



The Week In Washington

The NAB learned from reliable sources this week that there was only faint possibility that Congress would consider new broadcasting legislation this year.

The arrival of hot weather has, as usual, spurred adjournment talk. The calendar is still so crowded with legislation in which both Congress and the administration appear to be vitally interested that any major reform of broadcasting regulation probably will be left over for the session starting next January.

Of course, there remains the danger that the bill to prohibit beer and liquor advertising might slip through in the last-minute rush. The International Copyright Treaty also remains on the Senate calendar.

Extension of the normal broadcasting license period to three years was advocated by the NAB during argument on exceptions to the FCC committee report on new rules and regulations. Philip G. Loucks, appearing for the NAB as special counsel, commended the committee for recommending an increase in the license period from six months to one year, but added that "far greater stability is needed."

It is now understood that the FCC, in calling the industry's attention recently to Section 317 of the Communications Act, had in mind particularly sponsored talks, and not spot announcements and participating programs.

Both the Code and Copyright Committees met in New York on Thursday. The Code Committee was expected to make the final draft of program standards to be presented to the Atlantic City convention July 10-13. The Copyright Committee was to review the progress to date of ASCAP negotiations and to consult with Neville Miller on future steps.

FCC CONFIRMS INTERPRETATION OF SECTION 317

When the FCC recently called the attention of the broadcasting industry to Section 317 of the Communications Act, a number of broadcasters were concerned about the industry's general practice with regard to spot announcements and participating programs.

It was understood that the Commission, in calling the industry's attention to the Act's requirement that sponsors be identified, had in mind particularly sponsored talks. It is also understood that the industry's present general practice with regard to spot announcements and participating programs was not involved, and that this present general practice is considered to meet the intent of the Act.

With regard to sponsors, it is understood that their identification does not mean that the complete name of the advertiser must be given if the advertiser is identified by the name commonly recognized by the public as referring to that advertiser.

The following letters were exchanged between the NAB and the FCC:

May 23, 1939

Mr. T. J. Slowie, Secretary
Federal Communications Commission
Washington, D. C.

Dear Mr. Slowie:

Please permit me to refer to the Commission's release No. 34075 of May 16, which called attention to the requirements of Section 317 of the Communications Act of 1934, reading as follows:

"Sec. 317. All matter broadcast by any radio station for which service, money, or any other valuable consideration is directly



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FCC CONFIRMS INTERPRETATION OF SECTION 317

(Continued from page 3513)

or indirectly paid, or promised to or charged or accepted by, the station so broadcasting, from any person, shall, at the time the same is so broadcast, be announced as paid for or furnished as the case may be, by such person."

It is my understanding this release was occasioned by reports from the Commission's field representatives that in several instances a few stations had neglected to sufficiently identify sponsors, particularly in connection with time purchased for talks.

Heretofore we have interpreted the provisions of Sec. 317 as follows: "The station is required to announce the sponsor of the program in such language as will acquaint the listener with the fact that the program is being broadcast as an advertisement if such is the case. The Federal Radio Commission ruled that advertising must be presented as such and not disguised, applying the same principle which has been applied to newspapers to prevent an advertisement from appearing on the surface to be a news item (see Third Annual Report, Federal Radio Commission, page 35). The plain intent of the Section is to prevent a fraud being perpetrated on the listening public. Therefore, reference to the sponsor in such manner as to indicate to the listener that the program is paid for by the sponsor should be sufficient without the necessity of specifically using the words "paid for." An announcement of the fact that the program is presented by the "X" company or that it is sponsored by the "X" company would appear to satisfy the provisions of the statute, since these terms have been publicized to such an extent by radio that the public understands such programs are paid for and are for the purpose of advertising the product of the sponsor. On the other hand, if the name of the sponsor is mentioned in such manner that it might be construed as an editorial comment on the part of the station or as an item of news, it would be contrary to the provisions of the Section."

In view of the number of requests for information received as a result of the Commission's release, it will be greatly appreciated if you will advise whether the foregoing interpretation is in accord with that of the Commission.

Sincerely,

ANDREW W. BENNETT, *Counsel*.

Mr. Andrew W. Bennett
Counsel, National Association of Broadcasters,
1626 K Street, N. W.,
Washington, D. C.

Dear Sir:

This will reply to your letter of May 23, 1939, inquiring as to whether an interpretation given by you of Section 317 of the

ENGINEERING CONFERENCE

The informal engineering conference on the Proposed Standards of Good Engineering Practice will be held as scheduled on June 5, 1939, in Room 1411 of the New Post Office Building beginning at 9:30 a. m., E.S.T.

R. M. Wilmotte, acting NAB engineer, and several members of the engineering committee will represent the NAB.

Communications Act is in accord with that of the Commission.

The statute does not specify the exact language of the required announcement. You are informed that the Commission regards an announcement that a particular program is sponsored as in substantial compliance with Section 317 when the name of the sponsor is given. The interpretation given in your letter would seem to properly reflect the purpose and spirit of the section.

Very truly yours,

T. J. SLOWIE, *Secretary*.

FLORIDA PASSES NEW MONOPOLY AND LIBEL BILLS

Both houses of the Florida legislature unanimously passed a new law seeking to curb the activities of pools controlling public performance of copyrighted music, and the new statute now is before the Governor for approval.

The new statute substantially is the same as that enacted in North Dakota (NAB REPORTS, March 10, p. 3335) and supersedes the objectionable features of the 1937 Florida law. However, the new statute expressly provides that it shall not be construed as modifying any of the provisions of the state law with respect to the monopolies and restraints of trade. It leaves on the statute books those provisions of the Florida 1937 statute which Associate Justice Black of the United States Supreme Court held in his minority opinion, April 17, to be violated by ASCAP (NAB REPORTS, April 21, pp. 3429-3431). Attorneys regard this action by the state legislature as removing the objectionable features of the 1937 law and as leaving the pending Florida-ASCAP suit open for a decision on the monopoly question unencumbered by sections of the statute believed by attorneys to be unconstitutional.

In addition, both houses of the legislature by a unanimous vote enacted a statute protecting broadcast stations against liability for defamation. Details of this statute are not available at the time of going to press.

NAB URGES LONGER LICENSE AT FCC ARGUMENT

Extension of the normal broadcasting license period to three years was advocated by the NAB this week during argument on exceptions to the FCC committee report on new rules and regulations.

Philip G. Loucks, appearing for the NAB as special counsel, commended the committee for recommending an increase in the license period from six months to one year, but added:

"However, far greater stability is needed than that which will be supplied by extending the normal license period to one year. Perhaps, in the future, it may become necessary for Congress to provide for a much longer term. The Association considers the committee's recommendation as a step in the direction of greater stability from which will flow improved service to the public; but it is respectfully suggested, however, that further study in the future will reveal that the same reasons for extending the term for a period of one year may be applied with equal or greater force for a longer period."

The NAB Engineering Committee will deal with the engineering phases at an informal conference at the Commission on June 5.

