

## FCC Orders Hearing on "Censorship" Rule

Expressions from the NAB, Congress, the press and the American Civil Liberties Union led the FCC this week to order a public hearing on its "censorship" rule for international broadcasting stations.

Technically, the Commission acted upon a petition from the American Civil Liberties Union requesting withdrawal or amendment of the rule stating that international stations "shall render only an international broadcast service which will reflect the culture of this country and which will promote international good will, understanding and cooperation".

The hearing was set for July 12—the third day of the NAB convention in Atlantic City. The NAB promptly called the Commission's attention to this, feeling that the coincidence must have been an oversight.

Before the Commission ordered the hearing, Senator Wheeler (D-Mont), Chairman of the Interstate Commerce Committee, called the Senate's attention to the rule, saying it was "a form of censorship which the Congress of the United States never contemplated when it passed the law".

"On the contrary, Congress specifically provided that there should be no censorship", Senator Wheeler added.

"I think anybody who is interested in the subject agrees that the radio must be free from censorship. I am told that the broadcasting companies and the National Association of Broadcasters are asking for a hearing upon this particular matter. The rule was adopted without any hearing. I sincerely hope the Commission will grant a hearing to the broadcasting companies, and I sincerely hope that they will modify a rule which would tend to bring about censorship in the United States over national and international broadcasting".

After Senator Wheeler had inserted in the Record Neville Miller's letter asking for a hearing and more than a dozen newspaper editorials condemning the "censorship" rule,

*(Continued on page 3540)*

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**Make Your Reservations Now to Attend the Seventeenth  
Annual NAB Convention**

**Ambassador Hotel—July 10, 11, 12 & 13—Atlantic City, N. J.**

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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*

## FCC ORDERS HEARING ON "CENSORSHIP" RULE

(Continued from page 3539)

Senator Johnson (R-Calif.) arose to say that he was "in hearty accord with the remarks of the Senator from Montana".

"We want no censorship of any sort in this country", Senator Johnson added. "If it is begun in one particular, it is only a step to another particular. So, as the subject is first broached let us take care of and take care of it as it ought to be taken care of."

Representative Celler (D-New York) sent a letter to Chairman Frank R. McNinch of the FCC saying he was "disturbed" by the rule; that he did not think that the Commission "was on firm ground" and that he hoped "earnest reconsideration will be given the regulation in question".

The FCC, after it had ordered the hearing, notified the NAB and said that "an appropriate notice of appearance should be filed" if the NAB desired to be heard.

The texts of the various statements and communications follow:

### THE CIVIL LIBERTIES PETITION

Roger N. Baldwin, a director of the American Civil Liberties Union has filed the following with the Federal Communications Commission asking for the withdrawal or amendment of Rule 42.03(a) dealing with international broadcasting.

The petition states:

"Whereas Rule 42.03(a) of the Rules and Regulations of the Federal Communications Commission states:

'A licensee of an international broadcast station shall render only an international broadcast service which will reflect the culture of this country and which will promote international goodwill, understanding and cooperation. Any program solely intended for, and directed to an audience in the continental United States does not meet the requirements of this service.'

"And whereas the above mentioned rule tends to deprive the American public, including the petitioner, of the right of free speech by means of radio communication;

"And whereas the enforcement of the above mentioned rule will tend to constitute censorship of the radio communications of the American public, including the petitioner;

"And whereas the above mentioned rule conflicts with the provisions of Section 326 of the 1934 Communications Act;

"And whereas the petitioner is vitally interested in the preservation of freedom of speech by radio communication in the United States;

"Now, therefore, your petitioner prays that Rule 43.03(a) be reconsidered and withdrawn, or amended to remove the restrictions concerning the type of program material that may be broadcast by international broadcast stations."

June 16, 1939

## THE FCC ORDER

34571

Before the  
 FEDERAL COMMUNICATIONS COMMISSION  
 Washington, D. C.

In re:  
 Rule 42.03(a)

### ORDER

The Commission having under consideration the Petition for the Withdrawal or Amendment of Rule 42.03(a) filed on behalf of the American Civil Liberties Union;

It Is Ordered, that a hearing be held before a quorum of the Commission at 10:00 A. M. on the 12th day of July, 1939, at the Commission's offices in Washington, D. C., on the question of whether Rule 42.03(a) reading as follows, shall be modified, revised, or amended:

"A licensee of an international broadcast station shall render only an international broadcast service which will reflect the culture of this country and which will promote international goodwill, understanding and cooperation. Any program solely intended for, and directed to an audience in the continental United States does not meet the requirements for this service."

Any persons desiring to participate and be heard shall on or before the 5th day of July, 1939, file a notice of such appearance with the Secretary of the Commission. A copy of this Order shall be released to the Press for general distribution, and a copy mailed to each licensee of a radio broadcast station.

Federal Communications Commission,  
 (S.) T. J. Slowie,  
 Secretary.

### FCC TO NEVILLE MILLER

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C.

June 15, 1939.

