



Radio Is Free As Press Says President In Recorded Interview

Declaring that "radio is as free as the press" and praising it for the part it has played in the diffusion of knowledge and culture, President Roosevelt this week inaugurated a series of recordings in which he and members of his cabinet are interviewed, to be made by Lowell Mellett, executive director of the National Emergency Council.

The transcribed interviews will be offered radio stations throughout the country for broadcasting. In the opening statement of the presidential interview Mr. Mellett stated that it was the purpose of the NEC, through the cooperation of broadcasting stations, to represent reports by members of the cabinet regarding the work of their departments.

Below is published a transcript of the interview, which NEC furnished at the request of Headquarters:

THE PRESIDENT OF THE UNITED STATES

LOWELL MELLETT, EXECUTIVE DIRECTOR, THE
NATIONAL EMERGENCY COUNCIL

OPEN: MUSIC—"STARS AND STRIPES FOREVER"
(15 Seconds—Fade For:)

ANNOUNCER: UNITED STATES GOVERNMENT REPORTS
MUSIC: (MUSIC UP—15 SECONDS—GRADUAL FADE

OUT:)

ANNOUNCER: (OPENING ANNOUNCEMENT) 1 MINUTE

MELLETT: Mr. President, it is the purpose of the National Emergency Council, through the generous cooperation of broadcasting stations in all the States, to present reports by the members of your cabinet regarding the work of their respective departments. The first of these reports will be made by Secretary Hull next week when he will discuss the work of the Department of State.

Since this program is being arranged at your direction, we are asking you to make the opening announcement. The United States Government Manual, published by my department—price \$1.75—no more to you than to any other citizen, Mr. President—carries this foreword over your signature: (I quote) "Only through a clear understanding by every citizen of the objectives organization and availability of the government agencies can they render truly effective service and assure progress toward economic security." That, I presume, sums up the reasons for these broadcasts, but you are asked now to elaborate the theory behind them and, if you can, to say all that again in shorter words.

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Chavez Goes to Public for Support of Government-Owned Radio Station

In an address delivered over the National Broadcasting Company last night, Senator Dennis Chavez (D-New Mexico), author of a bill that would establish a short-wave station operated under government supervision, declared that present program services of American short-wave broadcasters in the international field are insufficient; that the stations themselves "are woefully ineffective" and that "we need a powerful government short-wave broadcasting station."

"There is no reason why this government cannot operate a radio station exclusively devoted to promoting cultural ties with the western hemisphere," he continued. "Through such a radio station we can acquaint our Latin neighbors with the sincerity of our Good Neighbor Policy."

The National Association of Broadcasters is opposing the entrance of the government into the radio field. At the present time Headquarters is tabulating the results of a survey of all short-wave operations, and will offer evidence in hearings on the bill that the program services now being offered by private short-wave broadcasters exceed in quality and quantity the program services emanating from foreign short-wave transmitters in the international field.

Radio Liquor Advertising Outlawed In New Bill

Representative Doughton (D-N.C.), Chairman, House Committee on Ways and Means, has introduced H. R. 6219 by request, which is a bill to amend the Federal Alcohol Administration Act.

Contained in the bill is a Section (g) dealing with radio advertising, which provides as follows:

"It shall be unlawful for any person required to secure a basic permit under the provisions of this Act, or for any other person, or for any person for, or in behalf of such persons, to broadcast or cause to be broadcast, directly or indirectly, by means of radio, any advertisement of an alcoholic beverage, nor shall any such person or any person for, or in their behalf, pay for or sponsor, directly or indirectly, any radio program, or be mentioned in any radio advertisement if, either by use of a trade name or otherwise, reference is made to the fact that any such person is engaged in the manufacture, sale, or other distribution of any alcoholic beverage."

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

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

RADIO IS FREE AS PRESS SAYS PRESIDENT IN RECORDED INTERVIEW

(Continued from page 3467)

THE PRESIDENT: I can say it in different words and, if not shorter, better words, the words of George Washington. In his farewell address to the people of the United States, he said: "Promote then as an object of primary importance, institutions for the general diffusion of knowledge. . . . In proportion as the structure of a government gives force to public opinion, it is essential that public opinion be enlightened."

The course thus charted by our first president has been followed consistently since his time. Institutions for the general diffusion of knowledge have been promoted in many ways. The Government, Federal, State and local, has built schools, supported them financially and aided them in their efforts to make America a nation of educated people. The other most important institution for the diffusion of knowledge during the greater part of this period has been the press. The Government's relation to the press has been different from its relation to the schools. Aside from some financial assistance, in the form of less-than-cost postal rates, the Government has supported the press chiefly by protecting its freedom. Whether or not we have the best schools in the world—and many of us think we have—it can hardly be disputed that we have the freest press. Government restrictions on the press amount to little more than laws to prevent the printing of obscene matter and articles calculated to incite rebellion. The press is as free as it cares to be or as its economic condition permits it to be.

But now, in our own time, there has come into being another great institution for the general diffusion of knowledge—the radio. Still in its infancy it already rivals in importance the schools and the press. The Government, as the people's agent, has had and has now a still different relation to radio from that toward the schools and the press. It has encouraged and aided its development on the one hand, and, on the other it has set up such controls of its operation as are necessary to prevent complete confusion on the air. In all other respects the radio is as free as the press.

Always the Government has endeavored to follow the suggestion of George Washington that the public be enlightened. Throughout the years it has made available to the press information that is essential to the people. But there has been and there is now a limit to the amount of such information that newspapers can print. Particularly is this true of newspapers published in cities of less than metropolitan size. Newspapers are business institutions, living on advertising revenue, and they are apt to be as large or as small as their advertising volume requires or permits. This is true and must be recognized, regardless of how seriously or how lightly an individual publisher may take his responsibility to keep the public fairly informed.

So, the Government, in our time, is turning to the radio as an additional means of meeting its obligation to the people. I have watched with interest and appreciation the manner in which the National Emergency Council during recent months has undertaken through the radio the diffusion of factual knowledge concerning Government operations. May I ask you, Mr. Director, to report something of your operations?

MELLETT: All of our broadcasts, Mr. President, have been on local stations, not on the networks. They have taken the form, for the most part, of discussions between our State Directors and field representatives of various Government agencies. The effort has been to answer any question that may be in the mind of any citizen concerning any phase of the Government's work. Our office in Washington receives a multitude of such questions. Some of the agencies receive even more inquiries. So we feel we have reason to know what it is the people want to know. We try in these broadcasts to meet this desire.

Beginning last summer with the cooperation of a few stations in a few States our undertaking had grown by winter to the point where stations in 42 States were working with us.

THE PRESIDENT: What Government agencies have made these reports to the people?

MELLETT: The Civilian Conservation Corps, the Public Works Administration, the United States Employment Service, the Home Owners' Loan Corporation, the Army Engineers—

THE PRESIDENT: That looks like a long list. How many in all?

MELLETT: Forty in all. The present broadcast, Mr. President, and those to follow by members of your cabinet, take a somewhat different form. They will be electrical transcriptions, made here and sent out to the stations. Stations in every State have engaged to present them to their listeners.

THE PRESIDENT: It is hard for me to conceive of any method of diffusing knowledge that would more exactly meet the purpose our first President had in mind, even though radio had not been dreamed of in his time. I am sure the heads of the Government departments will not fail to make good use of it. I like the idea of keeping the broadcasts entirely factual in character and the effort to answer the questions in the minds of the people.

When I was Governor of New York I learned the State Government was performing about 120 different functions of Government. Here in Washington the Federal Government carries on about the same number of functions, most of them different forms of or supplementary to the usual State functions. It seems to me important that before the people pass on the size of or the question of continuing these functions they should have an opportunity to obtain some factual information about them. The people, through Congress, have the right, at any time, to end any individual function, to increase it or to add new functions. That is why knowledge of what Government does today is of such great importance.

It should be possible, too, through your broadcasts, to correct the kind of misinformation that is sometimes given currency for one reason or another. In some communities it is the unhappy fact that only through the radio is it possible to overtake loudly proclaimed untruths or greatly exaggerated half-truths. While, to be sure, the people have learned to discriminate pretty well between sober facts and exciting fiction, they have a right to expect their Government to keep them supplied with the sober facts in every possible way. It was heartening to hear your report concerning the questions the people put to the Government agencies. In that connection, please give the figures of your own operation in this field.

MELLETT: Our United States Information Service during 1938 received slightly more than one hundred thousand letters of inquiry on a wide variety of subjects. The United States Superintendent of Documents received almost three times that many concerning Government publications. I do not have the information as to all the departments and agencies, but an indication of the people's interest is given by the fact that the Department of Agriculture alone receives about 7,500 inquiries a day—or more than two million a year.

THE PRESIDENT: May the interest of the people in the Government never grow less. I am sure it will not, for the people know the Government is *their* Government.

This is good work the National Emergency Council is doing, Mr. Director. Keep it up.

ANNOUNCER: (CLOSING ANNOUNCEMENT)

MUSIC: ("STARS AND STRIPES FOREVER")
 (UNTIL FINISH)

NEC RADIO TRANSFERRED

The functions of the Radio Division of the National Emergency Council were transferred to the Federal Securities Agency under the President's second reorganization plan sent to Congress this week and "shall be administered in the Office of Education under the direction and supervision of the Federal Securities Administrator."

