordings and transcriptions and their manufacture and use was thoroughly reviewed. The Commission's interest was shown by the fact that the hearing did not recess until after 6 p. m.

THOMPSON NOMINATION GETS FAVORABLE REPORT

The Senate Committee on Interstate Commerce on Thursday made a favorable report on the nomination of Frederick I. Thompson of Alabama as a member of the Federal Communications Commission to take the place

of Judge Eugene O. Sykes, whose resignation was accepted by the President as of April 5. Mr. Thompson was nominated for the remainder of the Sykes term, which runs until July 1, 1941. Mr. Thompson is in Washington awaiting Senate action.

FCC TELEVISION COMMITTEE GOES TO NEW YORK

The Television Committee of the Federal Communications Commission will make a trip next week to New York and Philadelphia to get firsthand information regarding the present television situation. Apparently the members of the Committee are not satisfied with the reports and information which is reaching them and they desire to see the television laboratories and factories for themselves. The Committee consists of Commissioners T. A. M. Craven, Norman S. Case, and Thad H. Brown.

KANSAS ENACTS MONOPOLY BILL

The legislature of Kansas has enacted a new law seeking to curb the activities of pools controlling public performance of copyrighted music. The statute was signed by the Governor April 4 and is now the law of that state. This statute is substantially similar to that enacted in North Dakota (NAB REPORTS, March 10, pp. 3334-3336) and to the bills pending before the legislatures of a number of states (NAB REPORTS, March 10, p. 3336).

The Kansas statute compels copyright owners licensing performance rights in the state to make a full disclosure of the material licensed by them. It requires the filing under oath of the details respecting each copyrighted musical composition as a condition precedent to the right to do business in the state. Blanket licensing at blanket fees by combinations of copyright owners is permitted, provided the individual members of the combination also afford users the option of buying portions of the combined catalogues on a per-use basis.

MUSIC MONOPOLY BILLS

The legislature of the state of Vermont has before it a bill seeking to curb the activities of pools controlling public performance of copyrighted music. This bill is said to be substantially similar to the statutes enacted by North Dakota, Kansas and Montana. Details of the proposed legislation are not available, but it is reported that the bill has been passed by the House and that a hearing was held before the Senate Judiciary Committee last week.

A third bill has been introduced in Missouri embodying the principles involved in the 1937 Washington-Montana statute. This bill is substantially the same as the two heretofore introduced.

NORTH CAROLINA ADOPTS PHONOGRAPH RECORD, TRANSCRIPTION LAW

The phonograph record bill introduced in North Carolina (NAB REPORTS, February 10, p. 3271) has been passed by both houses of the legislature, was approved by the Governor and is now the law of the state. This statute is similar to the one adopted in South Carolina (NAB REPORTS, February 3, pp. 3252-3253). It abrogates all common law rights to restrict or to collect royalties on the commercial use made of recorded performances on phonograph records or electrical transcriptions when such records or transcriptions have been sold in commerce. It prevents the imposition of restrictions or the requiring of license fees by such organizations as the National Association of Performing Artists, which claim a common law copyright in recordings.

APPELLATE COURT REVERSES FCC DECISIONS

The United States Court of Appeals for the District of Columbia on April 3 sustained the contention of the Pottsville Broadcasting Company on its petition for writs of prohibition and mandamus. In May, 1936, the Pottsville Company had applied for a construction permit which was denied by the Commission in May, 1937, upon the grounds that the showing of financial ability was not satisfactory. At the same time the Commission stated "that the principal stockholder of the applicant did not reside in Pottsville, had no definite plans for spending a percentage of his time there, and had failed to show he was acquainted with the needs of the area proposed to be served and prepared to meet those needs." An appeal was taken to the Court of Appeals, and the decision reversed in May, 1938, because the court was of the opinion the Commission erred in holding that adequate financial responsibility had not been shown.

When the case was remanded to the Commission, the Pottsville Company requested that its application be reconsidered and granted, pointing out that the Commission had never adopted a policy requiring a majority stockholder to be a resident of the area served. The Commission, however, refused to accede to this position and entered an order for a new hearing on the applications of the Pottsville Company, the Pottsville News and Radio Corporation (whose application had been filed seven months after the petitioner's) and the Schuylkill Broadcasting Company. Whereupon the Pottsville Company applied to the Court of Appeals for a writ to prohibit the Commission from taking any steps other than those required by the previous decision of the Court of Appeals and for a writ of mandamus to require the Commission to grant the petitioner's applica-

tion on the record as submitted to and considered by the court. It was contended by the Commission that neither prohibition nor mandamus may be invoked to restrain it from exercising at any time its regulatory power conferred by law, or to circumscribe its discretion.

In holding that the FCC must consider the case on the basis of the court's prior decision and on the record established at that time, the court said:

"We have no doubt that as far as is practicable the order of the court entered on an appeal from the Commission ought to have the same effect and be governed by the same rules as apply in appeals from a lower federal court to an appellate federal court in an equity proceeding. The rule in such cases is stated in *Sanford Fork & Tool Co., Petitioner*, 160 U. S. 247, restated in *Re Potts*, 166 U. S. 263, and confirmed in *D. L. & W. R. Co. v. Rellstab*, 276 U. S. 1. Shortly stated, the rule is that when a case has been decided on appeal and remanded to the trial court, the latter has no authority, without leave of the appellate court 'to grant a new trial, a rehearing or a review, or to permit new defenses on the merits to be introduced by amendment of the answer.' * * *

"* * * But we think it is obvious that the particular objections of the Commission to a reconsideration on the record—to which we have referred—are mere makeweights, and that the real bone of contention is the insistence by the Commission upon absolute authority to decide the rights of applicants for permits without regard to previous findings or decisions made by it or by this court.

"While it is true the authority to grant is exclusive in the Commission, and while it is also true, as we have said before, that the license conferred on the owner of a radio broadcasting station is permissive only and within the power of the Commission by congressional delegation, we cannot consent to the view that either the right to grant or the right to revoke is subject to the uncontrolled discretion of that tribunal. In granting licenses, the Commission is required to act 'as public convenience, interest or necessity requires.' This criterion is not to be interpreted as setting up a standard so indefinite as to confer unlimited power. *Nelson Bros. Co. v. Federal Radio Commission*, 289 U. S. 266. When an applicant for a station who is qualified as to citizenship and otherwise has submitted his cause to the Commission and the Commission in denying the application has filed, as the Act requires and as we have time and again insisted should be done, 'a full statement in writing of the facts and grounds for its decision' and an appeal as authorized by law is taken to this court, and the decision of the Commission reversed and the cause remanded for proceedings in accordance with our opinion and order, it is the duty of the Commission to comply with that order and, unless for some exceptional reason it obtains leave of this court to reopen the case, to reconsider the matter on the record and in the light of this court's opinion.

"Here, as we have pointed out, petitioner was first in the field. Its application was duly set down for hearing and was duly heard by the Commission on the record made. This was in accordance with the Commission's Rule 106.4, which recognizes priority of filing when subsequent applications are made after the prior one has been set for hearing. In such a case petitioner ought not now to be put in any worse position than it occupied on the original hearing, and therefore ought not to be required any more now than originally to be put in hodgepodge with later applicants whose records were not made at the time of the previous hearing. On this state of facts, we are of opinion the Commission should rehear the application on the record and in the light of our opinion. We believe that this expression of our views on the subject will obviate the necessity of issuing the writ. * * *

The judgment of the court was suspended for thirty days in order to afford the FCC an opportunity to comply with the decision without the issuance of the writs of prohibition and mandamus.

A similar case involving the application of Paul R. Heitmeyer for a permit to construct a station at Cheyenne, Wyoming, was decided by the Court of Appeals at

the same time. In that case, Heitmeyer had filed a petition with the United States District Court for the District of Columbia requesting a permanent injunction against the granting by the Commission of a construction permit to any applicant other than Heitmeyer for a station at Cheyenne until the Commission had rendered a decision on the record as made at the original hearings. The injunction was granted by the lower court. In reversing the lower court and remanding the case with instructions to dismiss without prejudice, the Court of Appeals stated that the rule announced in the Pottsville case was controlling and that Heitmeyer was entitled to apply to the Court of Appeals for a writ of mandamus.

NEW LEGISLATION CONGRESS

H. R. 5508 (Mr. Peterson, Florida) **COMMUNICATIONS ACT**—To amend the Communications Act of 1934 by adding Section 307½, which would prohibit licenses in excess of fifty kilowatts to any station broadcasting network programs. Referred to Interstate and Foreign Commerce Committee.

STATE LEGISLATION

ALABAMA:

H. 297 (Beck) **LIQUOR ADVERTISING**—Further promoting temperance and suppressing intemperance; making unlawful the advertisement of alcoholic, spirituous, vinous or malt liquors; to provide for the removal of such advertisements and defined cases; and to provide for the prevention of the continuation and repetition of the acts hereby made unlawful. Referred to Temperance Committee.