Mr. Louck's statement as to other NAB exceptions to the proposed rules (see NAB REPORTS, p. 3481) follows in part:

Exception 1 relates to Rule 31.04 (3) in so far as that rule proposes to prescribe the amount of money required to construct stations of different classes; in so far as the rule distinguishes or recognizes a distinction between stations supported by sponsored programs and stations otherwise supported; and in so far as it makes mandatory a showing that "adequate commercial support is available" for one class of stations and that "adequate finances are available" to support stations of another class. The principal objection here goes to giving expression in the regulations to a distinction between stations commercially supported and stations otherwise supported. In the first place, the law recognizes no such distinction, but even if it did, this particular part of the rule would be unnecessary. It would seem to be sufficient for all regulatory purposes under the act to limit paragraph (3) of the rule to the first sentence which provides that the applicant shall make a satisfactory showing that he is "financially qualified to construct and operate the proposed station."

There is no doubt but that Congress intended that the Commission should investigate the financial ability of applicants to construct and operate the stations for which they make application but nowhere in the Act is there even the slightest implication that a station must be self-supporting. The regulation as proposed uses the language "adequate commercial support" without defining what will constitute such support. But that is not the evil. In most cases evidence of commercial support is either flimsy or totally worthless. Conditional contracts, oral promises to buy time, speculation as to available advertising revenue, census data—all of these might be evidence—but in most cases constitute little value as proof. Whether or not any particular community is entitled under the law to receive transmission service should not be dependent upon the questionable ability of any particular applicant or applicants to produce satisfactory evidence of adequate support. Under such a rule an economic depression might prevent the licensing of new stations and it is a recognized fact that throughout the last depression new stations were continually licensed. Whether a station can make or lose money, based upon testimony nebulous at its best, should not be the sole criterion upon which the Commission decides whether or not a community requiring service shall have that service supplied. The ability of a clever salesman to induce prospective advertisers to sign questionable agreements to use the facilities of a station that does not exist should not by regulation constitute a limitation upon the application of the statutory standard of public interest, convenience and necessity. The prospective advertiser under such arrangements buys nothing; the salesman has nothing to sell. Yet such agreements—in nearly every case worthless—constitute the best evidence available of commercial support. It is respectfully submitted that the two last sentences of paragraph (3) of Rule 31.04 be deleted as unnecessary, impracticable and of questionable legal validity.

Exception 3 relates to the prohibition of commercial or sponsored programs or commercial announcements during additional hours utilized for experimentation and prohibits additional charges by reason of transmission with facilities granted for experimental purposes which occurs in paragraph (b) of Rule 31.12. Objection was made to this provision during the hearing on the grounds that such prohibition will retard rather than encourage experimentation. The Committee had recommended that a footnote be added to the rule as follows:

"Special authorizations which do not involve experimental operation may be granted pursuant to Rule 15.15 of the Rules of Practice and Procedure."

The addition of the footnote adds nothing to the rule. It is difficult to understand how the inclusion of sponsored matter in programs broadcast during periods of experimentation or how the imposition of charges for the use of facilities experimentally granted can have any bearing of any nature whatsoever upon the prosecution and accomplishment of a program of technical research, especially since the entire research program is under the control of the Commission. Indeed, it is a general rule that the conduct of experimentation adds to the cost of station operation. This restrictive provision, it seems, is of far greater importance to the Commission than it is to licensees since it will undoubtedly tend to discourage stations from going forward with experimental work. We confidently hope that that will not happen. But if it does—if the effect of the rule in actual operation limits rather than encourages experimental use of broadcast frequencies—then

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it is submitted that it is repugnant to Section 303 (g) of the Act which makes mandatory the

"study of new uses for radio, provide for experimental uses of frequencies, and generally encourage the larger and more effective use of radio in the public interest."

This provision of the act—and it is assumed that it is under this provision that the experimental rule is promulgated—says nothing about rates or commercial sponsorship. It is a mandate to the Commission that experimentation be encouraged. A rule discouraging experimentation, it is submitted, contravenes the intent of this provision of the law.

Exception 4 relates to Rule 31.14 in so far as that rule does not provide for a license period which corresponds with the maximum period provided in the Communications Act of 1934. At the time of the hearing the Association asked that the license period be lengthened to the full statutory period of three years but in any event for a period of not less than one year. The Committee has recommended that the normal license period be increased from six months to one year and has set forth as the principal reason for its recommendation the need for greater stability in the industry. We urge the Commission to adopt the Committee's recommendation if it is deemed inadvisable to grant greater extension of the license term at this time. However, far greater stability is needed than that which will be supplied by extending the normal license period to one year. Perhaps, in the future it may become necessary for Congress to provide for a much longer term. The Association considers the Committee's recommendation a step in the direction of greater stability from which will flow improved service to the public; but it is respectfully suggested, however, that further study in the future will reveal that the same reasons for extending the term for a period of one year may be applied with equal or greater force for a longer period.

Exception 6 relates to Rule 32.05 (e) in so far as it prohibits the simultaneous use of a common antenna where two licensees are owned or controlled by the same person or corporation, or where two licensees have an agreement between them which is satisfactory to the Commission. It was the feeling of the Association that the rule should be omitted entirely or, if retained, that there should be language permitting the simultaneous use of a common antenna by separate licensees provided such use is in conformity with an agreement approved by the Commission. The reasons given at the time of hearing were that in some instances the police department of a given city has requested the use of a broadcast antenna for police transmissions. That would not interfere with the broadcast operations and would aid the police department, although the licensees are different. Another instance cited was where one licensee was conducting experimental work on the premises of another licensee, the two licensees probably being under the same control. In such instances, it seems to the Association, the rule should not prohibit such simultaneous use of a common antenna provided a satisfactory agreement is reached between the licensees and the Commission.

Exceptions 11 and 12 relate to certain provisions of Rule 34.21 (1) (a) and (b). This rule governs entries to be made on the program and operating logs. The first objection relates to the use of the language "with an indication of the type of announcement" in paragraph (a) under Section 1 of the rule. The language is indefinite. The rule would seem to provide that an entry of the time each station identification announcement is made, that is, the call letters and location, shall be made on the program log. But it is difficult to understand what is meant by the language "with an indication of the type of announcement." I presume

that this language is intended to require that where a station has several types of identification announcements, or where words other than the mere call letters and location of the station are included in such announcements, then the log entry must show which of the several types is used. If this is what is intended, the language ought to be more specific. As it now stands, it is left to each station to place its own interpretation on this language.