FREE OFFERS

The NAB asked the RCA Manufacturing Company for a statement on its arrangements with stations for

the broadcasting of Victor records which several broadcasters had reported to Headquarters. The following letter has been received, but in the NAB's opinion advertising Victor records without compensation would constitute violation of the NAB Code of Ethics.

You have asked our Company to make a statement regarding Victor Record broadcasts. There are three types of Victor Record broadcasting activities.

1. Network broadcasting—RCA Victor has, for almost four years, advertised and promoted its Victor and Bluebird Records on the MAGIC KEY Radio Program which, I believe, is carried on the largest network of stations in the United States.
2. In about 35 markets, we have commercial popular Victor Record programs being carried on independent stations, some of which have no network affiliation and many of which are affiliated with the three major networks. New stations are being added as fast as we can get adequate retail distribution of our product set up to assure aggressive merchandising.
3. A number of radio stations are carrying, at their own request, the Victor Red Seal Program, known as "THE MUSIC YOU WANT WHEN YOU WANT IT." No charge is made by our Company to the station for the use of this program of the foremost music as performed by the world's greatest artists. When broadcast stations originally requested our permission to use our Victor Red Seal Music, it was, in our opinion, necessary to refuse these requests in order to protect the vital interests of our great Victor artists and musical organizations. Finally, we developed a broadcasting program known as "THE MUSIC YOU WANT WHEN YOU WANT IT," which we believed would be beneficial to our Victor Record artists by increasing the demand for the specific records used on the program, thereby reflecting to the credit of the Victor Record artists in the royalties paid by our Company to the artists. In granting the request of these broadcasting stations for the use of this specific program (and this one only) in the form in which we put it out, we felt that we were protecting the interests of our Victor artists and at the same time giving the broadcasting stations something that was of tremendous benefit to them and their audiences. The program has immense educational value. Many broadcast station operators believe that in using the Victor Red Seal Program they are rendering a service to their listeners, somewhat similar to the service that is being rendered by newspapers and class magazines in the reviewing of Records in their editorial space. As you may know, most of the leading newspapers in the United States, today, review Records, putting in brand names, prices, etc. The same thing applies to class magazines. The "MUSIC YOU WANT WHEN YOU WANT IT" Program won immediate audience popularity, with the result that each month we have a number of new stations make application for it. In some instances, our wholesale distributors have suggested to their local stations that they carry the program.

As our Record business has continued to grow and to expand, our Company has invested increasingly large amounts of money in broadcast advertising. Total investment for this year in actual payments for time, exclusive of the MAGIC KEY Radio Program, will be, approximately, \$500,000. RCA Victor is the only Record manufacturer, to the best of our knowledge, investing any money in radio broadcasting. It is our hope and expectation that, next year, our payments to broadcasting stations (exclusive of the MAGIC KEY) will be double this year's payments.

If we can supply any further information, we will be glad to do so.

Very sincerely yours,
(signed) T. F. JOYCE.

SCHULTE BILL

Headquarters Office is in receipt of a great many letters from stations in reply to the notice mailed to the membership with copy of the bill recently introduced by Congressman Schulte of Hammond, Indiana, prohibiting the recording of off the line broadcasts, and the making

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of transcriptions, under terms as set forth in the bill. According to the communications received, the industry is 100 per cent opposed to enactment of such legislation. The bill is being carefully watched and NAB's position will be stated if hearings are held.

MONOPOLY HEARING REOPENS

The FCC investigation of chain broadcasting and monopoly in the broadcast industry will be resumed Wednesday, May 17. At this time David Sarnoff, President of Radio Corporation of America, and Marks Levine, Manager of the Concert Division of National Broadcasting Company, will be called upon to testify.

Mr. Levine will substitute for George Engels, Vice-President and Managing Director of the Artists Service Department of National Broadcasting Company, who was taken ill during his testimony last fall and was excused, subject to recall. Mr. Engels is still unable to appear.

Mr. Sarnoff will be cross-examined on testimony which he gave last November 14. These are the only two witnesses scheduled to appear at this resumption of hearings.

HEARING SCHEDULING SUSPENDED

The FCC announced this week that the scheduling of hearings, except by direct instructions from the Commission, will be suspended from July 15 to September 5, both dates inclusive.

It is the definite view of the Commission that this period can well be used in accelerating the disposition of pending cases.

REBROADCAST HEARING SET

The FCC has announced that a hearing will be held in Washington on June 7 in connection with the petition of Mayor LaGuardia of New York for permission to rebroadcast international programs over the city station.

The Commission has sent notices to the licensees and permittees of all existing standard broadcast stations (all

broadcast stations licensed to operate upon the channels 550 to 1600 kc, both inclusive) and to all applicants who have pending before the Commission applications for regular broadcast stations to operate upon such channels, to the licensees and permittees of all existing international broadcast stations (all international broadcast stations licensed to operate upon the channels of 6,000 to 26,600 kc, inclusive) and to all applicants who have pending before the Commission applications for regular broadcast stations to operate upon such channels and to any other interested parties.

The official notice in this connection is as follows:

You are hereby notified that the Commission has ordered a hearing on the above-entitled matter at its offices, Washington, D. C., on June 7, 1939, at the hour of 10 o'clock A. M., in Room 1411, Post Office Department Building, 12th and Pennsylvania Avenue, N.W.

Pursuant to said order, you are hereby notified that the Commission at said time and place will hear any licensee, permittee, applicant, or other interested party on the questions hereinafter set forth in order to determine whether or not Rules 177 and 177.1 should be modified so as to permit the rebroadcasting of programs of international broadcast stations by regular broadcast stations whose licensees are universities, other educational institutions, municipalities, other governmental agencies, or other non-commercial, non-profit-making organizations.

For the purposes of developing information upon the question of modification of the rule as aforesaid, the following issues shall be determined:

1. To determine whether the Commission should amend its Rule 177.1 so as to permit the rebroadcasting of programs of international broadcast stations by regular broadcast stations whose licensees are universities, other educational institutions, municipalities, other governmental agencies, or other non-commercial, non-profit-making organizations.

2. To determine whether the Commission should amend its Rule 177.1(b) so as not to require authority from the Commission to rebroadcast the programs of high frequency broadcast stations by regular broadcast stations whose licensees are the same as those set forth in paragraph 1 hereof.

3. To determine the basis for the distinction between the types of licensees mentioned in paragraph 1 hereof and other broadcast licensees for the purposes therein set forth.

4. To determine to what extent, if at all, the amendment of the rules as set forth in paragraphs 1 and 2 hereof would affect the operation of commercial stations as to program service and listening audience.

5. To determine whether the amendment of these rules in the particulars mentioned in paragraphs 1 and 2 hereof is consistent with the purposes of international broadcast stations, as set forth in Rules 1010, 1011, and 1012(c).

6. To determine whether, in view of the long distance characteristics of international stations, and the unreliability of the short or national services of such stations, international stations should be permitted to be used to assist in the building of programs for regular broadcast stations.

7. To determine whether in view of the limited number of frequencies available throughout the world for international stations and the relatively large number of frequencies now used for regular broadcast stations in the United States, and in view further of the position taken by the Government of the United States of America at all international conferences that international broadcast stations should be used exclusively for international transmissions of programs, the amendment of Rule 177.1, as set forth in paragraph 1 hereof, should be made.

8. To determine whether the amendment of rules in the particulars mentioned in paragraphs 1 and 2 hereof would be consistent with international agreements or treaties to which the United States is a party. (Article 7, Paragraph 19, of the General Radio Regulations, Annex 2, of the International Telecommunications Convention, Madrid, 1932; Article 7, Paragraph 22, of the General Regulations, Annex 2, of the International Radio Convention, Cairo, 1938; and Section 2, Table IV, of the Inter-American Arrangement Concerning Radio Communications, Havana, 1938.)

9. To determine whether the Commission should change its basic

policy of not authorizing the use of radio facilities where other facilities are available to render the same service.

10. To determine to what extent a sufficient signal can be delivered by international broadcast stations throughout the United States to permit a satisfactory rebroadcast service.

11. To determine whether the modification of the rules as set forth in paragraphs 1 and 2 hereof would serve public interest, convenience and necessity.

These issues shall not, however, be considered exclusive of, nor preclude, the presentation of any other material evidence which any party may desire to present.

Each licensee, permittee, applicant, or other party desiring to be heard shall, within fifteen days of the mailing of this notice by the Secretary of the Commission, file with the Commission notice of its intention to be present and participate in said hearing.

DISTRICT 1 MEETING

With copyright and legislative problems highlighting the meeting, broadcasters in the New England District 1 meeting yesterday, elected Paul Morency, WTIC, as the new director, replacing John Shepard, III, who was not a candidate for renomination.

President Neville Miller and Joseph L. Miller, Director of Public Relations, represented Headquarters. Those present were: John Shepard, III, WNAC, Boston, Massachusetts; Ted Hill, WTAG, Worcester, Massachusetts; Frank Doolittle, WDRC, Hartford, Connecticut; Erwin Frey, WBRY, Waterbury, Connecticut; S. P. Willis, WPRO, Providence, Rhode Island; Herman Steinbruch, WNBX, Springfield, Vermont; Edward J. Lord, WLNH; James Spates, WHAI, Greenfield, Massachusetts; John Holman, WBZ, Boston, Massachusetts; Stanley Schultz, WLAW, Lawrence, Massachusetts; Quincy A. Brackett, WSPR, Springfield, Massachusetts; Paul Morency, WTIC, Hartford, Connecticut; Harold Fellows, WEEL, Boston, Massachusetts; C. Glover Delaney, WHTT, Hartford, Connecticut; George Kelley, WCSH, Portland, Maine; Henry Rines, Jr., WFEA, Manchester, New Hampshire; William Welch, WSAR, Fall River, Massachusetts; A. S. Moffat, WMAS & WLLH, Cambridge, Massachusetts; Gerard Slattery, WCOP, Boston, Massachusetts; Philip Weiss, WSYB, Rutland, Vermont; and G. S. Wasser, WQDM, St. Albans, Vermont.