CONNECTICUT:

H. 500 (Brysh) **LIQUORS—ADVERTISING PRICES**—Prohibiting the advertising of prices of alcoholic liquors. Referred to Judiciary Committee.

DELAWARE:

H. 355 (Biggs) **ADVERTISING—ALCOHOLIC LIQUORS**—Amending Chapter 176 of the Revised Code of Delaware, 1935, in reference to advertising.

MASSACHUSETTS:

H. 648 (Dana) **ADVERTISING**—Regulates signs and advertising devices not now subject to regulation. Referred to Mercantile Affairs Committee.

H. 1724 (Reiner) **MILK—ADVERTISING**—Providing that certain sums of money collected by the milk control board from dairy farmers and milk dealers be used for advertising milk to increase the consumption of milk. Referred to Agriculture Committee.

H. 1726 (Dole) **MILK—ADVERTISING**—Setting aside part of the funds of the department of agriculture for advertising the food value of milk. Referred to Agriculture Committee.

H. 1795 (Selectmen of Norwood) **ADVERTISING**—Amending an act concerning advertising signs and devices. Referred to Mercantile Affairs Committee.

MARYLAND:

H. 345 (Luber) **ALCOHOLIC BEVERAGES—ADVERTISING**—To amend Section 28 of Article 2B of the Annotated Code (1935 Supplement), increasing the amount which may be expended in advertisements for retail dealers by manufacturers, wholesalers, distillers, etc. Referred to Ways and Means Committee.

MISSOURI:

(House Com. Substitute for H. 1 and H. 623) **SALES TAX**—Amends the present sales tax act and in addition levies a tax on certain services.

H. 704 (Turner & Hamlin) **POOLS—TRUSTS—CONSPIRACIES**—Amends the statute relating to pools, trusts, conspiracies and discrimination in business practices. Referred to Criminal Jurisprudence Committee.

NORTH CAROLINA:

H. 1165 **BANKS—DEROGATORY STATEMENTS**—Making it unlawful to utter or publish any maliciously false or derogatory statement about banks.

OKLAHOMA:

H. 583 (Meyers et al.) **COPYRIGHTS**—Regulating copyrights and public performing rights of musical compositions.

SOUTH CAROLINA:

H. 631 (Brown) **SMALL LOANS**—Regulates business of making loans in the amounts of \$300 or less. Referred to Banking and Insurance Committee.

WASHINGTON:

S. 185 (Troy) **LIQUOR ADVERTISING**—Taking from liquor board the power to regulate liquor advertising.

FEDERAL COMMUNICATIONS COMMISSION

DECISIONS OF COMMISSION

The Federal Communications Commission has granted the Pinellas Broadcasting Company authorization to construct a new station at **St. Petersburg, Florida**, to use **1370 kilocycles**, 100 watts night, 250 watts LS, unlimited time.

The Commission found that the applicant is in all ways qualified to construct and operate the station and "the evidence shows a need for the additional broadcast service herein proposed." The Commission stated that the granting of the application would serve the public interest.

Commissioner Sykes dissented.

The application of **WSJS, Winston-Salem, North Carolina**, to move to a new location, to install a new transmitter, erect a vertical antenna, and to increase the daytime power from 100 watts to 250 watts has been granted by the Commission.

It was found that there is a need for the additional daytime service in the area proposed to be served and that the operation of the station "with power of 250 watts would not be expected to result in objectionable interference to any existing or proposed station."

The Commission has also granted the application of the Fredericksburg Broadcasting Corporation for the erection of a new station at **Fredericksburg, Va.**, to operate on **1260 kilocycles**, 250 watts, daytime only.

The Commission stated in its decision that a public need exists for the proposed broadcast service and "the applicant has shown availability of talent and financial support to a degree that will reasonably assure operation in the public interest."

Drohlich Brothers have been granted an application by the Commission to erect a new broadcast station at

Sedalia, Missouri, to operate on **1500 kilocycles**, 100 watts night, 250 watts LS, unlimited time.

A public need exists for the proposed service and the operation of the new station would not cause objectionable interference, the Commission stated in its opinion. Also economic support and talent for program material is available, and the applicants, the Commission stated, are in all ways qualified to construct and operate the proposed station.

The Merced Star Publishing Company, Inc., license of Station KYOS, has been granted authority to assign the station's license to the Merced Broadcasting Company, **Merced, California**. The station operates on **1040 kilocycles**, 250 watts, daytime.

It is stated in the opinion by the Commission that the assignee is qualified to operate the station and "adequate financial provision has been made for the continued operation of the station." The program service now rendered by the station and which is satisfactory at the present time will be continued, and the granting of the application will be in the public interest.

The Commission granted the application of KWNO, **Winona, Minnesota**, to use unlimited time with 100 watts night. The station operates on **1200 kilocycles**, 250 watts, daytime only.

It was found by the Commission that there is need for additional service in the area served by the station, and its operation as proposed will not cause objectionable interference. The Commission stated that the granting of the application will be in the public interest.

The application of KTKC, **Visalia, California**, to install a new transmitter and erect a new antenna system and to change its frequency from **1190 kilocycles** to **890 kilocycles**, and increase its power and time of operation from 250 watts day to 1000 watts, unlimited time has been granted by the Commission "subject however, to the condition that the granting of the application of KTKC to operate on frequency **890 kc.**, with 1 KW is contingent upon Proof of Performance showing that the proposed antenna does not produce a maximum field in the direction of station KFPY in excess of that specified by the radiation pattern and that the antenna will have a minimum effective field intensity of 175 mv/m at one mile for 1 KW."

It was found by the Commission that the station is in all ways qualified to operate the station as proposed, and that operating as proposed the station will serve during daytime a much larger population and at night substantial population not now receiving service from it because of the limited hours of operation. Commissioner Sykes did not participate in this decision.

FCC ORDER

The Federal Communications Commission this week issued an order dismissing an application for the modification of a construction permit filed by the Hunt Broadcasting Association.

The Commission issued a construction permit to this Association for a new station at **Greenville, Texas**, in May 1937, to use **1200 kilocycles**, 100 watts power, daytime only. The Association notified the Commission that "the common law partnership originally constituting the Hunt Broadcasting Company, composed of Fred E. Horton, Noble W. Young and J. L. Collins, dissolved by operation of law upon the death of Fred E. Horton on June 29, 1938." The Commission called upon the Association to show cause why the permit it issued for the construction of the station should not be revoked. The Commission, having taken the matter under consideration, stated in its order that the construction permit "terminated on the date of dissolution of said Association."

PROPOSED FINDINGS OF FACT

The Federal Communications Commission has adopted its Proposed Findings of Fact proposing to grant the application for renewal of license for WBBZ, **Ponca City, Oklahoma**, to operate on **1200 kilocycles**, 250 watts day, 100 watts night, unlimited hours, and also adopted the Proposed Findings which proposes to consent to the involuntary assignment of the station's license to Adelaide Lillian Carrell, Executrix of the Estate of Charles Lewis Carrell, Deceased.

The Proposed Findings stated that there is a prevailing need for local service supplied by the station and that its continued operation would be in the public interest. It is also stated by the Commission that the applicant is in all ways qualified to operate the station.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases beginning the week of April 10. They are subject to change.

Monday, April 10

NEW—Spartanburg Advertising Co., Spartanburg, S. C.—C. P., **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

Tuesday, April 11

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

Wednesday, April 12

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

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

FUTURE HEARINGS

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

May 12

KROY—Royal Miller, Sacramento, Calif.—Modification of license, 1210 kc., 100 watts, unlimited time. Present assignment: 1210 kc., 100 watts, daytime.

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

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.

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

NEW—The Monocacy Broadcasting Co., Rockville, Md.—C. P., 1140 kc., 250 watts, daytime.

May 16

NEW—John R. Pepper, Greenville, Miss.—C. P., 1310 kc., 100 watts, 250 watts LS, unlimited time.

May 29

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

NEW—Wendell Mayes, Joe N. Weatherby and Wm. J. Lawson, d/b as Brown County Broadcasting Co., Brownwood, Tex.—C. P., 990 kc., 1 KW, daytime.