In Exception 12 reference was made to a possible conflict between the provisions of Rule 34.20 (1) (b) and Rule 34.23. Upon further study of the rules and the testimony I do not see that there is any conflict here since the first rule relates to entries to be made upon the program log and the latter governs announcements actually to be made. However, 34.30 (1) (b) and (c) present difficult problems both to the licensee charged with making the entry upon the log and to the Commission in interpreting these entries. The principal difficulty grows out of the use of the words "by whom presented." It is difficult to understand whether the Commission desires that the entry show the names of the artist or artists actually presenting the program in the studio, if it be a studio program; the name of the network, if it be a network program; the name of the recording company, if it be a recorded program. Some of the practical problems which grow out of the construction of Section 317, relating to the identifying of sponsored matter are presented by this Rule. The difficulty of framing a regulation which will accomplish the purposes of the Act and at the same time square itself with the practical aspects of the problem are recognized and the purpose of raising objection here is simply to point out the need for clarification. Perhaps, as a result of the Commission's recent release calling attention of broadcasters to the provisions of Section 317, additional information will be obtained which will be of assistance in reframing parts of the rule which will aid both the Commission and the industry. If the rule is permitted to become effective without change, it is respectfully suggested that at some time in the near future, in the light of information obtained through its application, that the rule be reviewed with a view to making such clarification as may be necessary to remove all trace of ambiguity and misunderstanding. Generally speaking, there is no difference between the Commission and the broadcasters as to the objective to be achieved but if the rule is to be strictly enforced consideration ought to be given to its practical application during day to day operation.

The next exception is Exception 14 which relates to Rule 36.04 in so far as that rule requires every licensee to permit *public inspection* of a complete record of all requests for broadcast time made by or on behalf of candidates for public office. This is the present Rule 36 A 4 which was adopted after the hearings were closed, and therefore has not been the subject of testimony. It is the view of the Association that it will be sufficient for all purposes of the law if the record of requests for political time be open to the Commission rather than to the public. It is difficult to understand how any useful purpose can be served by requiring the licensees to permit members of the public to inspect these records. Furthermore, the rule does not prescribe the length of time such records must be retained by the station nor does it presume to limit the time for their inspection. Would it be a violation of the rule to deny some mere curiosity-seeking member of the public to inspect these records after the business offices of the station were closed for the day? It is believed that all proper purposes of the rule will be subserved if the records are kept available for inspection by the Commission or its representatives.

In closing, I want to point out that the Engineering Committee of the Association has given further study to the rules as recommended by your Committee and these views will be presented at the June 5 conference which I understand has been provided for that purpose. Let me express to you on behalf of the Association its appreciation for the opportunity to come before your Committee and present its views on the proposed regulations and to come before you with the observations I have made. It is the hope of the Association that in the future the same procedure will be followed in any revision of existing rules and in the promulgation of new ones.

FREE OFFERS

The American Hotel Association, New York City, has asked broadcasters to give free plugs for National Hotel Week, June 11-17. The NAB has advised the Association that this would constitute violation of the NAB

Code and suggested that the Association cooperate with broadcasters in obtaining local sponsorship.

The Milk Industry Foundation, New York City, has sent out suggested announcements for "June Dairy Month." The NAB also has suggested cooperation to obtain local sponsorship.

In both of these cases, broadcasters might do well to approach their local dairies and hotels for accounts.

Caxton House, New York, and the Philatelic Banking Service, Boston, have been advised that acceptance of their commission propositions would constitute violation of the NAB Code.

Similar notice went to "The Winning Post," New York City, which offered to supply race results to stations which would plug the magazine on a commission basis.

The NAB has suggested a regular radio advertising campaign to the Angelus-Camp Fire (marshmallow) Company, Chicago, which has been offering prizes to domestic science script writers for program ideas, presumably with the intention of interesting these script writers in the use of marshmallow recipes.

The Stocking House (perfume), Noroton, Connecticut, has advised the NAB that it was not suggesting cost-per-inquiry advertising in its recent proposal, but merely wanted information as to what stations could produce a large number of mail returns.

COPYRIGHT QUESTIONNAIRES

Since the mailing of the copyright questionnaires on Monday, May 22, several stations have written in to inquire whether their responses will be held as confidential. In the first paragraph on the second page of Mr. Miller's letter the following statement is made: "Your individual response will be held strictly confidential and will not be disclosed in any way beyond the NAB Research Department without your expressed permission." In replying to one of the letters which have come in on the subject, Mr. Miller stated as follows: "In reply to your recent letter, I can assure you that the figures which you will send will be kept confidential. They will be handled by Paul Peter, our Director of Research, and at most two employees working under his direction. The compilations only will be shown to the Committee, but no breakdowns of individual stations will be made available for the Committee."

Program Logs were sent out from NAB headquarters May 24. A question on network programs has arisen because some stations feel they cannot reliably report musical numbers played. If member stations feel it too burdensome to list the titles of musical numbers played on network shows it is suggested that the program title be entered with a notation that there are musical numbers played so that in final tabulation logs furnished by the networks can be used to complete the individual station record.

Every station is urged to complete the questionnaire and the Program Logs as soon as possible so that the work of compiling the needed basic information on the broad subject of copyright can be gotten under way. Your cooperation is essential.

FCC STANDARD APPLICATION FOR RENEWAL OF LICENSE

Headquarters has received inquiries from stations with respect to the meaning of question numbered 17 (g) of the FCC's standard application for renewal of license. This question reads: "(g) Average number of hours per month of sponsored programs is —, of which direct advertising programs is — hours."

The word "programs" in the last portion of the question appears to have caused considerable misunderstanding. The Commission advises that the objective of the question is to develop the average number of sponsored broadcast hours per month and the amount of time in those hours devoted to advertising continuity.

PROMOTIONAL MATERIAL

If members desire to be represented in the display at the convention in Atlantic City, July 10 to 13, they should send material to headquarters at once, as final plans are being made for the display. All material must be at Headquarters Office no later than June 15.

HOTEL RESERVATIONS

If you have not already made hotel reservations for the annual convention to be held at the Ambassador Hotel, Atlantic City, July 10 to 13, be sure to write today. Reservations are being made and to secure the type of accommodation you desire at the price you want to pay, it is necessary to make them in advance. Do it today!

KIRBY TO ADDRESS BETTER BUSINESS BUREAU MEETING

Ed Kirby, NAB public relations director, will speak at the business-consumer relations conference to be held by the National Association of Better Business Bureaus June 5-6 in Buffalo, N. Y. Mr. Kirby is scheduled to discuss "What American Radio Means to the Consumer and to the Citizen" at the June 6 afternoon meeting.

BUREAU OF RADIO ADVERTISING

The announcement of the formation of the Bureau of Radio Advertising and its first contribution—"Radio Reaches People"—has been well received by NAB member stations. Approximately one hundred members have sent in the return post card included in the mailing of the announcement and the visual presentation. The orders for copies of future studies and bulletins is encouraging to the Bureau.

It is essential that all stations interested in progressing the objectives of the Bureau of Radio Advertising send in the return post card to give an estimate of the number of copies of bulletins, special studies and binders desired, so that the work of the Bureau can be gotten under way.

Legal

NEW LEGISLATION

STATE

CONNECTICUT:

S. 134 (Rich) LIQUOR—FALSE ADVERTISING—Prohibiting false advertising of liquor. Referred to Judiciary Committee. Passed by Senate 5-27.