DISTRICT 7 MEETING

Acceding to the wishes of Mark Ethridge that it was necessary for him to relinquish his duties as director, and acting upon the motion of the Kentucky broadcasters that the new director come from Ohio, the broadcasters in Kentucky and Ohio, comprising District 7, elected John H. Ryan, Station WSPD, director for the District.

On motion of H. K. Carpenter, WHK-WCLE, Cleveland, District 7 formally thanked Mr. Ethridge for his "valuable and distinguished services not only benefiting the broadcasters of District 7, but the entire industry as well." The resolution paid tribute to his leadership during the reorganization period of the NAB and during the interim when he served as temporary president.

District 7 went on record as opposed to the ratifica-

tion of the International Copyright Union Treaty, and in opposition to the Johnson Bill as one "discriminatory of dangerous precedent."

President Neville Miller led the discussions on copyright and legislative problems, while Ed Kirby, Director of Public Relations, reviewed problems of the Code and other Headquarters activities.

DISTRICT 11 MEETING

Station owners, managers, sales managers, and guests attended the spring meeting of the 11th District at Hotel Kahler in Rochester, Minn., May 5.

Presiding was Earl Gammons, WCCO, district director. Among the principal topics of discussion at the meeting of managers and owners were the copyright laws and legislative matters before Congress. A vote of confidence was given to Neville Miller, president of the NAB, for his work and the district went on record "for the payment at the source of all copyright fees on music for network and transcription broadcasting."

Earl Reinke, WDAY, Fargo, and S. C. Fantel, KSOO, Sioux Falls, S. D., in conjunction with other members of their states said they would have 100 per cent membership attendance at Atlantic City at the July convention.

Earl Gammons was re-elected as director of the 11th District for the ensuing two-year term.

In addition to the meeting of the managers and directors, the sales managers held their meeting with Barney Lavin, WDAY, of Fargo, presiding. Speaking at this meeting was Craig Lawrence of Des Moines, representing the Iowa network. Mr. Lawrence is chairman of the sales managers division of the NAB.

Speaking for President Miller was Paul Peter who came to the meeting from Washington in his capacity as director of research of the NAB. Others who spoke before the owners and managers meeting were Carl Haverlin, general manager of Davis-Schwegler, Inc., Los Angeles, and Alex Sherwood of Chicago, representing Standard Radio, Chicago.

Present at the owners and managers meeting were Stanley E. Hubbard and Kenneth M. Hance of KSTP, St. Paul and Minneapolis; Dr. George Young, WDGY, Minneapolis; C. T. Hageman, WTCN, Minneapolis and St. Paul; E. J. Hayek, KATE, Albert Lea, Minnesota; Earl Reineke, WDAY, Fargo, N. D.; Gregory Gentling, KROC, Rochester, Minnesota; F. B. Clements, KYSM, Mankato; S. Fantle, Jr., KSOO—KELO, Sioux Falls, S. D.; A. A. Fay, KABR, Aberdeen, S. D.; George A. Bairey, Fred Schilplin, both of KFAM, St. Cloud, Minnesota; Bob Tinchler, WNAX, Yankton, S. D.; Phil Meyer, Bismarck, KFYZ; Ray Schwartz, KYSM, Mankato, Minnesota; George A. Rohn, KSOO, Sioux Falls, S. D.

Sales managers and representatives who attended the sales session included C. A. Kennedy, KYSM; E. A. Thomas, KROC; Tom Dawson, WCCO; Ray Jenkins, KSTP; Craig Lawrence, WMT; Hayden Evans, WNAX; W. C. Tiedeman, KATE.

DISTRICT 17 MEETING

C. W. (Chuck) Myers was unanimously re-elected as Director of the 17th District at a meeting held at the Arlington Club, Portland, Oregon, Friday, May 5.

The meeting was attended by the following member stations in Oregon and Washington:

KALE, Portland, Ore., Ted Kooreman; KEX, Portland, Carey Jennings; KFPY, Spokane, Wash., Tom Symones, Jr.; KIRO, Seattle, Wash., H. J. Quilliam; KJR, Seattle, C. E. Arney; KOMO, Seattle, C. E. Arney; KOIN, Portland, C. Roy Hunt; KOOS, Marshfield, Ben Stone; KRSC, Seattle, Bob Priebe; KVI, Tacoma, Earl T. Irwin; KXL, Portland, Tom Symones, Jr.; KXRO, Aberdeen, Washington, Harry R. Spence.

Other executives of already-represented NAB stations present were: Sheldon Sackett, of Marshfield and Salem; and C. W. Myers of Portland. Walter Read of the new KVAN at Vancouver, Washington, scheduled to be on the air July 4, attended as a guest and presented his application for membership.

Other routine business received attention, and resolutions were prepared and adopted opposing ratification of the International Copyright Union treaty, and the Johnson bill to restrict advertising of alcoholic beverages, and approving the policy of the NAB copyright committee.

Legal

COPYRIGHT BILLS

Two new bills seeking to amend the Federal copyright laws have been introduced in the House of Representatives by Mr. McGranery (D.-Pa.) and by Mr. Moser (D.-Pa.). Both bills have been referred to the Patents Committee.

Mr. McGranery's bill (H. R. 6160) is a lengthy amendment to the Copyright Act somewhat similar to other bills heretofore introduced. Among other things, it seeks to create copyright in phonograph records, it extends the life of a copyright to 56 years instead of the present 28 year period, and it anticipates adherence by the United States to the International Copyright Convention. The bill does not change the present \$250.00 minimum damages but allows the damage provisions of the 1909 statute to remain in force. If the bill should be enacted into law, the copyright problems of broadcasters will be substantially increased.

The bill introduced by Mr. Moser (H. R. 6243) seeks to confer upon the Federal Communications Commission the right to authorize the use of copyrighted works at rates determined by the Commission when the person desiring to use the copyrighted works is unable to secure an agreement with the copyright owner. Mr. Moser's entire bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who desires to print, reprint, publish, copy, perform, vend, or exercise any protected right in respect to, any work copyrighted under the copyright laws of the United States, and is unable to secure an agreement with the copyright owner for such desired use thereof, may file an application in writing with the Federal Communications Commission for a permit to make such desired use of the copyrighted work at such rates of royalties or charges therefor as the Commission shall determine under this Act. The Commission, after notice and opportunity for hearing to any interested person, shall within a reasonable time after the filing of such application grant or deny the application by order. The Commission shall not grant any application unless it finds that such action will be in the public interest. If the application for the permit is granted, the Commission in its order shall, after notice and opportunity for hearing to interested parties, fix just and equitable rates of royalty or charge to be paid the copyright owner by the applicant for the use or uses covered by the permit, and the amount of the bond to be furnished by the applicant for the purpose of securing the payment of the royalties or charges by the applicant to the copyright owner at the rates so fixed. Any use of a copyrighted work pursuant to a permit granted and lawfully in force under this Act, shall not be held or considered to be a violation of the copyright laws of the United States.

SEC. 2. To aid in carrying out the provisions of this Act, the Federal Communications Commission is authorized and directed to use such powers vested in it by the Communications Act of 1934, or by any other laws, as are not inconsistent with the provisions of this Act, and the Commission is authorized and directed to prescribe such rules and regulations as may be necessary or proper in carrying out the provisions of this Act.

SEC. 3. There are hereby authorized to be appropriated to the Federal Communications Commission such sums as may be necessary to carry out the provisions of this Act.

SEC. 4. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 5. This Act shall take effect thirty days after the date of its enactment.

BILLS AFFECTING BROADCASTING CONGRESS

H. R. 6160 (Mr. McGranery, D.-Pa.) COPYRIGHTS—To amend the Copyright Act of 1909 in many respects, including the creation of copyright in phonograph records, the extension of the duration of copyright to 56 years. Referred to Committee on Patents.

H. R. 6219 (Mr. Doughton, D.-N.C.) ALCOHOLIC BEVERAGES—To amend Federal Alcohol Administration Act so as to prohibit, among other things, the advertising of alcoholic beverages by radio. Referred to Committee on Ways and Means.

H. R. 6243 (Mr. Moser, D.-Pa.) COPYRIGHTS—Regulating use of copyrighted works. Authorizes Federal Communications Commission to grant licenses and fix the fees for use of copyrighted works when an agreement with copyright owner cannot be secured. Referred to Committee on Patents.

STATE LEGISLATION

DELAWARE:

H. 224 (Rhodes) OCCUPATIONAL LICENSES—Amending the law relating to occupational licenses. Approved 5-2-39.

FLORIDA:

H. 1022 (Allen) LABOR UNIONS REPORTS—Requiring labor unions, associations or groups to maintain records and file regular reports with treasurer of state. Referred to Labor Committee.

H. 1023 (Allen) LABOR UNION REGULATION—Prohibiting any labor union or group from donating dues from members to any foreign cause. Referred to Labor Committee.

H. 1045 (Marchant) RADIO BROADCASTING—Relating to the civil liability of owners, lessees and operators of radio broadcasting stations. Referred to Judiciary A Committee.