June 1

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

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

FEDERAL COMMUNICATIONS COMMISSION ACTION

RENEWAL OF LICENSES

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

KABR, Aberdeen, S. Dak.; KALE, Portland, Ore.; KECA, Los Angeles, Calif.; KFAC, Los Angeles; KFBK, Sacramento, Calif.; KFH, Wichita, Kans.; KGHF, Pueblo, Calif.; KIDO, Boise, Idaho; KINY, Juneau, Alaska; KLO, Ogden, Utah; KLRA, Little Rock, Ark.; KMED, Medford, Ore.; KMO, Tacoma, Wash.; KQV, Pittsburgh, Pa.; KRLC, Lewiston, Idaho; WAWZ, Zarephath, N. J.; WCKY, Covington, Ky.; WHBL, Sheboygan, Wis.; WKBH, La Crosse, Wis.; WNBC, New Britain, Conn.; WOKO and auxiliary, Albany, N. Y.; WORK, York, Pa.; WROK, Rockford, Ill.; WSAR, Fall River, Mass.; WSBT, South Bend, Ind.; KIEM, Eureka, Calif.; WHIS, Bluefield, W. Va.; WHK, Cleveland, Ohio; WIRE and auxiliary, Indianapolis, Ind.; WJSV, Washington, D. C.; WMPS, Memphis, Tenn.; WSAI, Cincinnati, Ohio; WSMB, New Orleans, La.; WSMK, Dayton, Ohio; WKBW, Buffalo, N. Y.

DESIGNATED FOR HEARING

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

KUTA—Utah Broadcasting Company, Salt Lake City, Utah.—Application for C. P. to move transmitter site locally from 13th So. Third St. to 21st So. 6-8th West, South of Salt Lake City; make changes in composite equipment; change frequency from 1500 kc. to 570 kc.; increase power from 100 watts to 1 KW; and install directional antenna system for both day and nighttime operation. Designated for hearing to determine if interference might result to existing stations.

WIBC—Indiana Broadcasting Corp., Indianapolis, Ind.—Application for modification of license to change time of operation from daytime only to limited sunset, Eau Claire, Wis. Designated for hearing to determine if interference might result with Canadian station CBM.

WSPA—Virgil V. Evans, d/b as The Voice of South Carolina, Spartanburg, S. C.—Application for modification of license to change frequency from 920 kc. to 1120 kc., and increase power and time of operation from 1 KW, daytime only, to 500 watts night, 1 KW day, unlimited. Designated for hearing to determine if interference might result, and because of pending application for new facilities.

KALE—KALE, Inc., Portland, Ore.—Application for C. P. to move transmitter site locally from 518 S.E. Morrison Street to Barnes Road, west of city limits of Portland, Ore.; make changes in composite equipment; install a vertical radiator and increase day power from 1 to 5 KW. Designated for hearing because pending applications involve increase in service, and to determine if interference might result with existing stations.

MISCELLANEOUS

WFMD—The Monocacy Broadcasting Co., Frederick, Md.—Granted special temporary authority to rebroadcast Naval Observatory time signals received from station NAA/NSS over WFMD, for the period ending no later than September 1, 1939.

WRVA—Larus & Bros. Co., Inc., Richmond, Va.—Granted extension of special temporary authority to increase the fields in the directions of the minimums to around 500 millivolts per meter, for the period ending no later than April 9, in order to determine the cause of fading in the Petersburg, Va., area.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 1:30 to 3 p. m., CST, on April 7, in order to broadcast Tre Ore Services.

W8XIQ-W8XIR—WGAR Broadcasting Co., Cleveland, Ohio.—Granted extension of special temporary authority to operate relay broadcast (exp.) stations W8XIQ and W8XIR on the frequency 31220 kc. pending definite arrangements to be made to eliminate interference with Cleveland's police service, for the period April 10 to May 9, 1939.

National Broadcasting Co., New York City.—Granted special temporary authority to rebroadcast program material to be received from U. S. Army posts throughout the U. S. via RCA Communications, Inc., receiving stations at Pt. Reyes, Calif., and Riverhead, N. Y., or via specially provided temporary NBC operated receiving stations and probably via U. S. Army receiving stations (all signals received being transmitted via wire line to most convenient location to be fed into the network wireline system), over an NBC network, on April 2, as a part of the RCA Magic Key program.

W3XO—Jansky and Bailey, Washington, D. C.—Granted special temporary authority to operate high frequency broadcast station W3XO on a frequency of 43.2 megacycles, with the regular power of 1 KW, pending final arrangements in connection with reallocation of high frequency services with respect to Commission Order No. 19, for a period not to exceed 30 days.

NEW—J. J. White, d/b as the Greenville Broadcasting Co., Greenville, N. C.—Denied petition to reopen the record in the matter of the application of Nathan Frank for a new station in New Bern, N. C., and the Commission on its own motion reopened and remanded the application of Nathan Frank for the purpose of taking further evidence on questions related to the issue of his financial qualifications as an applicant for a station license.

KWLC—Luther College, Decorah, Iowa.—Granted special temporary authority to reduce its broadcasting schedule to one hour per week during the period of the Easter holidays at Luther College, for the period April 6 to April 10, 1939.

- WSVA—Shenandoah Valley Broadcasting Corp., Harrisonburg, Va.—Granted special temporary authority to operate from local sunset (April 6:45 p. m., EST) to 9 p. m., EST, on April 3, in order to broadcast program from 6:45 p. m. to 8 p. m. by various departments of Bridgewater College, and from 8 to 9 p. m., Senator Byrd's address.
- KROY—Royal Miller, Sacramento, Calif.—Granted petition for order to take depositions in re application for modification of license to increase hours from daytime to unlimited, on 1210 kc., 100 watts.
- KSO—Iowa Broadcasting Co., Des Moines, Iowa.—Granted motion of respondent for postponement of hearing now scheduled for April 28, to May 29, 1939, on application of The Gazette Co. for a new station in Cedar Rapids, Iowa, to operate on 1420 kc., 100 watts, unlimited.
- KFI—Earle C. Anthony, Los Angeles, Calif.—Granted motion of respondent for order to take depositions in re application of KOH, the Bee, Inc., Reno, Nevada, for C. P. to move studio and transmitter locally; change frequency from 1380 kc. to 630 kc., and power from 500 watts to 1 KW, DA at night.
- NEW—C. T. Sherer Co., Inc., Worcester, Mass.—Granted petition for continuance of hearing now scheduled for April 26, to June 1, 1939, in re application for C. P. to operate on 1200 kc., 100 watts, 250 watts LS, unlimited time.
- KCKN—KCKN Broadcasting Co., Kansas City, Kans.—Granted petition to intervene in the hearing on the application of WREN, Kansas City, Mo., for C. P. to install directional antenna and move transmitter and studio.
- NEW—Oregon Broadcasting System, Inc., Grants Pass, Ore.—Granted petition to dismiss without prejudice application for C. P. for new station to operate on 1370 kc., 100 watts, 250 watts LS, unlimited time.
- NEW—The Monocacy Broadcasting Co., Rockville, Md.—Granted amended motion in part, continuing hearing now scheduled for April 7, to May 15, 1939. (Applicant requested extension until some time after July 1.)
- NEW—Samuel M. Emison, Vincennes, Ind.—Granted petition to intervene in the hearing on the application of Vincennes Newspapers, Inc., for a new station in Vincennes, Ind., to operate on 1420 kc., 100 watts, unlimited time.
- NEW—WJMS, Inc., Ashland, Wis.—Granted petition for continuance of hearing now scheduled for April 12, to June 1, 1939, in re application for C. P. to operate new station on 1370 kc., 100 watts, unlimited time.
- KRSC—Radio Sales Corp., Seattle, Wash.—Granted petition for special relief to cure alleged formal defects in certain depositions in re application for C. P. to make changes in equipment and increase in power.
- WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Granted motion to dismiss without prejudice application for C. P. to install a new transmitter and vertical antenna, increase in power, and move transmitter.
- WCOA—Pensacola Broadcasting Co., Pensacola, Fla.—Granted petition to dismiss without prejudice application for C. P. to increase power and install new transmitter.
- W8XNO—Charleston Broadcasting Co., Charleston, W. Va.—Granted petition to dismiss without prejudice application for modification of C. P. to extend commencement and completion dates.
- KTSW—Emporia Broadcasting Co., Inc., Emporia, Kans.—Granted petition for continuance of hearing now scheduled for April 11, to May 12, in re application for modification of C. P. to operate unlimited time.
- KHSL—Golden Empire Broadcasting Co., Chico, Calif.—Granted petition to intervene in the hearing on the application of Martin K. Calaway and Harry S. Hooper for a C. P. to operate a new station at Marysville, Calif., on 1420 kc., 100 watts, 250 watts LS, unlimited time.
- NEW—Patrick Henry Broadcasting Co., Martinsville, Va.—Granted petition for order to take depositions in re application for C. P. for a new station to operate on 1420 kc., 100 watts, 250 watts LS, unlimited time.
- NEW—Thumb Broadcasting Co., Brown City, Mich.—Granted motion for order to take depositions and for amendment to motion for order to take depositions to add names of three witnesses.
- KRKO—Lee E. Mudgett, Everett, Wash.—Ordered that depositions in the matter of the application of KRKO for renewal of license, assignment of license and C. P., and the application of Cascade Broadcasting Company, Inc., Everett, Wash., for C. P., be taken before M. H. Shindell, Notary Public, at the offices of the Federal Communications Commission, Federal Building, Seattle, Wash., beginning 10 a. m., PST, April 25, and continuing thereafter from day to day until concluded.
- NEW—Ben Farmer, d/b as Cabarrus Broadcasting Co., Concord, N. C.—Denied as in cases of default the application for C. P. for a new station to use 1370 kc., 100 watts, 250 watts LS, unlimited time. Applicant appeared by counsel when hearing was called on March 27, 1939, but offered no evidence in support of the application.
- WKOK—Sunbury Broadcasting Corp., Sunbury, Pa.—Granted special temporary authority to operate simultaneously with station WBAX from 6 to 9:30 p. m., EST, on April 13, in order to broadcast programs of a civic, educational, and entertainment nature from 6 to 9:15 p. m., and political talks from 9:15 to 9:30 p. m.
- WTAW—Agricultural and Mechanical College of Texas, College Station, Tex.—Granted special temporary authority to operate simultaneously with station WJBO from 4 to 6:45 p. m., CST, on April 5 and 6, in order to broadcast inter-collegiate baseball games.
- WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate from 10 p. m., April 9 to 1 a. m., AST, April 10, in order to broadcast a program presenting the "CASINO DE LA PLAYA" Orchestra.
- KGCA—Charles Walter Greenley, Decorah, Ia.—Denied special temporary authority to operate under license granted March 6, for the period beginning April 1, and ending no later than April 30, pending KWLC's compliance with Rule 131.
- NEW—Columbia Broadcasting System, Inc., Portable-Mobile (vicinity of Chicago).—Granted C. P. for new relay broadcast station frequencies of 1646, 2090, 2190 and 2830 kc.; 50 watts. Also granted license to cover same.
- NEW—WHP, Inc., Harrisburg, Pa.—Granted C. P. for new relay broadcast station; frequencies of 1606, 2022, 2102 and 2758 kc., 40 watts.
- WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Granted modification of C. P. authorizing local changes in transmitter location, change in equipment and installation of a vertical radiator; also, extension of commencement date to 10 days after grant and completion date to 30 days thereafter.
- W3XC—WGAL, Inc. (Lancaster, Pa.), Portable-Mobile.—Granted C. P. to make changes in equipment and increase power of relay broadcast station to 10 watts. Also granted license to cover same.
- WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted license to cover C. P. authorizing changes in equipment.
- W7XDA—KUJ, Inc., Walla Walla, Wash.—Granted license to cover C. P. for relay broadcast station; frequencies of 31100, 34600, 37600 and 40600 kc., on an experimental basis only, conditionally; 7.5 watts.
- NEW—South Carolina Broadcasting Co., Inc. (Charleston, S. C.), Portable-Mobile.—Granted C. P. for new experimental relay broadcast station; frequencies 31100, 34600, 37600 and 40600 kc., on an experimental basis only, conditionally; 10 watts.
- KFDA—Amarillo Broadcasting Corp., Amarillo, Tex.—Granted modification of C. P. approving transmitter site and installation of vertical radiator, and authority to make changes in equipment.
- WBBR—Peoples Pulpit Assn., Brooklyn, N. Y.—Granted modification of license to change name of licensee from Peoples Pulpit Assn., to Watchtower Bible and Tract Society, Inc.
- KFGQ—Boone Biblical College, Boone, Ia.—Granted extension of special temporary authority to operate from 4 to 5 p. m., CST, on the following Wednesdays: April 5, 12, 19, 26, and May 3, in order to broadcast children's service.
- WFAS—Westchester Broadcasting Corp., White Plains, N. Y.—Granted extension of special temporary authority to operate simultaneously with station WBRB from 4:30 to 6:30 p. m., EST, on April 7, 14, 21 and 28, in order to broadcast special All Request Club sessions, including the Civic Bulletin Board and Music of Memory features.
- WMRO—Martin O'Brien, Aurora, Ill.—Granted special temporary authority to operate from local sunset (April, 6:30 p. m., CST), to 9 p. m., CST, on April 4, in order to broadcast election returns.
- WPG—City of Atlantic City, Atlantic City, N. J.—Granted extension of special temporary authority to operate from 3:15 to 4:30 p. m., EST, Sundays, April 16, 23, 30 and May 7, in