FLORIDA:

H. 1913 (Committee on Finance and Taxation) TELEPHONE AND TELEGRAPH TAX—Imposing a tax upon all persons, firms or corporations receiving payment charges or tolls for use of telephones and telegraph, and for telephone and telegraph messages and communications and excluding any tax upon telephone or telegraph messages in interstate commerce. Referred to Calendar.

ILLINOIS:

S. 535 (Ward) BROADCASTING TRIALS—Prohibits broadcasting of court trials. Referred to Second Reading.

NEW HAMPSHIRE:

H. 358 (Committee on Rules) AERONAUTICS—Creating a State Aeronautics Commission and regulating the operating of aircraft. Referred to Judiciary Committee. Passed by House 5-2.

TEXAS:

H. 340 (Morris, et al) TAXES FOR PENSIONS—To redefine "need" in the Old Age Pension Act, and to change the administration of the Old Age Pension. Provisions for taxes of 5¢ per barrel on oil, 5% on natural gas, \$2 per thousand on small cigarettes, \$3.60 per thousand on heavy cigarettes and \$1.50 per ton on sulphur are included. House Committee substitute of 5-12 adds inter alia firearms tax amendments to inheritance and corporate franchise taxes, luxury taxes. Passed by House 5-23.

S. R. 86 SOCIAL SECURITY TAXES—Resolution endorsing the principle of writing taxes to pay for social security benefits into the State Constitution, and requesting the cooperation of the minority members of the House in passing S. J. R. 12. Passed by Senate 5-22.

FEDERAL COMMUNICATIONS COMMISSION

DECISIONS OF COMMISSION

The Federal Communications Commission has granted the application of KRFO, Longview, Texas, to change its frequency from 1370 to 1340 kilocycles, to change its power and hours of operation from 250 watts daytime only, to 1000 watts, unlimited time, employing a directional antenna during nighttime. The station was also granted permission to change its transmitter site, and to install a new transmitter.

The Commission stated in its decision that the operation of the station as proposed "will not cause increased

interference to the operation of any other existing station or to any station proposed in any application pending at the date the instant application was designated for hearing." The Commission said that the granting of the application "will enable the station to render a better service in practically all the service area of the station than is now available."

Chairman McNinch and Commissioner Brown did not participate in this decision.

The application of Leonard E. Wilson for voluntary assignment of license of Station KGIW of **Alamosa, Colorado**, to E. L. Allen, has been granted by the Commission. The station operates on **1420 kilocycles**, with 100 watts power.

Chairman McNinch and Commissioner Brown did not participate in this decision.

The Commission also granted the application of Charles C. Robinson to assign the license of Station KCRJ, **Jerome, Arizona**, to Central Arizona Broadcasting Company. The station operates on **1310 kilocycles**, 100 watts night, 250 watts LS, unlimited time.

Chairman McNinch and Commissioner Brown did not participate in this decision.

The application of the KTSA Broadcasting Company, **San Antonio, Texas**, for consent to assign the license of Station KTSA from the present licensee to the Sunshine Broadcasting Company has been granted by the Commission. The station operates on **550 kilocycles**, 5000 watts LS, 1000 watts night, unlimited time.

Chairman McNinch and Commissioner Brown did not participate in this decision.

FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases beginning the week of June 5. They are subject to change.

June 6

KUSD—University of South Dakota, Vermillion, S. Dak.—Renewal of license, **890 kc.**, 500 watts, 500 watts LS, shares KFNF.
WNBC—State Broadcasting Corp., New Britain, Conn.—Modification of license, **1380 kc.**, 1 KW, unlimited time (DA). Present assignment: **1380 kc.**, 250 watts, 1 KW LS, unlimited time (DA).

June 7

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).

June 2, 1939

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 9

NEW—Neptune Broadcasting Corp., Atlantic City, N. J.—C. P., **1420 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.

June 26

KLCN—Charles Leo Lintzenich, Blytheville, Ark.—C. P. to install new antenna and move transmitter and studio locally; **1290 kc.**, 100 watts, daytime.
KLCN—Charles Leo Lintzenich, Blytheville, Ark.—Renewal of license, **1290 kc.**, 100 watts, daytime.
NEW—Catawba Valley Broadcasting Co., Inc., Hickory, N. C.—C. P., **1370 kc.**, 100 watts, 250 watts LS, unlimited time.
WCBA—B. Bryan Musselman (Assignor), Lehigh Valley Broadcasting Co. (Assignee), Allentown, Pa.—Voluntary assignment of license, **1440 kc.**, 500 watts, 500 watts LS, shares WSAN.
WSAN—WSAN, Inc. (Assignor), Lehigh Valley Broadcasting Co. (Assignee), Allentown, Pa.—Voluntary assignment of license, **1440 kc.**, 500 watts, 500 watts LS, shares WCBA.

July 6

WJBO—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—C. P., **1120 kc.**, 1 KW, 1 KW LS, unlimited except from 8 to 9 p. m. Monday. Present assignment: **1120 kc.**, 500 watts, unlimited except 8 to 9 p. m. Monday.
WAPO—W. A. Patterson, Chattanooga, Tenn.—C. P., **1120 kc.**, 500 watts, 1 KW LS, unlimited time. Present assignment: **1420 kc.**, 100 watts, 250 watts LS, unlimited time.

September 5

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.

FEDERAL COMMUNICATIONS COMMISSION ACTION

APPLICATIONS GRANTED

KWJB—Sims Broadcasting Company, Globe, Ariz.—Granted renewal of license for the period June 1 to December 1, 1939.
WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted authority to transfer control of North Side Broadcasting Corp., licensee of station WGRC, from Charles Lee Harris to Charles Lee Harris and S. A. Cisler, Jr. (station operates on **1370 kc.**, 250 watts, daytime).
KHBC-KGMB—Pacific Theatres and Supply Co., Ltd., Honolulu, T. H.—Granted authority to transfer control of the Hawaiian Broadcasting Co., Ltd. (licensee of stations KHBC, Hilo, and KGMB, Honolulu), to the Consolidated Amusement Company, Ltd. (KGMB operates on **1320 kc.**, with 1 KW, and KHBC operates on **1400 kc.**, with 250 watts, unlimited time).
WGRM—P. K. Ewing, Grenada, Miss.—Granted renewal of license for the period June 1 to December 1, 1939.
WTAL—Florida Capitol Broadcasters, Inc., Tallahassee, Fla.—Present license extended upon a temporary basis only for the

period ending July 1, 1939, pending determination upon the application for renewal.

KRBA—Red Lands Broadcasting Assn., Lufkin, Tex.—Granted renewal of license for the regular period.

WDAH—Tri-State Broadcasting Co., Inc., El Paso, Tex.—Granted renewal of license for the regular period.

WEXL—Royal Oak Broadcasting Co., Royal Oak, Mich.—Granted renewal of license for the regular period.

WIBU—Wm. C. Forrest, Poynette, Wis.—Granted renewal of license for the regular period.

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Granted renewal of license for the regular period.