H. 1061 (Howze) TRADE MARK PROTECTION—Providing for further additional remedies in enforcement of laws for the protection of trade mark owners, producers, distributors, and the general public against injurious and uneconomic practices in distribution of competitive commodities. Referred to Judiciary A Committee.

H. 1103 (Marchant) MUSICAL COPYRIGHTS—Same as S. 635, below.

H. 1110 (Marchant) UNLAWFUL MONOPOLY—Same as S. 636, below.

S. 626 (Gideons, et al) LABOR RELATIONS—Same as H. 947. Protecting employees and employers in labor controversies, defining labor disputes, regulating collective bargaining agencies, etc. Referred to Labor and Industry Committee.

S. 633 (Rose) EXCISE TAXES—Providing for a levy of ad valorem taxes by counties, cities, towns and other taxing authorities. Referred to Finance and Taxation Committee.

S. 634 (Beacham) RADIO BROADCASTING—Same as H. 1045 above. Referred to Judiciary B Committee.

S. 635 (Beacham) MUSICAL COPYRIGHTS—Relating to public performing rights in copyrighted musical compositions. Referred to Judiciary B Committee.

S. 636 (Beacham) MONOPOLIES, COPYRIGHTS—Amending Chapter 17807 of the 1937 Act, affecting monopoly and its purposes in restraint of trade, any combination of persons which determines the amount of money to be paid to its members for the privilege of rendering publicly or privately for profit, copyrighted vocal or instrumental musical compositions, etc. Referred to Judiciary B Committee.

S. 637 (Beacham) PHONOGRAPH RECORDS—Preventing claims for additional compensation after sale of phonograph records, transcriptions, or any form of recorded music and entertainment has been made and to protect purchaser thereof. Referred to Judiciary B Committee.

NEW YORK:

A. 2326 (Wilson) UNEMPLOYMENT INSURANCE—Amends generally the provisions for unemployment insurance, changes definition of base year, waiting period and duration of benefits; state department is to cooperate with federal government for the benefit of railroad employees, state bureau is to have executive secretary and research assistant and commissioner may appoint referees to hold hearings on claims and adjustments; extends to March 15, 1940, time for commissioner to transmit to the legislature the report of his committee appointed to study partial unemployment, and makes other changes. Referred to Rules Committee.

WISCONSIN:

S. 502 (Kresky) PUBLIC EXHIBITIONS—MINORS—Relating to the employment of minors in public exhibitions. Referred to Education and Public Welfare Committee.

THE BOYER ADVERTISING COMPANY

The Boyer Advertising Company, Clarkedale, Mississippi, is approaching stations by letter asking that an enclosed announcement advertising "Lady Alice Cosmetics" be broadcast once a week for twenty-six weeks at the lowest possible rate. This agency requests that the series start immediately and that a twenty-six week contract be forwarded to Boyer for signature.

It is suggested that stations obtain a more definite commitment before starting announcements in the campaign. Also, the announcement copy involves a gift offer and stations should give careful consideration to avoid possible violation of Section 316 of the Communications Act prohibiting gift enterprises.

OFFICE OF EDUCATION LAUNCHES NEW RADIO SERIES

Commissioner of Education John W. Studebaker announced this week that the Office of Education, Department of the Interior, has accepted an invitation extended by the U. S. New York World's Fair Commission to produce in cooperation with the Columbia Broadcasting System a new weekly coast-to-coast radio series interpreting and supplementing the Federal Exhibits at the Fair. Beginning May 14, the series will be on the air every Sunday, 2 to 2:30 p. m., EDST, over CBS and affiliated stations.

The new series, titled "Democracy in Action," will succeed the Office of Education program "Americans All—Immigrants All," recently named by the Women's National Radio Committee, as the "most original and informative program" of the year.

FCC TELEVISION COMMITTEE

The Television Committee of the Federal Communications Commission had an informal conference on Tuesday with the Don Lee Broadcasting Company of Los Angeles in connection with its investigation of the whole television situation. On May 15 the Committee will confer with the Zenith Radio Corporation of Chicago.

In addition to these two conferences, the Committee within the past ten days has conferred informally with representatives of the Majestic Radio & Television Corporation, the Crosley Corporation, and the Wald Radio & Television Laboratories, Inc.

The Television Committee is composed of Commissioners T. A. M. Craven, Chairman, Norman S. Case and Thad H. Brown. Commenting on the television situation and its connection with these conferences, Chairman Craven said:

"We are discussing frankly with the industry the problems inherent in this new visual means of communication. By proceeding deliberately we hope to make a logical and comprehensive report to the Commission concerning the various complicated aspects of television as a service to the public. The Television Committee will make its report to the Commission as soon as practicable after the conclusion of the series of conferences."

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases beginning the week of May 15. They are subject to change.

Monday, 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.

Tuesday, May 16

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

Wednesday, May 17

Further Hearing

Broadcast

NEW—Nathan Frank, New Bern, N. C.—C. P., 1500 kc., 100 watts, unlimited time.

FUTURE HEARINGS

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

May 23

WREN—The WREN Broadcasting Co., Inc., Lawrence, Kans.; Proposed Studio, Kansas City, Mo., Proposed Transmitter, Kansas City, Kans.—C. P., 1220 kc., 1 KW, 5 KW LS, shares KFKU (DA for day and night). Present assignment: 1220 kc., 1 KW, 5 KW LS, shares KFKU.

June 5

KFIO—Spokane Broadcasting Corp., Spokane, Wash.—C. P., 950 kc., 1 KW, unlimited time. Present assignment: 1120 kc., 100 watts, daytime.

June 7

WICA—WICA, Inc., Ashtabula, Ohio.—C. P., 940 kc., 1 KW, daytime. Present assignment: 940 kc., 250 watts, daytime.
WBNX—WBNX Broadcasting Co., Inc., New York, N. Y.—Renewal of license, 1350 kc., 1 KW, 1 KW LS, shares WAWZ (DA day and night).

Hearing Before the Committee

IN THE MATTER OF AMENDMENT OF RULES 177 AND 177.1 ON PETITION OF MAYOR LAGUARDIA OF THE CITY OF NEW YORK.

June 21

WSPA—Virgil V. Evans, tr/as The Voice of South Carolina, Spartanburg, S. C.—Modification of license, 1120 kc., 500 watts, 1 KW LS, unlimited time. Present assignment: 920 kc., 1 KW, daytime.

June 23

WSUI—The State University of Iowa, Iowa City, Iowa.—C. P., 880 kc., 1 KW, 5 KW LS, unlimited time (DA day and night). Present assignment: 880 kc., 500 watts, 1 KW LS, unlimited time.

June 27

KGLO—Mason City Globe Gazette Co., Mason City, Iowa.—C. P., 1270 kc., 1 KW, unlimited time (DA night) (requests facilities of KWLC and KGCA). Present assignment: 1210 kc., 100 watts, 250 watts LS, unlimited time.
KGCA—Charles Walter Greenley, Decorah, Iowa.—Renewal of license, 1270 kc., 100 watts, daytime, shares KWLC.
KWLC—Luther College, Decorah, Iowa.—Renewal of license, 1270 kc., 100 watts, daytime, shares KGCA.

June 28

NEW—Bellingham Broadcasting Co., Inc., Bellingham, Wash.—C. P., 1200 kc., 100 watts, 250 watts LS, unlimited time (requests facilities of KVOS).
KVOS—KVOS, Inc., Bellingham, Wash.—Renewal of license, 1200 kc., 100 watts, unlimited time.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

- KNOW**—KUT Broadcasting Company, Austin, Tex.—Granted voluntary assignment of license for station KNOW to Frontier Broadcasting Company, Inc. (1500 kc., 100 watts, unlimited time).
- WACO**—KTSA Broadcasting Company, Waco, Tex.—Granted voluntary assignment of license for station WACO from KTSA Broadcasting Co. to Frontier Broadcasting Company (1420 kc., 100 watts night, 250 watts day, unlimited time).
- KEX-KGW**—O. L. Price, Trustee, Portland, Ore.—Granted transfer of control of 470 shares of capital stock of the Oregonian Publishing Company, licensee of stations KGW and KEX, to heirs at law of Henry L. Pittock.
- WPRO**—Cherry & Webb Broadcasting Co., Providence, R. I.—Granted C. P. to move transmitter site locally, install new equipment and directional antenna system, and increase power from 500 watts night, 1 KW day, unlimited time, to 1 KW night, 5 KW day, employing DA for nighttime operation.
- WBCM**—James E. Davidson, Bay City, Mich.—Granted transfer of control of Bay Broadcasting Co., Inc., licensee of WBCM, from James E. Davidson to Harley D. Peet.
- NEW**—Kolarama Laboratories, Inc., Irvington, N. J.—Granted C. P. for new television broadcast station to operate a television transmitter for test and experimental purposes only for a period of 30 days, for radio television transmission in the 2000-2100 kc. band; to operate between the hours of 12 midnight and 6 a. m. on non-interference basis with a power of 500 watts, A5 emission.
- KSTP**—National Battery Broadcasting Co., St. Paul, Minn.—Granted modification of C. P. approving transmitter site and DA system for both day and nighttime operation.
- W3XAD**—RCA Manufacturing Co., Inc., Camden, N. J.—Granted modification of license of television station for change in licensed frequencies from 124000-130000 kc. to 321000-327000 kc.