order to broadcast feature by the N. Y. Philharmonic Symphony Orchestra and a special religious talk by Rev. Coughlin, also to operate from 2 to 3 p. m., EST, Fridays, April 21, 28 and May 5 and 12, in order to broadcast programs consisting of Columbia Network features, including Irene Beasley and the American School of the Air.

NEW—City of New York, Municipal Broadcasting System, Portable-Mobile in area of New York City.—Construction permit for new relay broadcast station to be operated on 1622, 2058, 2150 and 2790 kc., 3 watts, A-3 emission.

NEW—City of New York, Municipal Broadcasting System, Portable-Mobile in area of New York City.—Construction permit for new relay broadcast station to be operated on 1622, 2058, 2150 and 2790 kc., 3 watts, A-3 emission.

W8XKA—Westinghouse Electric and Manufacturing Co., Pittsburgh, Penna.—Construction permit to move transmitter from Pittsburgh, Penna. to Springfield, Mass., install new transmitter, change frequency from 31600, 35600, 38600 and 41000 kc. to 42600 kc., increase power from 50 watts to 1 KW and change emission to special for frequency modulation.

W9XXL—Ashland Broadcasting Co., Ashland, Ky. (Portable-Mobile).—Construction permit for reinstatement of relay broadcast station (experimental) on 31100, 34600, 37600, 40600 kc., 10 watts, A-3 emission.

WAVB—Vee Bee Corporation, Portable-Mobile in area of Portsmouth, Ohio.—Modification of construction permit for new relay broadcast station requesting changes in equipment and reduce power from 35 watts to 25 watts.

WNEI—Indianapolis Power and Light Co., Portable-Mobile in area of Indianapolis, Ind.—Construction permit for new transmitter and reduce power from 1.5 watts to .15 watts.

KAOE—KFNF, Inc., Portable-Mobile in area of Shenandoah, Iowa.—License to cover construction permit for new relay broadcast station.

KAOF—KFNF, Inc., Portable-Mobile in area of Shenandoah, Iowa.—License to cover construction permit for new relay broadcast station.

NEW—The May Department Stores Co., Los Angeles, Calif.—Construction permit for new television station to be operated on 60000-86000 kc., power of 1 KW, A3 and A5 emission.

NEW—H. E. Studebaker, Portable-Mobile in area of Lewiston, Idaho.—Construction permit for new relay broadcast (experimental) station using the equipment of W7XDA on 31100, 34600, 37600 and 40600 kc., 7.5 watts power and A-3 emission.

W6XAC—Salt River Valley Broadcasting Co., Portable-Mobile in area of Phoenix, Ariz.—License to cover construction permit for new relay broadcast (experimental) station.

WMPC—The First Methodist Protestant Church of Lapeer, Lapeer, Mich.—Granted extension of special temporary authority to operate from 9 to 10 a. m., EST, Monday, Tuesday, Wednesday, Thursday, Friday and Sunday mornings, for the period April 6 to May 5, in order to broadcast certain educational programs.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate simultaneously with station KFRU, with reduced power of 250 watts, from 7 to 7:45 p. m., CST, on April 5, in order to broadcast foreign program (Roy Howard reporting international situation).

KFRU—KFRU, Inc., Columbia, Mo.—To operate simultaneously with WGBF with reduced power of 250 watts from 7 to 7:45 p. m., CST, on April 5, in order to permit station WGBF to broadcast foreign program (Roy Howard reporting international situation), in Evansville.

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted extension of special temporary authority to operate simultaneously with WTAW from 8 to 9 p. m., CST, the following Mondays, April 17 and 24, and May 1 and 8, in order to broadcast special programs from La. State Univ. and special addresses by the President and members of the faculty of that Univ.

WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted special temporary authority to rebroadcast in connection with special Army Day program, the transmission from Army aeroplanes flying over Wright Field at Dayton, using regular army communications equipment and frequencies from 3:15 to 3:30 p. m., EST, on April 6.

So. Car. Broadcasting Co., Inc., Charleston, S. C.—Granted special temporary authority to operate station W4XBK, the high frequency relay broadcast station licensed to station WIS, during the week beginning April 9, and ending in no event later than April 16, in order to pick up and rebroadcast

over WCSC, descriptions of Sail Boat Race Regatta and other features in connection with annual Azalea Festival.

W1XOJ—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to test the high frequency broadcast equipment of station W1XCJ authorized by modification of C. P., on frequency of 43000 kc., with power not to exceed 100 watts, for the period April 10 to May 9, for tuning and adjustment of the antenna elements which are now being assembled for erection atop 400 ft. mast.