DESIGNATED FOR HEARING

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

NEW—Clyde E. Wilson and Howard A. Shuman, d/b as Hot Springs Broadcasting Co., Hot Springs, Ark.—C. P. for new station to operate on frequency 1310 ke., with 100 watts night, 250 watts day, unlimited time. The exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

WCNW—Arthur Faske, Brooklyn, N. Y.—Modification of license application, already in hearing docket, amended so as to request unlimited time of operation (requests facilities of WMBQ and WWRL).

KMPC—KMPC, The Station of the Stars, Inc., Beverly Hills, Calif.—C. P. to move transmitter site locally about three miles, near Culver City, Calif.; install new equipment and increase night power from 500 watts to 1 KW and day power from 500 watts to 5 KW; increase time of operation from limited to unlimited. Exact transmitter site and type of antenna to be determined with Commission's approval. To be heard before the Commission. (Application designated for hearing because the request violates Rules 116 and 117; also because of possible interference to existing stations and pending applications involve increase in service.)

NEW—Yetta G. Samford, G. S. Shealy, Thomas D. Samford, Jr., J. H. Orr, d/b as Opelika-Auburn Broadcasting Co., Opelika, Ala.—C. P. for new broadcast station to operate on 1370 ke., 100 watts night, 250 watts day, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.

KSD—The Pulitzer Publishing Co., St. Louis, Mo.—C. P. to move transmitter site locally from northeast corner 12th and Olive Sts., St. Louis, to St. Clair and Warren Avenues, Nameoki, Ill.; install DA system for day and nighttime operation; change frequency from 550 ke. to 630 ke., and time of operation from S-KFUO to unlimited time.

KXOK—Star-Times Publishing Co., St. Louis, Mo.—C. P. to move transmitter site locally approximately 2 miles east of previously approved site, from ½ mile northwest of Venice, Ill., to near National City, Ill.; install new equipment and make changes in DA system; change frequency from 1250 ke. to 630 ke., and increase day power from 1 KW to 5 KW, employing DA system for both day and nighttime operation.

MISCELLANEOUS

KBPS—Benson Polytechnic School, Portland, Ore.—Granted special temporary authority to remain silent from 12:30 p. m., June 2, to 3 a. m., EST, July 1, in order to observe regular school vacation.

KFRO—Voice of Longview, Longview, Tex.—Granted special temporary authority to operate from local sunset (June 7:30 p. m., CST) to 11:05 p. m., using 100 watts power, on Sundays, June 4, 11, 18 and 25, in order to broadcast church services.

WMFO—James R. Doss, Jr., Decatur, Ala.—Granted special temporary authority to operate from 6:45 p. m. until 9 p. m., CST, on May 26, 27, and 28, in order to broadcast programs of local interest from FHA Better Homes Show, using 50 watts only.

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted extension of special temporary authority for daytime operation of new WFBR plant, using DA and daytime power as authorized by C. P. modified February 23, 1939, 5 KW, in order to collect field data essential to proof of performance report, for the period May 25 to June 23.

W8XWJ—The Evening News Assn., Detroit, Mich.—Granted special temporary authority to rebroadcast program material over high frequency broadcast station W8XWJ to be received from relay broadcast station W8XHV in connection with Police Field Day activities on May 25.

KFRO—Voice of Longview, Longview, Tex.—Denied special temporary authority to operate from local sunset (June 7:30 p. m., CST) to 11 p. m., using 100 watts power, on June 2, 6, 7, 8, 9, 14, 15, 19, 20, 21, 26, 27, 28, 29, in order to broadcast baseball games.

KOME—Harry Schwartz, Tulsa, Okla.—Denied special temporary authority to operate from 8:30 to 10:30 p. m., CST, nightly, for the period May 29 to June 27, in order to broadcast Texas League baseball games, using 100 watts only.

KODN—R. C. Hoiles, Pampa, Tex.—Denied special temporary authority to operate unlimited time on May 26, 27, 28, 29, 30 and 31, in order to broadcast local baseball games.

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted special temporary authority to operate with two 500-watt vacuum tubes for high level modulation (RCA 833) as authorized in modification of C. P. granted May 8, 1939, instead of four 250-watt tubes for high level modulation (RCA 204-A), until new directional antenna completed but not to exceed 30 days.

NEW—Vincennes Newspapers, Inc., Vincennes, Ind.—Ruling of March 31, 1939, affirmed, and denied motion to strike proposed findings and conclusions submitted by Samuel M. Emison, and to set aside the intervention granted S. M. Emison on March 31, 1939.

NEW—Catawba Valley Broadcasting Co., Inc., Hickory, N. C.—Granted motion for order to take depositions except as to alternative place of taking and alternative notary, in re application for C. P. to use 1370 ke., 100 watts, 250 watts LS, unlimited time.

KVOS—KVOS, Inc., Bellingham, Wash.—Denied petition for (1) continuance for from 30-60 days from June 28, 1939; (2) permission to take depositions 30 days after depositions or hearing relative to Bellingham Broadcasting Co., Inc. (Docket 5478), application; (3) permission to examine complaints against applicant; (4) denial of Bellingham Broadcasting Co., Inc.; (5) order requiring Bellingham Broadcasting Co., Inc. to clarify its respondent's appearance. (KVOS application involves renewal of license.)

KOY—Salt River Valley Broadcasting Co., Phoenix, Ariz.—Referred to the Commission en banc, the motion to dismiss and return application of KOAC for C. P. to install new transmitter and antenna, move transmitter and increase power.

NEW—Clarence H. Frey & Herbert O. Greever, Logan, W. Va.—Denied, with permission to withdraw without prejudice and file a new application, the petition for leave to amend application to change frequency from 1200 ke. to 1310 ke.

KVOX—KVOX Broadcasting Co., Moorhead, Minn.—Dismissed motion to deny as in default application of KOVC, for C. P. to change frequency from 1500 ke. to 1340 ke., and power from 100 watts, 250 watts LS, to 500 watts, 1 KW LS, unlimited time.

NEW—Milton Edge & Hobart Stephenson, Jacksonville, Ill.—Referred to Commission en banc petition for leave to amend application by substitution of party (Edgar J. Korsmeyer) for Sherman V. Coultas, deceased, in re application for C. P. to use 1310 ke., 100 watts, unlimited time.

KGLO—Mason City Globe Gazette Co., Mason City, Ia.—Granted alternative request for continuance of hearing, new date to be fixed by Secretary's Office, in re applications of KGLO to change frequency and power, and the application for renewal of license of KWLC, Decorah, Ia., now scheduled for June 27.

KOAC—Oregon State Agricultural College, Corvallis, Ore.—Denied petition to accept amendment to amend Section 19(b) of applicant so as to request 1 KW night power instead of 5 KW, with permission to withdraw application without prejudice and file a new application.

WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority to operate from local sunset (May, 6:45 p. m., and June, 7:15 p. m., CST), to 9:30 p. m., CST, on June 1 and 2, in order to broadcast selection and crowning of Strawberry Queen and on May 28, June 4, 11 and 18, in order to broadcast church services.