Mr. Neville Miller  
 National Association of Broadcasters  
 Washington, D. C.

My dear Mr. Miller:

This will reply to your letter dated June 3, 1939, addressed to Chairman McNinch, in which you refer to and discuss the rules and regulations promulgated by the Commission on May 23, 1939, pertaining to international broadcast stations.

A Petition in proper and customary form, requesting the withdrawal or amendment of Rule 42.03(a) was filed with the Commission on behalf of the American Civil Liberties Union June 9th. The Commission has ordered that a hearing be held on this matter July 12, 1939, and directed that anyone desiring to participate shall file a notice of appearance on or before July 5th. If your organization desires to be heard on the questions involved an appropriate notice of appearance should be filed.

Very truly yours,

T. J. SLOWIE,  
 Secretary.

### FROM THE "CONGRESSIONAL RECORD"

Mr. WHEELER. Mr. President, I desire to call attention to and to have inserted in the RECORD a letter from the National Association of Broadcasters, together with several editorials from various newspapers throughout the country. I wish in particular to call attention to the fact that the Federal Communications Commission on May 23 adopted some new rules and regulations respecting international broadcasting. Among the rules which they adopted was the following:

A licensee of an international broadcast station shall render only an international broadcast service which will reflect the culture of this country and which will promote international good will, understanding, and cooperation.

I call the attention of the Senate to the fact that if that rule should stand, it would give the Commission the right to censor the broadcasting of speeches by Members of the United States Senate. In other words, if I or some other Senator desired to make a speech on international questions over an international radio, the rule would give the Commission the right to say that



the speech which was about to be made did not reflect the culture of the country, and might possibly stir up bad feelings in some other country. It is a form of censorship which the Congress of the United States never contemplated when it passed the law. On the contrary, Congress specifically provided that there should be no censorship.

I think everybody who is interested in the subject agrees that the radio must be free from censorship. I am told that the broadcasting companies and the National Association of Broadcasters are asking for a hearing upon this particular matter. The rule was adopted without any hearing. I sincerely hope the Commission will grant a hearing to the broadcasting companies, and I sincerely hope they will modify a rule which would tend to bring about censorship in the United States over national and international broadcasting.

I have here a number of clippings from various newspapers throughout the country. They are from Ohio, Indiana, Boston, Omaha, and various other States and cities throughout the United States. I ask unanimous consent that both the letter and the clippings be included in the body of the RECORD as part of my remarks.

Mr. JOHNSON of California. Mr. President—

Mr. WHEELER. I yield to the Senator from California.

Mr. JOHNSON of California. Have any steps been taken to secure a hearing upon this matter?

Mr. WHEELER. There was no hearing at the time the rule was promulgated. I understand that it was adopted without the matter really being given very serious consideration by the Commission.

In fairness to the Commission, I think it should be said that they inadvertently adopted the rule without appreciating what they were doing. The Chairman of the Commission, Mr. McNinch, was not present. He was away, ill; but the rule was taken up and adopted. I understand that some of the broadcasting companies, and perhaps the National Association of Broadcasters, have asked for a hearing. Certainly they should be given a hearing, and the matter should be thrashed out.

If the Commission has sought to impose censorship by radio, whether international radio or national radio, I think the Congress of the United States ought to pass a more stringent law against censorship of any kind or character in radio.

Mr. JOHNSON of California. Mr. President, I rose simply to say that I am in hearty accord with the remarks of the Senator from Montana. I hope the hearing will be accorded the companies that may wish it; or, if they do not ask for a hearing, I hope the committee itself will take the matter in hand and determine just what should be done. We want no censorship of any sort in this country. If it is begun in one particular, it is only a step to another particular. So, as the subject is first broached, let us take care of it, and take care of it as it ought to be taken care of.

Mr. WHEELER. I thank the Senator.

I may say, for instance, that we have the question of neutrality before the Senate. Senators take different views with reference to neutrality. If the Senator from California and the Senator from Nevada [Mr. PITTMAN] should take different views with reference to neutrality, as they probably would, it might be said that the Senator from Nevada would be permitted to make a speech over the radio, because there would be in it nothing which would be detrimental to any foreign country; and, on the other hand, the Commission might very easily say that what the Senator from California was going to say should not be sent out over the international radio.

Mr. JOHNSON of California. Quite so; and the word "cultural" has a peculiar meaning according to the State Department. We might say something that was not in accord with the cultural views of somebody in the State Department, and then we would either be required to retract it or we would not be permitted to say it at all. So the subject is of sufficient importance that I am very, very glad the Senator from Montana has raised the question today. Let us continue our consideration of it until we find just what the situation is; and, if it be such as we suspect, let us remedy it.

Mr. WHEELER. I thank the Senator.

## REPRESENTATIVE CELLER'S LETTER

The Honorable Frank R. McNinch,  
Chairman, Federal Communications Commission,  
Washington, D. C.

Dear Mr. McNinch:

This letter is written to you as Chairman of the Federal Communications Commission, in all kindness and good will.