APPLICATIONS FILED AT FCC

550 Kilocycles

KOAC—Oregon State Agricultural College, Corvallis, Ore.—C. P. to install new transmitter and antenna; increase power from 1 KW to 5 KW; move transmitter from Physics Bldg., O. S. A. C., Corvallis, Ore., to near Corvallis, Ore. Amended to make changes in transmitting equipment and antenna, and move transmitter from Corvallis, Ore., to Granger, Ore.

570 Kilocycles

WOSU—Ohio State University, Columbus, Ohio.—Modification of license to increase power from 750 watts night, 1 KW day, to 1 KW day and night.

580 Kilocycles

WIBW—Topeka Broadcasting Association, Inc., Topeka, Kans.—License to cover construction permit as modified for new transmitter, move of transmitter and antenna changes.

720 Kilocycles

WGN—WGN, Inc., Chicago, Ill.—License to cover C. P. (B4-P-1856) as modified for equipment changes and move of transmitter and studio.

740 Kilocycles

KMMJ—KMMJ, Inc., Grand Island, Nebr.—License to cover construction permit as modified (B4-MP-730) for move of transmitter and studio.

880 Kilocycles

WSUI—The State University of Iowa, Iowa City, Iowa.—C. P. install new transmitter, directional antenna for day and night use; increase power from 500 watts, 1 KW LS, to 1 KW, 5 KW LS; move transmitter from Capitol and Washington Sts., Iowa City, Iowa, to Iowa City, Iowa. Amended: antenna changes.

1020 Kilocycles

WDZ—WDZ Broadcasting Co., Tuscola, Ill.—Modification of C. P. (B4-P-1928) for new equipment and increase in power, further requesting new transmitter, extend completion date 180 days after grant.

1110 Kilocycles

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

1190 Kilocycles

WATR—The WATR Co., Inc., Waterbury, Conn.—License to cover construction permit for equipment changes, move of transmitter, change in frequency and power, and unlimited hours of operation, using directional antenna.

1200 Kilocycles

WMFR—Radio Station WMFR, Inc., High Point, N. C.—Construction permit to make changes in equipment.

WMFR—Radio Station WMFR, Inc., High Point, N. C.—Construction permit to make equipment changes and increase power from 100 watts to 100 watts night, 250 watts day.

WABI—Community Broadcasting Service, Bangor, Maine.—C. P. to install new transmitter, directional antenna for night use; change frequency from 1200 kc. to 560 kc.; increase power from 100 watts, 250 watts LS, to 1 KW.

1210 Kilocycles

- WCOV—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—Modifications of license to change hours of operation from daytime to unlimited, using 100 watts power.
- WRAL—Capitol Broadcasting Co., Raleigh, N. C.—License to cover C. P. (B3-P-1705) as modified for a new station.
- WGNV—Peter Golet, Newburgh, N. Y.—License to cover C. P. (B1-P-1822) as modified for changes in frequency, hours of operation, increase in power, and equipment changes.
- WCOV—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—Voluntary assignment of C. P. to Capital Broadcasting Co., Inc. Amended to change to assignment of license.

1280 Kilocycles

- WTNJ—WOAX, Inc., Trenton, N. J.—Modification of license to increase day power from 500 watts to 1 KW.

1370 Kilocycles

- KAAT—Astoria Broadcasting Co., Astoria, Ore.—License to cover C. P. (B5-P-1894) as modified for equipment changes, change in frequency, power and time, and move of transmitter.
- NEW—George Penn Foster, Maxwell Kelch, and Calvert Chas. Applegate, d/b as Las Vegas Broadcasting Co., Las Vegas, Nev.—Construction permit for new broadcast station to be operated on **1370 kc.**, 100 watts night, 250 watts day, unlimited time.

1410 Kilocycles

- NEW—The Mayflower Broadcasting Corporation, Boston, Mass.—C. P. for new station on **1410 kc.**, 500 watts, 1 KW LS, unlimited time, facilities of WAAB.

1420 Kilocycles

- NEW—E. B. Sturdivant, d/b as Silver Crest Theatres, Yuma, Ariz.—C. P. for new station on **1420 kc.**, 100 watts, S.H. (7 a. m. to 2 p. m., 6 p. m. to 10 p. m.).
- NEW—Samuel M. Emison, Vincennes, Ind.—Construction permit for new broadcast station to be operated on **1420 kc.**, 100 watts, unlimited time.
- WGNC—F. C. Todd, Gastonia, N. C.—License to cover C. P. (B3-P-1977) for a new station.

1440 Kilocycles

- WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Construction permit to install new transmitter and antenna, increase power from 1 KW to 1 KW night and 5 KW daytime, and move transmitter locally.

1480 Kilocycles

- KOME—Harry Schwartz, Tulsa, Okla.—Voluntary assignment of license to Oil Capitol Sales Corporation.

1500 Kilocycles

- KVWC—R. H. Nichols, W. H. Wright and Stewart Hatch, a partnership, d/b as The Northwestern Broadcasting Co., Vernon, Tex.—Construction permit to make changes in transmitting equipment and increase power from 100 watts to 100 watts night, 250 watts day.
- KNEL—G. L. Burns, Brady, Tex.—Modification of license to change hours of operation from daytime to unlimited, using 100 watts power night.

MISCELLANEOUS

- WAOE—Martin R. O'Brien, Portable-Mobile in area of Aurora, Ill.—License to cover construction permit for new relay broadcast station.
- W9XEG—Martin R. O'Brien, Portable-Mobile in area of Aurora, Ill.—Modification of construction permit for new relay broadcast (experimental) station requesting changes in equipment.
- KBOL—Woodmen of the World Life Insurance Society, Portable-Mobile in area of Omaha, Nebr.—License to cover construction permit for new relay broadcast station.

- W4XD—WPTF Radio Co., Portable-Mobile in area of Raleigh, N. C.—Construction permit for changes in equipment and reduce operating power from 15 watts to 2 watts.
- W4XD—WPTF Radio Co., Portable-Mobile in area of Raleigh, N. C.—License to cover above construction permit (B3-PRE-248).

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.

Aero Industries Technical Institute, Inc., which conducts a vocational school in modern aircraft construction and allied fields, with its principal office and place of business in Los Angeles, is charged in a complaint with misrepresentation in advertising its home study or correspondence courses. (3750)

Art China Company—See Majestic China Company, Inc.

Commonwealth Manufacturing Corporation, 4208 Davis Lane, Cincinnati, manufacturer and distributor of welding machines, is charged in a complaint with misrepresentation in newspaper and other advertising matter of the character, utility and merit of its device.

The Aladdin welder, advertised as a 90-pound professional welding machine, is represented, the complaint alleges, as being capable of welding as strongly, durably and economically as machines costing \$2000 to \$3000. Among other representations of the respondent cited in the complaint are that the "Aladdin will pay for itself on the first few jobs you do with it" and that "With your Aladdin you can become a master welder, with a well paid trade, sure of steady employment anywhere." The complaint charges that these statements are deceptive and misleading. (3745)

Danson Laboratories—Dan M. Thompson, doing business as Danson Laboratories and Thompson Laboratories, 32 North State Street, Chicago, is charged in a complaint with misrepresentation in advertisements of "Danson Formula," an alleged sure cure for alcoholism. The complaint says that in advertisements in newspapers and elsewhere the respondent has represented that he conducts a laboratory and that the Danson Formula is a competent and effective treatment for alcoholism. The complaint alleges that these representations are false and misleading. (3752)

Elmo, Inc.—A complaint previously issued against Elmo, Incorporated, Philadelphia cosmetics manufacturer, and its sole distributor, Elmo Sales Corporation, has been amended.

The original complaint charged these corporations with violation of Section 2 (e) of the Robinson-Patman Act by furnishing the mercantile establishments of some of their purchasers at the respondents' expense with the services of demonstrators of the respondents' toilet preparations, without at the same time according services of the demonstrators to other purchasers on proportionately equal terms. These practices also constituted unfair competition in violation of Section 5 of the Federal Trade Commission Act, it was charged.

Under the amended complaint similar violations are charged, and in addition it is alleged that, in violation of the Federal Trade Commission Act, the respondents' plan of furnishing demonstrators is deceptive to the public and has a tendency to lend itself to misrepresentation of competitors' products and the substitution

of the respondents' products therefor in sales, and to place in the hands of unscrupulous dealers an instrumentality for fraud and deception.

The amended complaint points out that personnel furnished to merchants by the respondents are able to stress the merits of the respondents' products as against competing preparations and that they depend solely for continuance in employment upon adequate sales of the respondents' products. Buyers relying on the expert advice of the demonstrators are unaware that they are employed not by the merchants in whose stores they appear but by the respondent cosmetic companies, it is alleged. (2974)

Elmo Sales Corporation—See Elmo, Inc.

J. C. Field & Son—See Progress Tailoring Company.

Hershey Creamery Company—See Illinois Baking Corporation.