KLO—Interstate Broadcasting Corp., Ogden, Utah.—Granted special temporary authority to operate daytime with power of 1 KW using new directive antenna, for a period not to

- exceed 10 days, in order to make proof of performance measurements of directive antenna as authorized by permit granted November 28, 1939.
- WBNY—Roy L. Albertson, Buffalo, N. Y.—Granted special temporary authority to operate from 2 to 3 p. m., EST, on June 10 and 17, and from 8:30 to 10 a. m. and 2 to 3 p. m., EST, on June 11 and 18, and unlimited time for the period June 23 to July 1, in order to broadcast programs as described in letter of May 20, 1939.
- WCBN—Columbia Broadcasting System, New York City.—Granted special temporary authority to operate relay broadcast station WCBN aboard aircraft *Yankee Clipper*, owned by Pan American Airways Co., on frequencies 2400, 4800, 6430, 8655, 12862.5, 17310 and 23100 kc., in addition to normal licensed frequencies for a period not to exceed 30 days, in order to relay broadcast special programs during second trans-Atlantic flight of the *Yankee Clipper*.
- KBPS—Benson Polytechnic School, Portland, Ore.—Granted extension of special temporary authority to remain silent for the period July 1 to September 11, in order to observe regular school vacation.
- WIEW—National Broadcasting Co., Inc., New York City, Portable-Mobile.—Granted C. P. for new transmitter and increase in power of an existing relay broadcast station from 20 to 25 watts.
- WDZ—WDZ Broadcasting Co., Tuscola, Ill.—Granted license to cover C. P. authorizing installation of new equipment and increase in day power from 250 watts to 1 KW.
- W8XSC—Mich. State College, E. Lansing, Mich.—Granted license to cover C. P. authorizing changes in equipment and increase in power to 50 watts in relay broadcast station. The license is granted on an experimental basis only, conditionally.
- WIBG—Seaboard Radio Broadcasting Corp., Glenside, Pa.—Granted modification of C. P. to install new equipment and extend commencement date to 60 days after grant and completion date to 60 days thereafter.
- KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Granted license to cover C. P. authorizing change in frequency from 1370 to 1450 kc., and increase in power from 100 watts, unlimited time to 1 KW, unlimited employing directional antenna for nighttime operation.
- NEW—World Peace Foundation, Oakland, Cal.—Denied as in cases of default application for C. P. for new international broadcast station at Oakland, Calif., because applicant failed to file a written appearance.
- KPDN—R. C. Hoiles, Pampa, Tex.—Denied special temporary authority to operate unlimited time on May 17, 18, 19, 20, 26, 27, 28, 29, 30, 31, in order to broadcast baseball games.
- WKBN—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate from 9 to 11 a. m., and from 1 to 3 p. m., EST, on May 30 (provided WOSU remains silent), in order to broadcast programs of a holiday character.
- WCAT—So. Dak. State School of Mines, Rapid City, S. Dak.—Granted special temporary authority to remain silent from June 1 to September 11, in order to observe summer vacation.
- WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Granted license to cover C. P. authorizing changes in composite equipment for 250 watts.
- KCMO—KCMO Broadcasting Co., Kansas City, Mo.—Granted authority to determine operating power by direct measurement of antenna input in accordance with Rule 137, and subject to the following power specifications: antenna current—2.95 amperes for 1 KW day; antenna resistance—115 ohms; type of antenna—vertical wire supported between two 200-foot insulated base towers spaced 340 feet; height of vertical lead 192 feet. Towers detuned by grounding for non-directive operation (non-directional). Transmission line current—3.98 amperes; resistance at common point of input to antenna system—63.0 ohms; type of antenna—3-element directional; height of vertical east and west elements, 200 ft.; overall height 204 ft.; and center element height of vertical lead 192 ft., supported from messenger cable between 2 main elements. Towers insulated with adequate ground system (directive antenna nighttime operation).
- WBLK—The Exponent Co., Clarksburg, W. Va.—Granted license to cover C. P. authorizing changes in equipment and increase in day power from 100 to 250 watts.
- W2XAX—Columbia Broadcasting System, Inc., New York City.—Granted modification of C. P. to extend completion date from June 16 to December 16, 1939.
- KGMB—Honolulu Broadcasting Co., Honolulu, T. H.; KHBC: Hilo, T. H.—Granted petition to reconsider and grant without a hearing the applications for renewal of licenses for KGMB and KHBC. (Cause of objection removed.)
- KNEL—G. L. Burns, Brady, Texas.—Denied petition to reconsider and grant without a hearing, the application requesting authority to increase time of operation from 250 watts daytime to 100 watts night, 250 watts day, unlimited time.
- WBIG—North Carolina Broadcasting Co., Inc., Greensboro, N. C.—Granted petition to reconsider and grant without a hearing the application requesting authority to increase daytime power of station from 1 KW to 5 KW.
- WBAX—John H. Stenger, Jr., Wilkes-Barre, Pa.—Denied petition to reconsider and grant without a hearing, the application for renewal of license of station WBAX.
- NEW—Black River Valley Broadcasts, Inc., Watertown, N. Y.—Denied petition for special relief requesting the Commission to vacate its order of December 2, 1936, in which the applications of the Black River Valley Broadcasts, Inc. was granted and the application of Watertown Broadcasting Corp. was denied, and ordered these two applications be heard *de novo* before an Examiner, together with the applications of WCAD for voluntary assignment of license and C. P. to move station from Canton to Watertown.
- NEW—Clinton Broadcasting Corp., Clinton, Ia.; and NEW—Burlington Broadcasting Co., Burlington, Ia.—Ordered that applications of Clinton Broadcasting Corp. and Burlington Broadcasting Co., be designated for further hearing on questions of interference with existing stations and pending applications for broadcast facilities and related questions.
- NEW—The Courier Post Publishing Co.; and NEW: Hannibal Broadcasting Co., Hannibal, Mo.—Denied petition of Courier Post Publishing Company requesting grant of application for a new local broadcast station at Hannibal, and designated for further hearing in a consolidated proceeding, on the question of possible interference with existing stations and pending applications for broadcast facilities and related questions, the application of the Hannibal Broadcasting Co.
- W8XVA—Brown Radio Service and Lab. (Gordon P. Brown, owner), Rochester, N. Y., Portable-Mobile.—Granted modification of C. P. extending completion date from July 1 to November 10, 1939.
- WRNL—WLBG, Inc., Richmond, Va.—Granted modification of license to change name from WLBG, Inc., to Richmond Radio Corporation.
- W9XXT—KCMO Broadcasting Co., Kansas City, Mo. (Portable-Mobile).—Granted modification of license to reduce the power of high frequency relay broadcast station from 5 watts to 0.5 watts, without new construction. This license is granted on an experimental basis only, conditionally.

APPLICATIONS FILED AT FCC

780 Kilocycles

- KWLK—Twin City Broadcasting Corp., Longview, Wash.—Modification of license to change hours of operation from daytime to unlimited time, using 250 watts power.