RENEWAL OF LICENSES

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

KADA, Ada, Okla.; KALB, Alexandria, La.; KANS, Wichita, Kans.; KARM, Fresno, Calif.; KCRJ, Jerome, Ariz.; KBMT, Jonesboro, Ark.; KDLR, Devils Lake, N. Dak.; KELO, Sioux Falls, S. Dak.; KFJB, Marshalltown, Iowa; KFOR, Lincoln, Nebr.; KFXD, Nampa, Idaho; KFXM, San Bernardino, Calif.; KGEK, Sterling, Colo.; KGFJ, Los Angeles; KGH, Little Rock, Ark.; KGLO, Mason City, Iowa; KMLB, Monroe, La.; KOME, Tulsa, Okla.; KPPC, Pasadena, Calif.; KROY, Sacramento, Calif.; KVCV, South of Redding, Calif.; KVEC, San Luis Obispo, Calif.; KSWG, Stockton, Calif.; KWNQ, Winona, Minn.; WAIM, Anderson, S. C.; WALR, Zanesville, Ohio; WABI, Bangor, Maine; WBBL, Richmond, Va.; WBRB, Red Bank, N. J.; WCAT, Rapid City, S. Dak.; WCLO, Janesville, Wis.; WCOL, Columbus, Ohio; WCRW, Chicago, Ill.; WEBQ, Harrisburg, Ill.; WEDC, Chicago, Ill.; WEST, Easton, Pa.; WFAM, South Bend, Ind.; WFBG, Altoona, Pa.; WFOY, St. Augustine, Fla.; WGBB, Freeport, N. Y.; WHAI, Greenfield, Mass.; WHBC, Canton, Ohio.; WHBU, Anderson, Ind.; WHBY, Green Bay, Wis.; WIBX, Utica, N. Y.; WIL, St. Louis, Mo.; WJBC, Bloomington, Ill.; WJBL, Decatur, Ill.; WJBY, Gadsden, Ala.; WJEJ, Hagerstown, Md.; WJIM, Lansing, Mich.; WJNO, West Palm Beach, Fla.; WKOK, Sunbury, Pa.; WLOK, Lima, Ohio; WLVA, Lynchburg, Va.; WMFG, Hibbing, Minn.; WMFR and auxiliary, High Point, N. C.; WMPC, Lapeer, Mich.; WOMT, Manitowoc, Wis.; WQXR, New York City; WSAL, Salisbury, Md.; WCAY, Rochester, N. Y.; WSBC, Chicago; WSGN, Birmingham, Ala.; WSJS, Winston-Salem, N. C.; WSNJ, near Bridgeton, N. J.; WSOC, Charlotte, N. C.; WTAX, Springfield, Ill.; WTOL, Toledo, Ohio.

The following high frequency broadcast experimental station licenses were renewed on a temporary basis only, subject to change and cancellation by the Commission at any time, without advance notice or hearing, for the period ending April 1, 1940:

W9XHW, Minneapolis; W8XNU, Cincinnati; W9XA, Kansas City, Mo.; W2XDG, Bound Brook, N. J.; W2XHG, New York City; W9XUP, St. Paul, Minn.; W9XH, South Bend, Ind.; W1XER, Sargents Purchase, N. H.

DESIGNATED FOR HEARING

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

- KMAC**—W. W. McAllister and Howard W. Davis, d/b as Walmac Co., San Antonio, Texas.—C. P. to move transmitter site locally, exact site to be determined; make changes in equipment, change frequency from 1370 to 630 kc., and increase power and time of operation from 100 watts night, 250 watts day, S-KONO, to 1 KW both night and day, unlimited time. Application designated for hearing because pending applications involve increase in service and possible interference.
- WRBL**—The Columbus Broadcasting Co., Inc., Columbus, Ga.—Modification of license to increase night power from 100 to 250 watts. (To be heard before the Commission). Application designated for hearing because request violates Rule 121. Also pending applications involve increase in service.

MISCELLANEOUS

- KTSW**—Emporia Broadcasting Co., Inc., Emporia, Kans.—Granted petition requesting that the Commission reconsider its action of January 24, 1939, in designating for hearing the application for modification of license to change hours of operation of KTSW from daytime to unlimited.
- NEW**—Tri-City Broadcasting Co., Inc., Schenectady, N. Y.—Denied petition for rehearing in re application for new station to use 950 kc., 1 KW, unlimited time, which was denied by the Commission on March 20, 1939.
- WWRL**—Long Island Broadcasting Corp., Woodside, N. Y.; and **WMEX**—The Northern Corp., Boston, Mass.—Denied petition of WWRL for modification of Statement of Facts, Grounds for Decision and Order in the matter of the application of WNLC, Thames Broadcasting Corp., New London, Conn., for authority to change hours of operation from daytime to unlimited, which was granted by the Commission on March 6, 1939. Also denied petition of WMEX for rehearing and other relief, in re application of WNLC.
- NEW**—Press-Union Publishing Co., Atlantic City, N. J.—Granted motion to strike "Protest and Petition for Rehearing", filed by Martin Falk and others, in re the application of Press-Union Publishing Co., for a new station to operate on 1200 kc., 100 watts night, 250 watts LS, unlimited time, which was granted by the Commission on March 6, 1939, and dismissed petition of Falk, et al., for rehearing.
- Decatur Newspapers, Inc., Decatur, Ill.**—Granted petition of transferee, Decatur Newspapers, Inc., for 1 hour Oral Argument, to be held May 11, in re the application for the transfer of control of station WJBL, Decatur, Ill., from Chas. R. Cook, Transferor.
- W9XER**—Midland Broadcasting Co., Kansas City, Mo.—Granted petition to reconsider and grant without a hearing the application of W9XER for renewal of license and for authority to change equipment and increase power from 50 to 500 watts, and change transmitter location of high frequency broadcast station.
- WHBF**—Rock Island Broadcast Co., Rock Island, Ill.—Denied request that station be authorized to use the following form for station identification announcements: "This is Station WHBF, Rock Island and Moline."
- NEW**—Pawtucket Broadcasting Co., Pawtucket, R. I.—Designated for further hearing on issues to be specified, the matter of application for new station to operate on 1390 kc., 1 KW, unlimited time, which was denied by the Commission on December 12, 1938.
- WCSC**—South Carolina Broadcasting Co., Inc., Charleston, S. C.—Granted motion for leave to amend application, with reference to proposed antenna; hearing now scheduled for May 23. (Hearing date will be cancelled if engineering department finds it cannot be ready by that date.)
- NEW**—Spartanburg Advertising Co., Spartanburg, S. C.—Granted petition to intervene in the hearing on the application of WSPA for modification of license.
- KDYL**—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted petition for intervention in the hearing on the application of KUTA to change frequency and power.