Kastar Specialty Manufacturing Company, Inc., 510 Sixth Avenue, New York City, is charged in a complaint with misrepresentation. In advertisements and other printed matter the corporation, which sells and distributes automobile accessories and specialties, allegedly represents itself as being a manufacturer of the articles it distributes. The complaint charges that the merchandise is made and manufactured in plants and factories neither owned nor controlled by the respondent. (3746)

Lambert Pharmacal Company, St. Louis, is charged with violation of the Robinson-Patman Act in connection with the sale of Listerine and allied products under a complaint.

To certain favored customers the respondent is alleged to allow percentage rebates based on monthly purchases, in addition to regular trade discounts granted all customers. It is alleged that such favored customers in turn furnish the respondent with advertising, selling or warehousing facilities and place orders for a minimum amount of Lambert products.

It is alleged that the rebates are not allowed to the respondent company's other competing customers on proportionally equal terms, and that this violates Section 2 (d) of the Act which prohibits payments to or for the benefit of customers of anything of value as compensation for services or facilities furnished by or through such customers in connection with the processing or sale of commodities manufactured or sold unless the payments are made on proportionally equal terms to all other competing customers. (3749)

Majestic China Company, Inc., Art China Company, and Herman Siegel, Sigmund Gladstone and John Lindsey, sometimes known as Jack Lindsey, individually and as officers and employees of the Majestic China Company, Inc., and trading as Art China Company, and John H. Feinne, individually and as an officer of Majestic China Company, Inc., and trading as Windsor China Company, all of South Bend, Ind., are charged in a complaint issued with misrepresentation and with making disparaging statements concerning competitors.

Chinaware sold by respondents to retailers with sales stimulator plans, to be distributed by retailers as premiums, was falsely advertised and described as superior to that of competitors, according to the complaint. The respondents also, the complaint continued, falsely represented that they or some of them operated or controlled a pottery or factory located at Sebring, Ohio, and that Majestic China Company, Inc., maintained a branch warehouse at South Bend. (3748)

Progress Tailoring Company—A complaint has been issued charging Progress Tailoring Company, trading as J. C. Field & Son, Chicago, and four subsidiaries with misrepresentations in the sale of men's clothing.

Although allegedly advertising that they would give a free suit to agents who would sell their products, the respondents did not supply a suit free, according to the complaint, but required certain services and the sale of several suits before delivering the so-called free clothing. Such requirement was not disclosed in the initial advertisements, according to the complaint.

The four subsidiary companies are charged with falsely advertising that they are tailoring companies maintaining their own personnel, and three of the companies are alleged to exaggerate the extent of their businesses and to imply that they are manufacturers when in fact they are only sellers.

Progress Tailoring Company is alleged to misrepresent that it is exclusively a wholesale tailor. The complaint points out that this concern does not sell at wholesale or at a saving to the consumer of retailer costs and profits. (3747)

Sommers & Company—See Wholesale Dry Goods Institute, Inc.

Superyarn Company—Adolph Friedman, trading as Superyarn Company, located at 353 Grand St., New York, and engaged in the business of selling and distributing textile fabrics and knitting yarns, is charged in a complaint with falsely representing the constituent fiber or material of which the various products distributed by him are composed, by means of false representations on labels attached to his products and in various advertising matter, and by failure to disclose the rayon content of certain of his products. (3753)

Thompson Laboratories—See Danson Laboratories.

Wholesale Dry Goods Institute, Inc., its officers, directors and members, with headquarters at 40 Worth Street, New York City, whose membership includes approximately 135 individuals, co-partnerships and corporations engaged in the wholesale distribution of dry goods, notions and kindred lines throughout the United States, is charged in a complaint with acts and practices tending to prevent competition and create a monopoly within the meaning of the Federal Trade Commission Act.

Henry S. Sommers of Sommers & Co., St. Paul, and Henry Matter and Jarrett H. Buys, of New York City, are officials of the Institute and its directorship includes executives of a score of prominent wholesale firms throughout the country. The Wholesale Dry Goods Institute was organized, the complaint alleges, for the ostensible purpose of improving trade practices within the wholesale field, furthering better trade relations between wholesalers and other elements of the textile industry, studying and adapting merchandising methods to new economic conditions, analyzing operating costs and allocating sales efforts.

It is alleged that the Institute and its members, under an agreement, combination and conspiracy, has prepared and distributed a directory containing the names of approximately 1400 individuals, co-partners and corporations, which the Institute considers meet its definition of wholesalers.

It is alleged that under the agreement the Institute from time to time has compiled a list of manufacturers of dry goods, notions and kindred merchandise in which all the manufacturers are classified. The highest classification is given those manufacturers who confine their sales to wholesalers; in the lowest grade are placed manufacturers who sell also to chain stores, syndicates and retail stores without maintaining any differential in price. This list, the complaint charges, is revised from time to time and manufacturers listed in it are reclassified according to their current selling policies. (3751)

Windsor China Company—See Majestic China Company, Inc.

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Aronson-Caplin Company—Misrepresentation of the fabrics contained in women's garments is prohibited under an order to cease and desist issued against Aronson-Caplin Company, Inc., 148 Madison Avenue, New York.

In the sale of women's lingerie, including slips and nightgowns, the respondent is prohibited from using the term "pure dye" or other terms of similar meaning to designate fibers or fabrics or other products which are not composed wholly of unweighted silk, and from using the words "satin" or "taffeta" or others of similar

import to describe any fabric or product not made wholly of silk, unless the descriptive words are truthfully employed to designate the type of weave, construction or finish. In that case such words are to be qualified by explanations clearly describing the fibers or materials from which the fabric or product is made. (3649)

W. H. Comstock, Ltd., whose principal office and place of business is in Brockville, Ontario, with a branch office in Morristown, N. Y., has been ordered to cease and desist from misrepresentations in the sale and distribution of Comstock's Dead Shot Worm Pellets and Comstock's N and B Liniment, medicinal preparations.

The respondent is ordered to cease representing that the worm pellets preparation is unfailing in its action in the treatment of worm infection and that the liniment preparation has a therapeutic value in the treatment of rheumatism, lumbago, or neuralgia, or that it has a therapeutic value in the treatment of chest colds or muscular pains of the human body other than as a counter-irritant for muscular pains due to minor conditions, such as excessive exercise or fatigue. (3650)

Greater Chambers Company—William W. Chambers, trading as The Greater Chambers Company, Washington, D. C., has been served with an order requiring him to cease and desist from misleading representations in the sale of caskets, vaults or undertaking facilities.

In the sale of these products, the respondent, it was found, represented that certain facilities and merchandise were furnished free; that he provided a \$500 funeral for \$265, a \$300 funeral for \$165 and a regular \$150 funeral for \$75, and that the prices charged for complete funerals represented a saving and discount to the purchaser.

It was also found that the respondent represented that burial vaults sold by him for \$85 were of \$150 value and were waterproof and airtight and would serve the purposes of a mausoleum because of the nature of their construction.

Findings are, however, that the respondent did not furnish any articles or facilities free, but the prices thereof were included in the prices charged on the purchase of a casket or other similar merchandise, and that the respondent did not furnish funerals of the value represented at a reduction in price because the prices charged were the usual, customary prices.

The order directs the respondent to discontinue representing as customary and usual certain prices and values which in fact are fictitious and greatly in excess of the regular prices; to cease advertising certain prices as constituting a saving or discount to the purchaser when in fact they are the usual prices, and to desist from employing the word "free" to designate articles or facilities regularly included in a combination offer with caskets or other similar merchandise. (3035)

Hershey Creamery Company—See Illinois Baking Corporation.

Illinois Baking Corporation, Chicago, and Hershey Creamery Company, Harrisburg, Pa., have been ordered to cease and desist from the use of lottery methods in connection with the sale of ice cream cones and frozen confections, respectively, to dealers or ultimate consumers.

Illinois Baking Corporation, it was found, manufactures ice cream cones which it sells to wholesalers and jobbers for resale to retailers. "Safe-T Cones" are shipped in packages containing 250 cones. With each package is enclosed a coupon on the corners of which are one of the letters in the words "Safe-T Cones." Retail dealers obtaining a collection of coupons, the letters on which spell the words "Safe-T Cones," receive from their jobber 1,000 additional cones without extra cost, according to findings.

Hershey Creamery Company, it was found, sells to dealers assortments consisting of several frozen confections known as "Fudgicle" and "Banjo," packed separately in paper bags and sold for 5 cents each. According to findings, the purchaser who receives a confection, the handle of which bears a concealed phrase, such as "Return this stick for free Fudgicle," receives an additional confection without extra cost. (3495-3700)

Lanteen Laboratories, Inc.—An order has been issued prohibiting misrepresentation in the sale of so-called feminine hygiene preparations and appliances. Respondents are Lanteen Labora-

tories, Inc., Lanteen Medical Laboratories, Inc., which also trades as Medical Bureaus of Information, and Rufus Riddlesbarger, who controls the business of the two Lanteen companies, all of Chicago.