1120 Kilocycles

- WISN—Hearst Radio, Inc., Milwaukee, Wis.—Construction permit to make changes in transmitting equipment.

1200 Kilocycles

- WSKB—McComb Broadcasting Corp., McComb, Miss.—Modification of construction permit (B3-P-2002) for approval of antenna, studio site at Main St., McColgan Hotel, McComb, Miss., and transmitter site as U. S. Highway 51, McComb, Miss. Amended: Give transmitter site as Berthadale Road, at Highway 24, McComb, Miss., and make changes in antenna.

1210 Kilocycles

- KANS—The KANS Broadcasting Co., Wichita, Kans.—Authority to transfer control of corporation from Charles C. Theis to stockholders (to Herb Hollister, 48 shares common stock).

1310 Kilocycles

KOME—Harry Schwartz, Tulsa, Okla.—Modification of license to change hours of operation from daytime to unlimited time, using 100 watts power nighttime.

1340 Kilocycles

KGNO—Dodge City Broadcasting Co., Inc., Dodge City, Kans.—Construction permit to make changes in transmitting equipment, install vertical antenna, increase power from 250 watts to 500 watts. Amended to make changes in equipment, change requested power to 250 watts night, 1 KW day.

1370 Kilocycles

KIUN—Jack W. Hawkins and Barney H. Hubbs, Pecos, Tex.—C. P. to increase power from 100 watts to 100 watts, 250 watts LS; make changes in equipment and give studio site as 306 S. Cedar St., Pecos, Tex. (no move, corrected address).

1410 Kilocycles

KMED—Mrs. W. J. Virgin, Medford, Ore.—Modification of construction permit (B5-P-1892) for increase in power and new transmitter, requesting authority to make changes in type of transmitting equipment.

1420 Kilocycles

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

1430 Kilocycles

KINY—Edwin A. Kraft, Juneau, Alaska.—Construction permit to make changes in transmitting equipment; increase power from 250 watts to 1 KW.

1500 Kilocycles

KVWC—R. H. Nichols, W. H. Wright and Stewart Hatch, a partnership, d/b as The Northwestern Broadcasting Co., Vernon, Tex.—License to cover construction permit B4-P-2356 for equipment changes and increase in power.

MISCELLANEOUS

WDAJ—Tampa Times Co., Portable-Mobile, area Tampa, Fla.—License to cover B3-PRY-146 for new low frequency relay station.

NEW—Head of the Lakes Broadcasting Co., Superior, Wis.—Construction permit for a new high frequency broadcast station on 26300 kc., 1000 watts power.

W9XSN—The Champaign News-Gazette, Inc., Portable-Mobile, area of Champaign, Ill.—Construction permit for change in equipment and request frequencies 30820, 33740, 35820, 37980 kc., in accordance with new rules.

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

NEW—Stromberg-Carlson Telephone Mfg. Co., Rochester, N. Y.—Construction permit for a new high frequency broadcast station on 40300, 41200, 41600, 41800 kc., 2 KW power, unlimited time, located at 89 East Ave., Rochester, N. Y. Amended to request frequency 43200 kc., power 1 KW.

NEW—Larus & Brother Co., Inc., Portable-Mobile, area of Richmond, Va.—Construction permit for a new portable-mobile relay broadcast station on 1646, 2090, 2190 and 2830 kc., 25 watts power, A-3 emission.

W9XXL—Ashland Broadcasting Co., Ashland, Ky.—C. P. for reinstatement of portable-mobile relay broadcast station on 31100, 34600, 37600, 40600 kc., 10 watts power, A-3 emission. Amended to specify 30820, 33740, 35820, 37980 kc.

WBTM—Piedmont Broadcasting Corp., Danville, Va.—Authority to transfer control of corporation from S. C. Ondarcho, W. P. Heffernan, C. A. Barker, J. A. Herman, L. R. Wyatt, E. J. Wyatt, A. B. Carrington, Jr., F. B. Leggett, W. E. Gardner, Jr., Harry Spencer, and L. N. Dibrell to L. N. Dibrell, 225 shares common stock.

NEW—Earle C. Anthony, Inc., Los Angeles, Calif.—Construction permit for new television station on 42000-56000 kc., 1 KW

power, A-3 and A-5 emission, site to be determined, Los Angeles, Calif. Amended to request frequency band 50000-56000 kc.

NEW—The May Department Stores Co., Los Angeles, Calif.—Construction permit for a new television station on 60000-86000 kc., 1 KW power, A-3 and A-5 emission, at Wilshire Blvd. and Fairfax St., Los Angeles, Calif. Amended: Specify frequency band 50000-56000 kc.

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.

Barbara Gould Sales Corporation—See Bourjois, Inc.

Bourjois, Inc.—Amended complaints have been issued charging two New York organizations selling cosmetics and toilet preparations with violation of the Federal Trade Commission and Robinson-Patman Acts in connection with furnishing the services of demonstrators of their products to merchant customers, and with violation of the Robinson-Patman Act through granting price discriminations.

Respondents are (1) Bourjois, Incorporated, Bourjois Sales Corporation, Barbara Gould Sales Corporation, Bourjois Sales Corporation of California, and Bourjois Sales Corporation of New Jersey, and (2) Richard Hudnut, a corporation, Hudnut Sales Co., Inc., and William R. Warner & Co., Inc., all of New York.

Violation of the Federal Trade Commission Act is alleged because the respondents' demonstrators, while appearing to be employed by the respective merchants in their stores as disinterested salespersons qualified to give impartial advice and counsel regarding the use of various cosmetics, are in fact employed and placed therein by the respondent cosmetic companies and are able to further the sale of the respondents' preparations. The respondents' personnel plan is alleged to deceive purchasers and to have a tendency to lend itself to misrepresentation of competitors' commodities and substitution of respondents' products therefor.

Violation of the Robinson-Patman Act is alleged to occur through granting to some customers the services of demonstrators when such services are not granted to other competing customers on proportionally equal terms.

In violation of the same act the respondents are alleged to differentiate in price between different purchasers of commodities of like grade and quality sold for resale by allowing certain purchasers varied price discounts more favorable than those granted to others. The Bourjois respondents are alleged to allow such discounts from retail list prices and the Hudnut respondents from their "per dozen" wholesale list prices. (2972-2973)

Bourjois Sales Corporation—See Bourjois, Inc.

Elite Publishing Company—Steven V. Gimino and Anthony V. Gimino, doing business under the name of Elite Publishing Company, with offices at 214 Grand St., New York, have been ordered to cease and desist from misrepresentations in the sale and distribution of books advertised in magazines and other periodicals as describing "107 plans for making \$20.00-\$100.00 weekly in home or office, business of your own."

A "free booklet" advertised as descriptive of the plans, sent to inquirers, the Commission found, did not describe the plans in any practical detail and was merely suggestive of the general nature of each plan and some of its salient features. The plans themselves were incorporated in the larger books sold and distributed by respondents under the names "Collection of Successful Business Plans" and "The Elite Collection of Successful Business Plans."