- WHBF—Upper Michigan Broadcasting Co., Calumet, Mich.—Denied motion to strike certain findings made by applicant in Docket 5420, Lane J. Horrington, d/b as Copper Country Broadcasting Co., for C. P. for new station in Hancock, Mich.
- KGA—Louis Wasmer, Spokane, Wash.—Granted petition to intervene in the hearing in re application of KFIO, Spokane, Wash., to change frequency and power.
- KHQ—Louis Wasmer, Spokane, Wash.—Granted petition to intervene in the hearing in re application of KFIO, Spokane, Wash., to change frequency and power.
- W3XEX—WTAR Radio Corp., Norfolk, Va.—Denied motion to dismiss without prejudice, application for renewal of high frequency broadcast station license. Exceptions to the ruling noted by counsel for the applicant.
- KOVC—KOVCO, Inc., Valley City, N. Dak.—Denied petition to dismiss without prejudice application for C. P. to change frequency and power, scheduled for hearing on May 15.
- KXL—KXL Broadcasters, Portland, Ore.—Denied petition to accept amendment with reference to change in frequency, with leave to applicant to withdraw present application without prejudice.
- The Crosley Corp., Cincinnati, Ohio.—Granted petition for all parties involved for extension of time for filing exceptions to Committee Report and brief in support thereof, to and including May 15, in re rules governing standard broadcast stations.
- KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted modification of CP to make changes in equipment.
- KWFT—Wichita Broadcasting Co., Wichita Falls, Tex.—Granted modification of C. P. authorizing change in transmitter and studio locations locally, and changes in equipment; also extension of commencement date to 30 days after grant and completion date to 120 days thereafter. This grant is made subject to the condition that towers be marked according to specifications.
- Columbia Broadcasting System, New York City.—Granted motion for extension of time for filing exceptions and request for oral argument, to May 15, in re rules governing standard broadcast stations.
- WBNX—WBNX Broadcasting Co., Inc., New York City.—Granted motion for continuance of hearing, now scheduled for May 24, for a period of 2 weeks, new date to be fixed at the convenience of the docket section, in re application for renewal of license.
- WBNX—WBNX Broadcasting Co., Inc., New York City.—Granted motion to amend deposition order in re application for renewal of license, by continuing date for taking to May 22, and adding the name of certain witnesses.
- NEW—WJMS, Inc., Ashland, Wis.—Denied petition for leave to amend application for new station, so as to request 1310 kc., 250 watts day, 100 watts night, a hearing on which is now scheduled for June 1.
- NEW—WJMS, Inc., Ashland, Wis.—Granted petition for order to take depositions in re above application.
- WJBL—Charles R. Cook (Transferor), Decatur Newspapers, Inc. (Transferee), Decatur, Ill.—Motion requesting permission for 1 hour argument (oral argument now scheduled for May 11), was referred to the Commission en banc with recommendation that it be considered favorably.
- WEED—William Avera Wynne, Rocky Mount, N. C.—Granted license to cover C. P. authorizing changes in composite equipment for 250 watts.
- WGNY—Peter Goelet, Newburg, N. Y.—Granted license to cover C. P. authorizing changes in equipment and change in frequency from 1210 to 1220 kc., increase in power and time of operation from 100 watts, sharing time with WBRB, WFAS and WGBB, to 250 watts, daytime only.
- KBKR—Louis P. Thornton, Baker, Ore.—Granted modification of C. P. approving transmitter and studio sites and extension of commencement date to 60 days after grant and completion date to 240 days thereafter. Towers to be marked according to specifications.
- NEW—George Harm, Fresno, Cal., Portable-Mobile.—Granted C. P. for new relay broadcast station to operate on frequencies 1622, 2058, 2150 and 2790 kc., 25 watts.
- NEW—City of New York, Municipal Broadcasting System (New York City—within 100 miles), Portable-Mobile (2 Apps.).—Granted C. P. for new relay station to operate on frequencies 1622, 2058, 2150 and 2790 kc., 50 watts.
- NEW—Radio Station WMFR, Inc., High Point, N. C., Portable-Mobile.—Granted C. P. for new relay broadcast station to operate on frequencies 1622, 2058, 2150, 2790 kc., 50 watts.
- NEW—The Louisville Times Co., Louisville, Ky., Portable-Mobile.—Granted license to cover C. P. for relay broadcast station; frequencies 1616, 2090, 2190 and 2830 kc., 50 watts.
- KSCR—McClatchy Broadcasting Co., Sacramento, Cal.—Granted license to cover C. P. for relay broadcast station; frequencies 1646, 2090, 2190 and 2830 kc., 100 watts.
- WAHE—WTAR Radio Corp., Norfolk, Va., Portable-Mobile.—Granted license to cover C. P. for relay broadcast station; frequencies 1606, 2022, 2102 and 2758 kc., 50 watts.
- WCNY—Board of Education, City of New York, Brooklyn, N. Y.—Granted license to cover C. P. for new non-commercial educational broadcast station; frequencies 41100 kc., 500 watts.
- KPDN—R. C. Hoiles, Pampa, Texas.—Granted special temporary authority to operate unlimited time on May 8, 9, 10, 11, 12, in order to broadcast local baseball games.
- WHIO—Miami Valley Broadcasting Corp., Dayton, Ohio.—Granted special temporary authority to rebroadcast recording of program material received from relay broadcast station WOEG operated by Gen. Elec. Co., located aboard Union Pacific train from 2 to 2:15 p. m., EST, on May 11.
- WCLS—WCLS, Inc., Joliet, Ill.—Granted special temporary authority to operate from 8:30 p. m., until midnight on June 5, in order to broadcast Judicial election returns.
- WIRE—Indianapolis Broadcasting Inc., Indianapolis, Ind.—Granted special temporary authority to rebroadcast program material received from relay broadcast station WOEG, located aboard Union Pacific train and operated by Gen. Electric Co., from 4 to 4:45 p. m., CST, on May 12.
- WSAI—The Crosley Corp., Cincinnati, Ohio.—Granted special temporary authority to rebroadcast program material received from relay broadcast station WOEG, located aboard Union Pacific train and operated by Gen. Electric Co., from 7 to 8 p. m., EST, on May 11.
- WILM—Delaware Broadcasting Co., Wilmington, Del.—Granted special temporary authority to operate simultaneously with station WAZL from 8:30 p. m. until midnight, EST, on May 16, 24, June 1, 8, in order to broadcast baseball games.
- W3XEX—WTAR Radio Corp., Norfolk, Va.—Denied as in cases of default application for renewal of high frequency broadcast (experimental) station license. Application was heretofore set for hearing and applicant failed to file written appearance.
- WJBC—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted extension of special temporary authority to operate simultaneously with station WTAW from 8 to 9 p. m., CST, the following Mondays: May 15, 22, 29 and June 5, in order to broadcast special programs from Louisiana State University and special addresses by the president and members of the faculty of that University.
- KWTO—Ozarks Broadcasting Co., Springfield, Mo.—Granted extension of special temporary authority to operate from 5 to 6 a. m., CST, with 1 KW only, for the period May 9 to June 7, in order to conduct experimental farm programs.
- 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 May 12, 19, 26, in order to broadcast special All Request Club sessions, including the Civic Bulletin Board and Music of Memory features.
- KGFL—KGFL, Inc., Roswell, N. Mex.—Granted special temporary authority to operate simultaneously with station KICA from 7:30 to 9:30 p. m., MST, on May 14, 21, 28, June 4, in order to broadcast evening church services.
- The Louisville Times Co., Louisville, Ky.—Granted special temporary authority to use Western Electric 13A transmitter licensed to CBS, call letters WCBG, for relay broadcast program to be rebroadcast over station WHAS on May 6 (action taken May 6).
- WWRL—Long Island Broadcasting Corp., Woodside, L. I., N. Y.—Granted special temporary authority to operate a portable 50-watt transmitter on frequency 1500 kc. between the hours 1 and 6 a. m., DST, from May 8 to May 23, in order to determine new transmitter site for radio station WWRL.
- WJJD—WJJD, Inc., Chicago, Ill.—Granted special temporary authority to operate from 5 to 6 a. m., CST, for the period April 30 to August 1, in order to conform with the adoption of Daylight Saving Time in Chicago.
- KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from local sunset (May 7:15 p. m., CST) to 11 p. m. on May 14, 21, 28, in order to broadcast Methodist Church Services, using 100 watts only.

WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 12:30 to 3:30 p. m., CST, on May 27, in order to broadcast Upper Peninsula High School Conference track meet.

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, May 14, 21, 28 and June 4, in order to broadcast feature by the New York Philharmonic Symphony Orchestra, and religious talk by the Rev. Chas. E. Coughlin; also to operate from 2 to 3 p. m., EST, Fridays, May 19, 26, June 2 and 9, in order to broadcast programs consisting of Columbia Network features, including Irene Beasley and American School of the Air.

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted special temporary authority to operate simultaneously, non-synchronously with station KFAB commencing 4:45 a. m., CST, for the period May 10 to June 9, in order to conform to Daylight Saving Time.

KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Granted special temporary authority to operate simultaneously, non-synchronously with station WBBM commencing 4:45 a. m., CST, for the period May 10 to June 9, in order to conform to Daylight Saving Time.

WGBF—Evansville on the Air, Inc., Evansville, Ind.—Granted special temporary authority to operate a crystal-controlled 100-watt test transmitter in the vicinity of Evansville on frequency 1270 kc. during daylight hours beginning one hour after local sunrise and ending one hour before local sunset, for a period not to exceed 30 days, in order to determine the suitability of a site selected in connection with WGBF's pending application.

KTEM—Bell Broadcasting Co., Temple, Tex.—Granted special temporary authority to operate from 7:30 to 8:45 p. m., CST, on May 15, in order to broadcast early proceedings of Chamber of Commerce banquet, using 100 watts only.

WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Granted special temporary authority to operate a 50-watt portable transmitter during daytime hours between one hour after sunrise and one hour before sunset on the frequency 1550 kc., for a period not to exceed 30 days, in order to conduct site survey. Also granted special temporary authority to rebroadcast program material received from relay broadcast station WOGF operated by General Electric Co., located aboard Union Pacific train, from 5:45 to 6 p. m., EST, on May 10.

W8XUJ-W8XNU—The Crosley Corp., Cincinnati, Ohio.—Granted special temporary authority to use facsimile broadcast experimental station W8XUJ and high frequency station W8XNU at Carew Tower, for a period not to exceed 30 days, in order to conduct radiation tests to determine whether or not shielding is needed in television rooms.

National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate experimental relay broadcast stations W2XF, W2XK, W3XEK, W3XPO, W3XPP, W6XDE, W6XDG, W8XUE, W8XNB, W9XAP, W9XDV, W9XDW, W9XXD, W9XXG, W10XAH, W10XAI, W10XAK, W10XAM, W10XAN, W10XAN, W10XAP, W10XAX, W10XCG, W10XCH, W10XDX, W10XDY, W10XDZ, W10XEA, W10XEB, W10XED, W10XFQ, W10XFR, W10XGC, W10XN, W10XV and W10XY, on the frequencies 31.22 and 37.02 megacycles in lieu of present assignments 31.1 and 37.6 megacycles, for the period May 20 to June 18, pending adjustments of relay broadcast frequency assignments above 30 megacycles as contemplated by General Order No. 19.

National Broadcasting Co., Inc., New York City.—Granted special temporary authority to rebroadcast program material to be received from Forest Service key station KBAA or similar forestry stations operating in the northwest portion of the United States over stations KPO and KGO and their affiliated chain network stations, in connection with regular network features "On the Fire Line," in addition and on occasions when prevailing forest fires may prompt the conduct of a descriptive program for information and educational guidance, for May 10, 1939.

W1XOJ—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to test the high frequency broadcast equipment of station W1XOJ authorized by modification of C. P. on frequency 43000 kc. with power not to exceed 100 watts, for the period May 10 to June 8,

for tuning and adjustment of the antenna elements which are now being assembled for erection atop 400-foot mast.

W8XWJ—The Evening News Assn., Detroit, Mich.—Granted extension of special temporary authority to operate high frequency broadcast experimental station W8XWJ on the frequency 42060 kc. in addition to the normal licensed frequencies, for the period May 17 to June 15, pending definite arrangements to be made in the ultra high frequency bands.