Selling jellies, capsules, powders, liquids and diaphragms, under the general trade name of Lanteen, the respondents are directed to cease representing that any of their preparations or appliances, used alone or with other preparations or appliances, forms a competent preventative of ill health, has beneficial therapeutic value, or will prevent conception.

Under the order, these preparations and appliances are not to be represented as being tested and approved by an independent, non-profit organization devoted to scientific research on women's diseases and prevention of conception, or as being prepared, designed or approved by members of the medical profession, when these are not the facts. (3051)

Medical Bureaus of Information—See Lanteen Laboratories, Inc.

Traffic Inspectors Training Corporation, Syracuse, N. Y., selling a correspondence course for persons who desire to become traffic inspectors or checkers, was served with an order prohibiting misleading representations in the sale of its course. Frank J. Kavanagh and Charles Van Buren, officers, are included as respondents.

Among representations prohibited are the assertions that trained men and women are constantly needed as traffic inspectors; that the field is new and uncrowded; that positions are guaranteed because of the respondents' connections with railroad companies; that the course can be completed in three months or less and that students can obtain jobs and earn salaries prior to completion of the course. (3562)

STIPULATIONS

The Commission has entered into the following stipulations:

American Landscape School, Des Moines, Iowa, agreed to cease advertising that its course can be mastered by anyone; that it is the most complete authoritative or readable course on this subject and provides the shortest and surest way to success.

Under its stipulation, the respondent will no longer represent that students will receive personal or individual criticism, unless this is actually a fact, or that students will, after completing the course, be able to start in the landscape business as seasoned professionals.

Other misleading representations to be discontinued are that there is a big demand in this field for trained men and women, unless and until this is a fact; that the standards of the American Landscape School are accredited by authorities as the highest in the world and that the school provides the most liberal terms ever offered for nationally recognized training in landscape architecture. (02349)

Amos Hosiery Mills—Robert T. Amos, trading as Amos Hosiery Mills, High Point, N. C., agrees to cease using:

(1) As a stamp or brand for hosiery the designation "silk-rayon," alone or in conjunction with other words as purportedly descriptive of hosiery not composed throughout of such fibers or of hosiery the top, heel and toe of which are composed of other material. If the boot or leg is composed of a combination of rayon and silk, each in substantial quantity, but the top, heel and toe are made of other material and the words "rayon" and "silk" are employed to describe the rayon and silk content, they shall be arranged in the order of their predominance by weight and accompanied by suitable language clearly indicating that the designation does not apply to top, heel and toe.

(2) The word "wool" (a) in connection with the phrase "cotton and rayon" or other words as descriptive of hosiery not containing wool in substantial part, and (b) as descriptive of hosiery containing wool mixed with other fibers, when, due to over-emphasis of the word "wool," the tendency is to convey the impression that a greater proportion of that fiber is present than actually is the fact.

The stipulation provides that if the hosiery is composed of a mixture of fibers, as cotton and rayon, and of wool in a known amount of five per cent by weight or less, and the word "wool" is used to refer to such known wool content, then it shall be immediately accompanied by suitable disclosure of the amount of wool actually present and by the names of the other constituent fibers in the order of their predominance by weight, such as "cotton, rayon, and 3 per cent wool." (2328)

Biovegetin Products, Inc., trading as V. M. Products, Chicago, Ill., agrees to desist from advertising that scientists agree that a few of the respondent's Vi-Donna Capsules are sufficient to supply the body's need for Vitamin E; that the product will prevent sterility and incapacity for reproduction and that it is manufactured by the respondent, unless, in the latter instance, the respondent actually owns, maintains or operates a factory wherein the preparation is made. (02348)

Clark-Millner Company, 450 West Superior St., Chicago, will discontinue advertising its product Hide-It as the original waterproof blemish cream, the respondent admitting that its preparation was not the first product of its kind to be marketed as a waterproof blemish cream. (02352)

College of Intellectual Science, Des Moines, Iowa, agreed to discontinue advertising that its instructions are new or startling or reveal hidden secrets; that they will enable students to use the forces of creation to realize their dreams or attain or insure success, master their own fates or shape their own futures. The respondent also agreed to discontinue unwarranted use of the name Edison in a manner implying that Thomas A. Edison was interested in the establishment of its course.

The use in its corporate or trade name of the word "College", either with or without the words "Intellectual Science", will be discontinued, under the stipulation, and the respondent will cease referring to its organization as a "correspondence school". The stipulation points out that the respondent's school has neither the curriculum nor the qualifications to be designated as a college nor is it a correspondence school. (2418)

Cooper Wells & Co., St. Joseph, Mich., agrees to cease using:

(1) The word "silk" in any way to imply that its hosiery or the surface or any designated part thereof is made wholly of silk, when such is not a fact.

(2) The phrase "pure silk surface" so as to imply that hosiery has an ornamental facing or surface of pure silk over a fabric other than pure silk, when such is not a fact.

(3) The phrases "silk and rayon" or "rayon and silk" as descriptive of hosiery not composed throughout of the named fabrics, and the phrase "silk and rayon" in any manner implying that the silk content is equal to or greater than the rayon content, when such is not a fact. In a mixed fabric the fibers shall be named in the order of their predominance by weight.

(4) The words "silk", "rayon silk", or "silk and rayon" to describe hosiery not composed throughout of the named fibers, or hosiery the top, heel and toe of which are composed of other material. If the boot or leg is properly represented as "silk", "rayon and silk" or "silk and rayon", but the top, heel and toe are made of other material, the designating language shall clearly indicate the differentiation. (2322)

Crescent Knitting Company, Statesville, N. C., stipulates that it will discontinue employing:

(1) The names of designated fibers, as "cotton, rayon, silk", as being purportedly descriptive of products not composed throughout of all such fibers or as descriptive of hosiery the top, heel and toe of which are composed of other materials. If the boot or leg is properly represented as "cotton, rayon, silk", but the top, heel and toe are of other materials, then properly qualifying language is to be used.

(2) The word "wool" as descriptive of men's hosiery in a manner implying that it is composed entirely or in substantial part of that material, when such is not a fact. If the product has a known wool, rayon, or other fiber content of 5 per cent or less by weight, and the name of the fiber is used to describe such content, such name shall be accompanied by suitable disclosure of the amount of the fiber actually present in the article, as for example, "3 per cent wool", "5 per cent rayon". (2325)

Mary Dunhill, Inc.—See Lord & Taylor.

Electric Razor Products, Inc., 6537 Russell St., Detroit, selling the Cadillac Electric Dry Shaver, stipulated that in its efforts to obtain agents to sell its product it will cease making unmodified representations or claims of earnings in excess of the average earnings of its active fulltime salespersons under normal business conditions, and will discontinue advertising that its razor is the lowest in price or is higher in quality than other makes, or that General Devices Company is a \$25,000,000 industry. (02347)

Flexible Printing Company, Inc., 706 Sixth Ave., New York, in the sale of cards and stationery, stipulates that it will cease use in advertising matter of the words "engraved" or "engraving", alone or in connection with the word "process", in a manner implying that its products are made by engravers employing the process of producing impressions from inked, engraved plates, when this is not a fact. It is pointed out that the respondent's process comprises a powdering and heating application which produces a raised, glossy effect imitating plate engraving work. (2424)

Franklin Tailoring Company, trading also as Jackson Tailoring Company, 330 South Franklin St., Chicago, agreed to discontinue designating, describing or representing as "wool", "all wool", or "woolen" the principal fabrics (not including linings and fittings) used in the manufacture of men's clothing, when such fabrics are not composed wholly of wool, etc., or representing or describing as "wool", "all wool" or "woolen" any fabric made partly of wool and partly of cotton, silk, rayon, linen or any other fiber, unless the material is designated as "wool and cotton", "wool and silk", "wool and rayon", etc., in the order of the predominating fiber content. The respondent will also cease representing that certain of its suits are free to sales agents when in fact they are bought and paid for by services the agents perform. (02343)

Healing Ministry—Selling a correspondence course called The Christly Method of Healing, John Kegell and Jessie Kegell, of Asheville, N. C., who are in business under the name The Healing Ministry, have entered into a stipulation to cease misleading representations.