Findings of the Commission are that all the plans involve the sale of articles or services. Many of them are adapted essentially to peddling or house-to-house sales. Although by following the respondents' proposals personal direct selling by the operator of the plan may frequently be avoided, in many cases such selling is necessary. (3521)

Richard Hudnut—See Bourjois, Inc.

Hudnut Sales Company, Inc.—See Bourjois, Inc.

William R. Warner & Company, Inc.—See Bourjois, Inc.

CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

Brinkler School of Eating—George Henry Brinkler, 458 Ocean Drive, Miami Beach, Fla., has been ordered to discontinue misleading representations in the sale of correspondence courses in diet and health. Brinkler formerly operated as Brinkler School of Eating and as Brinkler School of Food Science.

The Commission's order is based on findings that the respondent, among other representations, advertised that congestion or waste matter in the blood is the cause of all diseases; that his courses comprise competent and adequate treatment for the cure and elimination of all diseases.

Brinkler was found to have represented that persons following his courses will achieve improved memory and eyesight, normal circulation, doubling of brain or muscle power, dependable health and activity in old age, increased creative talent and energy, a body system restored to normal functioning, and other benefits.

Findings are that congestion or waste matter in the blood is not the cause of all diseases and that the respondent's method or diet are not competent or adequate treatment for all diseases, except for a restricted number such as scurvy, beri-beri and rickets, caused by diet deficiency. (2693)

Brinkler School of Food Science—See Brinkler School of Eating.

STIPULATIONS

The Commission has entered into the following stipulations:

Hellige, Inc., 3718 Northern Blvd., Long Island City, N. Y., wholesaler of hospital and laboratory supplies, including cover

glasses for use in microscopic work, has entered into a stipulation to desist from certain misrepresentations.

In the sale of its "Checker Brand" cover glasses, the respondent corporation will discontinue use, in price lists or on labels affixed to containers or in any other way, of the phrase "Made in U. S. A." or of any other words of similar inference so as to imply that the glass or the products in their entirety are of domestic origin, when such is not a fact. (2472)

Journal Printing Company—Trading as The Journal Printing Company, Max L. Hill, 415 Missouri Ave., East St. Louis, Ill., has entered into a stipulation to discontinue misleading representations in the sale of advertising layouts containing colored drawings or pictures of merchandise.

The respondent, a job printer, agrees to desist from representing that either the photographing or the engraving involved in the production of the finished advertising he offers for sale is done in his own plant, or that a plant owned, operated or controlled by him is equipped to do and does perform either the colored photography or the photoengraving work, when such are not the facts. (2470)

Kristee Products Company, Akron, Ohio, agrees that in the sale of the Kristee Fog-Lite, it will cease representing that an amber beam generally, or that the amber beam resulting from use of its product, has a greater degree of penetration or provides a clearer or better or more lengthy vision than ordinary beams. The respondent admits in its stipulation that amber light does not penetrate more than unmodified light, and that it will not improve revealing power or enable a person to see farther. (02379)

Penn-Crest Refining Company, Inc., a dealer in motor oils and other lubricants, with headquarters in Long Island City, N. Y., has entered into a stipulation to cease using the word "refining" in its corporate name, as it is not an oil refiner, and to discontinue indicating that it is located in Oil City, Pa., oil producing and refining center, when in fact it has no place of business there. (2471)

C. I. Todstad Company—Vera P. Williams, proprietor, and L. O. Williams, attorney in fact for Vera P. Williams, trading as The C. I. Togstad Company, Kokomo, Ind., stipulate that they will cease representing that sales persons, regardless of their age, residence, experience or business qualifications, can "make big money," "earn steady incomes" or "get into a business of their own" by selling the respondents' household merchandise. The respondents also agree to cease advertising that an "\$8.00 free sample display" is furnished agents, so long as agents are required to make a cash deposit in order to obtain such outfits. (02380)

FCC Assignments For June

Duties of Commissioners, Secretary, and Chief Engineer of the FCC as allocated by Order No. 28, dated November 29, 1937, which provides "That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon:	ASSIGNMENT FOR MONTH OF June
"All applications for aeronautical, aircraft, geophysical, motion picture, airport, aeronautical point to point, municipal and state police, marine relay, marine fire, and emergency and special emergency radio facilities.	Commissioner T. A. M. Craven
"All applications for licenses following construction which comply with the construction permit; applications for extensions of time within which to commence and complete construction; applications for construction permit and modification of construction permit involving only a change in equipment; applications to install frequency control; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for special temporary authorization; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter site; and applications for relay broadcast stations.	Commissioner George Henry Payne
"All radio matters of every character (except broadcast, operator licenses and amateur and ship stations) within the territory of Alaska.	Commissioner Frederick I. Thompson
"All uncontested proceedings involved in the issuance of certificates of convenience and necessity; and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act.	Commissioner Thad H. Brown
"All matters arising in connection with the administration of tariff circulars of the Commission adopted pursuant to Section 203 of the Act, including the waiver of notice for the filing of tariffs.	Commissioner Paul A. Walker
"All matters arising under the Rules of Practice and Procedure of the Commission relating to withdrawals, dismissals, or defaults of applications or other proceedings, subject to the statutory right of appeal to the Commission; and to hear and determine all interlocutory motions, pleadings and related matters of procedure before the Commission.	Commissioner Norman S. Case
"That the Secretary of the Federal Communications Commission is hereby authorized to determine, order, certify, report or otherwise act, with the advice of the General Counsel and the Chief Engineer, upon: (a) all applications for operator licenses, and (b) all applications for amateur and ship stations.	Secretary T. J. Slowie
"That the Chief Engineer of the Federal Communications Commission is hereby authorized to determine upon all applications and requests, and to make appropriate order in letter form for the signature of the Secretary in the following matters: (a) operation without an approved frequency monitor; (b) operation without an approved modulation monitor; (c) operation without thermometer in automatic temperature control chamber; (d) operation without antenna ammeter, plate voltmeter or plate ammeter; (e) operation with substitute ammeter, plate voltmeter or plate ammeter; (f) operation with temporary antenna system; (g) operation with auxiliary transmitter as main transmitter; (h) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application; (i) where formal application is not required, application for new or modified equipment or antenna system; (j) where formal application is not required, change of specifications for painting and lighting of antenna towers; (k) operation to determine power by direct method during program test periods; (l) relocation of transmitter in the same building; (m) operation with reduced power or time under Rules 142 and 151; (n) approval of types of equipment; (o) where it appears that terms of construction permit have been complied with, authorization for equipment and program tests or extensions thereof; (p) denial of requests for equipment and program tests where specifications of construction permit have not been met; (q) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorization it appears that the terms of the construction permit have not been met; (r) extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission; (s) changes in equipment necessary to comply with technical requirements specified in authorizations, orders, rules or releases (except formal applications); (t) representations of compliance with technical requirements specified in authorizations, orders, rules or releases (except formal applications); (u) operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location."	Chief Engineer Ewell K. Jett