WDGY—Dr. George W. Young, Minneapolis, Minn.—Denied special temporary authority, unless Rule 15.15 is complied with, to operate from 8 to 8:30 p. m., CST, on May 30, in order to broadcast Twentieth Century-Fox program from MBS.

APPLICATIONS FILED AT FCC

550 Kilocycles

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—Construction permit for changes in directional antenna (day and night use), change in frequency from 550 kc. to 630 kc., hours of operation from S-KFUO to unlimited, move transmitter from northeast corner 12th and Olive Sts., St. Louis, Mo., to St. Clair and Warren Aves., Nameoki, Ill., contingent on KFRU and WGBF. Request facilities of KXOK.

580 Kilocycles

WIBW—Topeka Broadcasting Association, Inc., Topeka, Kans.—Authority to determine operating power by direct measurement of antenna power (580 kc.)

710 Kilocycles

KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, Calif.—Construction permit to install new transmitter and antenna to be determined; increase power from 500 watts to 1 KW night, 5 KW day; change hours of operation from limited to unlimited time; move transmitter from 9631 Wilshire Blvd., Beverly Hills, Calif., to site to be determined, near Culver City, Calif.

780 Kilocycles

NEW—Springfield Radio Service, Inc., Springfield, Ohio.—Construction permit for a new station on 780 kc., 250 watts power, daytime. Studio and transmitter locations to be determined, Springfield, Ohio.

970 Kilocycles

WIBG—Seaboard Radio Broadcasting Corporation, Glenside, Pa.—Modification of construction permit B2-P-2268 to install new transmitter and antenna, move of transmitter, further requesting authority to change type of equipment, and extend commencement and completion dates 60 days each.

1010 Kilocycles

KQW—Pacific Agricultural Foundation, Ltd., San Jose, Calif.—Modification of construction permit (B5-P-1712) as modified for increase in power, new equipment, move transmitter site and install directional antenna for day and night use, requesting change in type of transmitter.

1020 Kilocycles

WDZ—WDZ Broadcasting Co., Tuscola, Ill.—License to cover construction permit B4-P-1928, as modified, to install new transmitter and increase power.

1050 Kilocycles

WIBC—Indiana Broadcasting Corporation, Indianapolis, Ind.—Authority to transfer control of corporation from Glenn Van Auken to H. G. Wall, 510 shares common stock.

1210 Kilocycles

WALR—WALR Broadcasting Corp., Zanesville, Ohio.—Authority to transfer control of corporation from Ronald B. Woodyard to West Virginia Broadcasting Corp., 100 shares common stock.

WJMC—Walter H. McGenty, Rice Lake, Wis.—License to cover construction permit (B4-P-1231) for new station.

1240 Kilocycles

WKAQ—Radio Corporation of Porto Rico, San Juan, P. R.—Construction permit to install new transmitter, and antenna to be determined; increase power from 1 to 5 KW; change frequency from 1240 ke. to 620 ke.

1310 Kilocycles

NEW—Clyde E. Wilson and Howard A. Shuman, d/b as Hot Springs Broadcasting Co., Hot Springs, Ark.—Construction permit to erect a new station on 1310 ke., 100 watts, 250 watts day, unlimited time.

1370 Kilocycles

WBNY—Roy L. Albertson, Buffalo, N. Y.—Modification of license to change hours of operation from specified hours (all not used by station WSVS) to unlimited. Request facilities of station WSVS.

WCOS—Carolina Advertising Corp., Columbia, S. C.—Modification of construction permit B3-P-1233, for a new station requesting changes in type of transmitter and approval of antenna and approval of studio site at Main St., 1202, Columbia, S. C., and transmitter site at Henderson St., 1300, Columbia, S. C. Amended: Antenna and specify transmitter site as 200 Senate St., Columbia, S. C.

WLLH—Merrimac Broadcasting Co., Inc., Lawrence, Mass.—Extension of special experimental authority to operate a "satellite" station on 1370 ke., 10 to 100 watts power, unlimited time, to be operated in addition to WLLH (Lowell, Mass.), for period from 7-1-39 to 1-1-40. Located at Gregg Bldg., Lawrence, Mass.

WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—License to cover construction permit (B2-P-1289) as modified for a new station.

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—License to cover construction permit B4-P-1634 as modified for new transmitter, directional antenna for night use, increase in power, and change in frequency and move of transmitter.

KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Authority to determine operating power by direct measurement of antenna power.

1420 Kilocycles

WPRP—Julio M. Conesa, Ponce, P. R.—Construction permit to install new transmitter, vertical antenna; change frequency from 1420 ke. to 1480 ke.; increase power from 100 watts, 250 watts day, to 5 KW day and night; change hours of operation from specified hours to unlimited time. (1420 ke.)

KRBM—KRBM Broadcasters, Bozeman, Mont.—Modification of construction permit B5-P-1542 as modified for a new station, requesting extension of completion date from 6-11-39 to 12-11-39.

NEW—Dr. Willard Carver, Thomas B. Williams, Byrne Ross, Lawton, Okla.—Construction permit for a new station on 1420 ke., 100 watts, unlimited time.

NEW—Las Vegas Broadcasting Co., Inc., Las Vegas, Nev.—Construction permit for a new station on 1420 ke., 100 watts, 250 watts day, unlimited time.

1500 Kilocycles

WKBB—Sanders Brothers Radio Station, Dubuque, Iowa.—Modification of construction permit B4-P-1147 as modified for move of studio and transmitter, install new antenna, further requesting extension of completion date from 5-20-39 to 11-20-39.

NEW—Cordele Dispatch Publishing Co., Inc., Cordele, Ga.—Construction permit for a new station on 1500 ke., 100 watts, 250 watts day, unlimited time.

MISCELLANEOUS

NEW—Miami Valley Broadcasting Corporation, Portable-Mobile in Montgomery County area (Dayton, Ohio).—Construction permit for new relay broadcast station to be operated on 1622, 2058, 2150, 2790 ke., 18 watts, A-3 emission.

NEW—WJR, The Goodwill Station, Portable-Mobile, area of Detroit, Mich.—Construction permit for new portable-mobile relay broadcast station to be operated on frequencies 1646, 2090, 2190 and 2830 ke., power 250 watts, emission A-3.

NEW—Allen B. DuMont Laboratories, Inc., Portable-Mobile, area of U. S.—Construction permit for a new television station (experimental) on frequencies Group C, 60000-86000 ke., and Group D, 156000-162000 ke., aural and visual power 50 watts, emission A-3 and A-5. Amended: To omit Group C, 60000-86000 ke.

W2XVT—Allen B. DuMont Laboratories, Inc., Passaic, N. J.—Construction permit television station, for change in equipment, and add frequencies 60000-86000 ke., increase in aural and visual power to 5 KW. Amended: To request frequencies 44000-50000, 78000-84000 and 102000-108000 kes. Request waiver of Rule 43.13 (b).

NEW—Allen B. DuMont Laboratories, Inc., Manhattan, N. Y.—Construction permit for new television broadcast (experimental) station to be located at 515 Madison Ave., New York City on frequency 60000-86000 ke. Aural and visual power 1 KW, emission A3 and A5. Amended: To request frequencies 78000-84000 ke.

NEW—Allen B. DuMont Laboratories, Inc., Washington, D. C.—Construction permit for a new television station at 14th and F Sts., N. W., Washington, D. C., on 42000-56000; 60000-86000 ke., aural and visual power 1 KW, A-3 and A-5 emission. Amended: To request frequencies 44000-50000 ke.

NEW—William G. H. Finch, New York, N. Y.—License to utilize the equipment of W2XBF for high frequency broadcast station to be operated on 42260 and 43400 ke., 1 KW power, A-3 and special emission.

WBAC—New Jersey Broadcasting Corp., Portable-Mobile, area of N. Y. and N. J.—License to cover construction permit B1-PRY-139 for a new relay broadcast station.

WIEW—National Broadcasting Co., Inc., Mobile, area of N. Y.—Construction permit to install new transmitter and increase power from 20 to 25 watts.

WIEW—National Broadcasting Co., Inc., Mobile, area of N. Y.—License to cover above.

W2XBF—William G. H. Finch, New York, N. Y.—Modification of license to change class of station from experimental broadcast station to facsimile station and change frequency from 31600, 35600, 38600, 41000 ke. to 43740 ke.

NEW—San Mateo Junior College District, San Mateo, Calif.—Construction permit for a new non-commercial educational broadcast station in San Mateo, Calif., on 41060 ke., power 25 watts, A-3 emission, located at N. Delaware and Peninsular Ave., San Mateo, Calif. Amended: Equipment changes, increase in power from 25 to 100 watts.

NEW—The Louisville Times Co., N. E. of Eastwood, Ky.—Construction permit for a new facsimile station on 25700 ke., 500 watts power, unlimited time, A-3 and A-4 emission. Located 2-3/8 mile N. E. of Eastwood, Ky. Amended: To specify frequency 25250 ke., in lieu of 25700 ke.

NEW—The National Life and Accident Insurance Co., Inc., Nashville, Tenn.—License for a new facsimile station (utilizing equipment of high frequency broadcast station W4XA-B3-PHB-62) on frequency 25250 ke., 1 KW power, A-4 emission, Nashville, Tenn.

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.

Cotton Belt Mattress Company—Misleading representations in the sale of mattresses are alleged in a complaint issued against E. E. Phillips, trading as Cotton Belt Mattress Company, Pine-tops, N. C.