In the stipulation the respondents agree to cease representing that they possess or can impart to others the knowledge, training and power to heal and cure disease or injury or give immunity to bad luck; that the respondents can teach purchasers of their course to perform miracles; that either of them have extraordinary or unusual qualifications, authority or power such as to enable them to prevent bad luck or protect persons from all forms of evil, and that the respondents have authority to award diplomas, titles or degrees. (02346)

H. I. Herzman, Inc., 325 West Adams St., Chicago, in the sale of handkerchiefs, will cease using on stationery and other printed or advertising matter the word "manufacturers" or the assertion "we manufacture" as descriptive of its business. The stipulation points out that the respondent company neither manufactures the products it sells nor owns or controls the plant in which they are made. The respondent also agrees to cease representing that it has a factory at Passaic, N. J., or maintains offices in Belfast or Brussels, in Puerto Rico or in Swatow, China, or elsewhere abroad, when this is not a fact. (2422)

Homeland Tailors, Inc., 2500 East Ashland Ave., Baltimore, agreed to discontinue and has discontinued designating, describing or representing as "wool" or "worsted" the principal fabrics (not including linings and fittings) used in the manufacture of men's clothing, when such fabrics are not composed wholly of wool, etc., or representing or describing as "wool" or "worsted" any fabric made partly of wool and partly of cotton, silk, rayon, linen or any other fiber, unless the material is designated as "wool and cotton", "wool and silk", "wool and rayon", etc., in the order of the predominating fiber content. The respondent agreed also to cease and has ceased representing that it is a wholesale tailoring shop. (02355)

Chas. L. Huisking & Co., Inc., 155 Varick St., New York, selling Vitamine Brand Cod Liver Oil High Hatchability Special, and Vitamine Brand Cod Liver Oil Natural, agrees to cease adver-

tising that its products have been endorsed by universities and agricultural experiment stations. The respondent admitted that they have not been so endorsed. Another representation to be discontinued is that it is imperative to feed cod liver oil to chickens, or that to do so will guarantee healthy egg-layers. (02353)

Lord & Taylor, a New York department store, and Mary Dunhill, Inc., New York, distributors of cosmetics, agreed in advertising their cream products to cease using the word "nourishing" so as to imply that their preparations, applied locally to the skin, will nourish or feed it, when such is not a fact. Mary Dunhill, Inc., agrees also to stop representing that use of its lotion and astringent products will correct acne or comprise a treatment for an acne condition of the skin, regardless of cause, and will discontinue printing on its labels the word "Paris" so as to imply that it has a Paris office, when such is not the fact. (2425 and 2426)

Lovely Lady, Inc., 333 North Michigan Ave., Chicago, stipulated that Lovely Lady Face Cream will not be advertised as capable of penetrating or "revitalizing" the skin, of ending a "false face" powdery look, or of causing women to appear years younger. The respondent agreed also to discontinue representing that Balmite is a new or scientific product or the base of Lovely Lady Face Powder, the stipulation pointing out that it is not such and that Balmite is the trade name of a zinc soap. (02351)

Peerless Hosiery Mills, Inc., Burlington, N. C., stipulates that it will desist from representing that its products are composed of fibers in any designated proportion, when such is not a fact, and agrees that in making disclosure of a mixed fiber content, each constituent fiber shall be named in the order of its predominance by weight, as, for example, "silk and wool", where the silk prevails.

The respondent agrees to cease using the phrase "genuine Irish linen reinforced" or any statement of similar meaning as descriptive of a product so as to imply that it is composed of linen or of a predominating linen fiber content reinforced by some other fiber, when such is not a fact.

The respondent further stipulates that it will desist from using the name of a fiber such as "rayon" as purportedly descriptive of men's hosiery not made throughout of that fiber or of hosiery the top, heel and toe of which are composed of other material. If the boot or leg is properly represented as "rayon", but the top, heel and toe are of other materials, then suitable qualifications shall be made. (2324)

Pierce-Airo, Inc., 436 Lafayette St., New York, manufacturing and selling DeWald and Motortone radio sets, agreed to cease the use in printed matter of the words "Pierce-Airo", either alone or in connection with an arrow, or of any other phonetic or correct spelling of the words "Pierce Arrow" so as to mislead purchasers of its sets into believing that they have been made by Pierce Arrow Motor Car Company, Buffalo, when this is not a fact. The respondent also agreed to cease misstating the number of functioning tubes in its sets. (2428)

M. Pressner & Company—Max and Emanuel Pressner, trading as M. Pressner & Co., 932 Broadway, New York, in the sale of sun glasses, agree to cease employing the phrases "Made in America" or "Made in America by American Workmen" in a manner implying that the products so advertised are composed entirely of American-made parts. The stipulation provides that if the sun glasses are composed only partially of American-made parts the phrase "Made in America" shall be accompanied by explanation that all the parts are not manufactured in this country. (2423)

B & N Remedy Company—Shirley L. DeArmond, trading as B. & N. Remedy Co., Knoxville, Tenn., in selling a laxated herb compound called B. & N. Tonic, agrees to discontinue advertising the preparation as a competent treatment for dizzy spells, stomach

disorders, nervous dyspepsia and other ailments and to cease representing that the product is a tonic. The respondent admitted that his preparation is almost wholly a laxative and cannot be accurately described as a tonic. (02350)

Reuben-Richards Company, Inc., Brooklyn, N. Y., has entered into a stipulation to desist from misrepresentation with regard to a coloring material for treating noodles to give them the appearance of containing more egg ingredient than is actually present.

Respondent agrees to cease distributing the preparation "Richards Danish Vegetable Base—N—For Noodles" for use in noodles or related products in such manner as to imply to prospective purchasers or the consuming public that they contain egg in greater proportion than is present, and to discontinue representing that all Federal and State Pure Food laws permit the use of the product. (2419)

Rollins Hosiery Mills, Inc., Des Moines, Iowa, agrees to cease using in its catalogs, on labels and otherwise, the word "silk", alone or in connection with the phrase "pure thread" or with other words as descriptive of hosiery not composed of silk, or the phrase "silk and rayon" as descriptive of hosiery not composed throughout of a mixture of the named fibers, or of hosiery the top, heel and toe of which are composed of cotton or a material other than a mixture of silk and rayon.

The stipulation provides that if the leg or boot of the hosiery is properly represented as "silk", but the top, heel and toe are composed of other material, then the word "silk" shall be immediately accompanied by suitable phraseology in conspicuous type clearly indicating that such designation does not apply to the top, heel and toe. Also, when the words "silk and rayon" are accurately used to describe hosiery composed of such fibers, or any part thereof, the fibers shall be named in the order of their predominance by weight and with equal conspicuousness, as, for example, "rayon and silk", where the rayon predominates. (2321)

Ruby's Cosmetic Laboratories—James Benson and Ruby Allen Trimble, trading as Ruby's Cosmetic Laboratories, 1944 Jos. Campau Avenue, Detroit, agreed to cease advertising that Ruby's Bleaching Cream contains a vitamin and that due to this or any other content, the product locally applied will rejuvenate or vivify the skin, feed the underlying tissues or restore the firmness of youth. The respondents will cease representing Ruby's Straightening Oil or Ruby's Scalp Food Compound as being capable of increasing hair growth to any extent beyond natural growth and will discontinue use of the word "Laboratories" as part of their trade name, to imply that they operate or control laboratories, when such is not a fact. They will also cease asserting that their business is connected with a so-called beauty university. (2420)

Three Dreams Laboratories, Inc., and Glee B. Bryant, its secretary and treasurer, 2111 Clinton Street, Detroit, agreed to stop representing that their products branded Three Dreams are efficacious for beauty troubles generally or will keep a person lovely all the time or bring love, romance or popularity to the user. Use of the word "hair grower" in a manner implying that the product will cause hair to grow, or to grow long or beautiful, will be discontinued. The respondents will cease employing the word "Laboratories" in their corporate or trade name or in any way which may deceive buyers into believing that they own or control the laboratory or plant in which their preparations are made or compounded, when this is not a fact. (2427)

Varady, Inc., 427 West Randolph St., Chicago, will discontinue representing that any of its products, namely Varady Oil of Youth, Varady Face Cream and Varady Face Powder, constitute a cure for dry skin or permanently supply the skin with missing elements. The stipulation requires that the cream will not be advertised as capable of removing twice as much dirt as do all competing products or as being free from wax, and the respondent will discontinue asserting that any of its products eliminate wrinkles, regardless of cause, or will keep the skin young. (02356)

FCC Assignments For April

<p>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:</p>	<p>ASSIGNMENT FOR MONTH OF April</p>
<p>"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.</p>	<p>Commissioner Eugene O. Sykes</p>
<p>"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.</p>	<p>Commissioner Thad H. Brown</p>
<p>"All radio matters of every character (except broadcast, operator licenses and amateur and ship stations) within the territory of Alaska.</p>	<p>Commissioner Paul A. Walker</p>
<p>"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.</p>	<p>Commissioner Norman S. Case</p>
<p>"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.</p>	<p>Commissioner T. A. M. Craven</p>
<p>"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.</p>	<p>Commissioner George Henry Payne</p>
<p>"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:</p> <ul style="list-style-type: none"> (a) all applications for operator licenses, and (b) all applications for amateur and ship stations. 	<p>Secretary T. J. Slowie</p>
<p>"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:</p> <ul style="list-style-type: none"> (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." 	<p>Chief Engineer Ewell K. Jett</p>