Phillips, it is alleged, falsely represented the constituent fiber and material of his mattresses by advertising them variously as

"All Layer Felt," "100% Layer Felt—Staple Cotton," "Felt-Plated—Cleaned Cotton Motes," and "Felt-Plated—Washed Cotton."

It is alleged that these representations were false and misleading as the mattresses so advertised did not contain the materials as represented. (3781)

Charles of the Ritz Distributors, Corp.—See Charles of the Ritz, Inc.

Charles of the Ritz, Incorporated, and Charles of the Ritz Distributors Corporation, New York, dealers in cosmetics and toilet goods, have been served with an amended and supplemental complaint alleging violation of the Robinson-Patman and Federal Trade Commission Acts.

In alleged violation of Section 2 (e) of the Robinson-Patman Act, the respondent corporations are said to favor certain purchasers by furnishing them with the services of sales persons to demonstrate and sell the respondents' commodities, without similarly according the services of paid demonstrators to other competing purchasers on proportionally equal terms. (3017)

Federal Organization, Inc.—Misleading use of the word "Federal" in their advertising matter, implying that their products have been tested or approved by an agency or experimental laboratory of the United States Government, is alleged in a complaint against Federal Organization, Inc., 198 Broadway, New York, and its president, Samuel L. Presner, 4434 Post Ave., Miami, Fla.

In the sale of devices and of medicinal preparations containing drugs, for the treatment of genital and urinary disorders, the respondents are alleged to have used in their advertising matter the word "Federal" and the phrase "Federal Research Laboratories" in a manner representing that their products had been Government tested and approved, and the statement "Federal Organization, Inc., Successors to Federal Research Laboratories," to represent that they own, control or operate a laboratory equipped for experimental work.

The complaint alleges that in fact the respondents' products have not been tested or approved by any experimental or testing laboratory; that the name "Federal Research Laboratories" is merely a trade name adopted by them; that they do not own or control a laboratory equipped for experimental work, and that their products have never been tested by a United States Government agency or laboratory. (3782)

General Merchandise Company—See Schall Candy Company.

Hy-Test Cement Company, Fox Building, Philadelphia, distributor and seller of masonry cement, is charged in a complaint with misrepresentation in the circulation of a booklet purporting to be an official publication of the National Bureau of Standards of the Department of Commerce.

The complaint also involves violation of the rules and instructions of the Bureau of Standards forbidding distribution for advertising or promotional purposes by manufacturers of the results of tests of their products by the Bureau.

The complaint charges that the respondent has caused to be published and circulated a booklet entitled "Bricklaying To Avoid Leaks," which in fact is an altered reprint of an article written by an executive of the Bureau, in such a manner as to imply that it is an official report of the Bureau. (3779)

Income Record Publishing Co.—See United States Business Card Co.

New York Diesel Institution, Inc.—Misleading representation to the effect that they have jobs to offer instead of being engaged merely in the business of giving instruction, is charged in a complaint issued against New York Diesel Institution, Inc., and Henry M. Kramrath, John L. Snider, Everett K. Pangburn, Richard B. Cornell and Frank F. Hayward, individually and as officers of the corporation, all of 47 Rector St., Newark, N. J. (3785)

Primrose House, Inc.—A New York cosmetics manufacturer, Primrose House, Inc., has been served with an amended and supplemental complaint alleging violation of both the Robinson-Patman and Federal Trade Commission Acts.

It is alleged that in the sale of its products to retail dealers the respondent furnishes to some but not all of its purchasers the services and facilities of special demonstrators installed in the purchasers' places of business to display, demonstrate and sell cosmetics.

The amended complaint points out that personnel furnished to merchants by the respondent are able to stress the merits of the respondent's products as against competing preparations and that they depend solely for continuance in employment upon adequate sales of the respondent's products. It is alleged that 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 company. (3039)

Schall Candy Company—Use of lottery methods in the sale to ultimate consumers of candy, cigarettes, radios, blankets, and other merchandise, is charged in complaints issued against Schall Candy Company, Clinton, Iowa, and David Kritzik, trading as General Merchandise Company, 843 North Third St., Milwaukee. The complaint against Schall Candy Company charges that assortments of candy manufactured and distributed by the respondent contained push cards to be used in the sale of the candy whereby purchasers may obtain larger or more pieces through the punching of certain concealed numbers.

The other complaint alleges that General Merchandise Company furnished punchboards by use of which purchasers of chances who punch lucky numbers may receive blankets. (3776-3780)

United States Business Card Company—Alleging misleading representations in the sale of stationery and business forms a complaint has been issued against United States Business Card Company, New York, United States Stationery Corporation, Elizabeth, N. J., and Lewis Weisman, trading as Income Record Publishing Company, Elizabeth, N. J. Weisman is president and treasurer of the two United States corporations.

On certain of their business forms and other printed matter the respondents are alleged to have placed the term "U. S. Approved" when in fact their products have not been approved by the United States Government or an agency thereof, and the United States Business Card Company is alleged to have distributed pamphlets and other literature containing the statement "World's Largest Manufacturers of Business Cards Exclusively," when this respondent is in fact not the world's largest manufacturer of such products exclusively. (3784)

United States Stationery Corp.—See United States Business Card Co.

STIPULATIONS

The Commission did not announce any stipulations during the past week.

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Anylite Electric Company, Fort Wayne, Ind., has been ordered to discontinue misleading representations in the sale of Theronoid, an electrical device labelled as being of value in treating diseases. The order directs the respondent to cease representing that Theronoid has any therapeutic, remedial or curative value and that its use will restore a person to normal health.

Conde-Nast Publications, Inc.—See New York Pattern Company, Inc.

Fee & Stemwedel, Inc., Chicago, has been ordered to discontinue misleading representations concerning the foreign origin of barometer movements used in weather-indicating instruments.

Findings are that the respondent assembled for sale four barometer models and one model of a combination thermometer, hygrometer and barometer, and that the barometer movements used in these instruments were imported and were marked "Made in Germany."

It was found that to the complete barometer mechanism the respondent added a dial and indicator which it placed in a case, usually made of bakelite, and that the phrase "Made in Germany" became no longer visible. On three of the barometer models the respondent marked on the dial: "Made in U. S. A. by Fee & Stemwedel, Inc., Chicago." On the combination instrument the respondent placed a plate reading: "Airguide Trio, Made in U. S. A. by Fee & Stemwedel, Inc., Chicago."

These practices were found to have a tendency to deceive buyers into believing that the barometers were made in the United States by the respondent. Many purchasers prefer American-made weather instruments.

The Commission's order directs the respondent to cease and desist from representing, by use of the term "Made in U. S. A." or any term of similar meaning or in any other manner, that its weather indicating instruments containing barometers are wholly of American manufacture, and from causing the brands or marks on imported barometer movements or other parts, which indicate foreign origin or manufacture, to be removed, erased or concealed so as to mislead or deceive ultimate purchasers with reference to such foreign origin or manufacture, unless the removal, erasure or concealment is necessary to the further manufacture or processing of the products sold. (3202)

General Sales Company—Orders to cease and desist from the distribution of pull and push cards and other lottery devices to be used in the sale of merchandise have been issued against two Chicago distributors, Harry Cutler, trading as General Sales Company, 231 South Wells St., and Al B. Wolf and Max Schwartz, trading as Paramount Products Company and Paramount Garment Company, 637 West Roosevelt Rd.

Findings of the Commission are that General Sales Company distributes electric razors, cameras, radios, and other merchandise, also supplying customers with the lottery devices and instructions by which the merchandise is distributed to ultimate consumers. (3568-3569)

Hollywood Pattern Company—See New York Pattern Company, Inc.

New York Pattern Company, Inc.—Imitation of counter display catalogs of a competing paper dress pattern company, and misrepresentation that it had purchased the business of the competitor, is forbidden in a cease and desist order against New York Pattern Company, Inc., and John Howie Wright, New York City.

The name "Hollywood" as a trade-mark designating paper dress patterns, was registered and granted in 1934 to the respondent company and to Conde-Nast Publications, Inc., publisher of "Vogue," a style magazine. Conde-Nast Publications manufactures and distributes a line of patterns to be sold at retail for 15 cents. To differentiate these from a higher priced line of Vogue patterns the Conde-Nast company incorporated the wholly owned subsidiary Hollywood Pattern Company. Both the respondent New York Pattern Company and the Hollywood Pattern Company distribute catalogs of "Hollywood" patterns.

Findings of the Commission are that the catalog of the respondent company simulates that distributed by the Hollywood Pattern Company with respect both to color, which varies from month to month, and a design of a five-pointed silver star superimposed on the basic color. It was also found that the respondent, through its agents, informs retail dealers in paper dress patterns that the patterns shown in its catalogs are the only Hollywood patterns on the market, and in some instances the agents have represented that the respondent corporation has purchased the business of the Hollywood Pattern Company. (3119)

Paramount Garment Company—See General Sales Company.

Paramount Products Company—See General Sales Company.

FTC CASE CLOSED

The Federal Trade Commission has closed its case against Hawaiian Distilleries, Ltd., Honolulu, Hawaii, which was charged with misuse of the word "Distilleries" in its corporate name, in violation of Section 5 of the Federal Trade Commission Act.

At the time the complaint was issued, the respondent corporation was engaged in rectifying, blending, bottling and wholesaling alcoholic beverages. However, it appears that the corporation now owns and operates a registered distillery.

The Commission closed the case without prejudice to its right to resume prosecution should future facts so warrant.