## INDEX

	Page
FCC Orders "Censorship" Hearing	3539
Miller Urges NAB-RMA Teamwork	3541
AFA-NAB Meeting	3542
Free Offers	3542
Craven Addresses RMA	3543
Musicians' Convention	3543
Senate Passes Barbour Bill	3543
Monitor Station Bill	3543
Monitors Ordered	3543
Radio Measurements	3544
License Applications Held Up	3544
Experimental Rule Change	3544
FCC Report	3544
Legal	3544

I am disturbed with one of the regulations recently promulgated by your Commission, which provides as follows: "A licensee of an international broadcast station shall render only an international broadcast service which will reflect the culture of this country and which will promote international good will, understanding, and cooperation." What is "international good will" to one, may be international ill will to another. Furthermore, what is meant by "understanding;" and what is meant by "cooperation?" There is no common definition of these words, and therefore the language used is somewhat vague.

If I were scheduled to speak on one of the four international broadcasting stations, and were suddenly stopped on the score that I was not promoting "international good will, understanding, and cooperation," I would be deeply resentful against the broadcasting company that sought thus to interrupt or scotch my efforts.

Whether or not there is involved in this regulation a degree of censorship, I will not state at this juncture. But if there is censorship, then the regulation would be without force and effect, because the Federal Communications Act of 1934, (section 326), denies the Commission the right to exercise power of censorship over radio communication. That section, likewise, denies the Commission any right to interfere with freedom of speech.

Frankly, I do not think the Commission is on firm ground. I do hope therefore that earnest reconsideration will be given the regulation in question.

Let me also point out another significant fact. The Judiciary Committee, of which I am Acting Chairman, is now considering a bill which provides that no rule or regulation can be promulgated by any department or agency of the Government unless or until public hearings can be held; that any one aggrieved by such rule or order shall have the right to appeal to the Courts; and that such regulation must be supported by substantial evidence in its consideration by the Courts.

This bill puts into a common mold practically all of the agencies of the Government, with but few exceptions. Most of the departments and agencies have voiced protest on the score that their activities are so different from each other that they cannot be placed in a common pattern. However, public opinion as reflected in the Congress is growing impatient with some of the departments and commissions which make rules and regulations that at times go far beyond, as it is alleged, their basic statutes. It is thus charged in many quarters that the agencies are legislating.

You would indeed be giving great comfort to the proponents of this bill,—you would be giving them great ammunition for argument,—if your regulation concerning international broadcasting were not properly founded upon, or could not be deemed justified by the basic Communications Act of 1934. It may be that you have information not known to the public or to the Members of Congress which would clear up the situation. I repeat, in all kindness, I ask for enlightenment.

Cordially yours,

Emanuel Celler,  
Representative,  
Tenth New York District.

## MILLER URGES CONTINUED TEAMWORK BETWEEN NAB AND RMA

Speaking at the annual membership luncheon of the Radio Manufacturers Association at the Hotel Stevens,

Chicago, Neville Miller, NAB President, last Tuesday declared that "anything which affects one branch of radio directly or indirectly affects the other. If the broadcaster did not continue to provide the finest radio service in the world, the radio dealer would find very little market for new sets and parts. On the other hand, if the manufacturers attempted to foist inferior receivers on the public, if parts and tubes did not give the fine reception to which the American listener is accustomed, we broadcasters would find little audience for our programs, no matter how fine they were. There is a vital need of continued teamwork, therefore, between NAB and RMA."

Mr. Miller stated that with television on the horizon and with facsimile broadcasting already here, the broadcasting industry was going through a "period of technological transition" and there was greater need than ever before for mutual understanding and cooperation.

He further pointed out that the present size of the radio industry has been made possible through the private and competitive system of American broadcasting. He declared that wholehearted cooperation of the broadcasting industry in the NAB-RMA campaign was manifested in Open House Week of April 17, when the goodwill promotional drive was inaugurated. He prophesied that forthcoming plans for fall and winter promotion would meet with the widespread approval and support of both branches of radio.

Ed Kirby, Director of Public Relations, who accompanied Mr. Miller to the RMA meeting, announced that through Joe Marty, executive secretary, the active participation of the Radio Servicemen of America has been obtained and that from now on "shoulder to shoulder" cooperation of servicemen is available to every NAB member station.

Already several members, he reported, have worked out plans wherein servicemen, calling on hundreds of homes a week to service sets, also undertake surveys on program preferences and listener reactions. Radio Servicemen's Association estimates that its members call on 350,000 homes a week and are in personal contact with listeners the year round, so that much valuable information may be uncovered for the benefit of the industry through this RSA cooperation.

#### LARGER NUMBER EXPECTED TO ATTEND AFA-NAB MEETING

A crowd larger than first anticipated is now expected at the NAB radio panel of the Advertising Federation of America Convention next Tuesday at the Waldorf-Astoria in New York, Craig Lawrence, KRNT, Chairman of the Sales Managers' group announced today.

Invitations have been issued to principal advertising men and women in Chicago, Detroit, New York, and to all NAB members to attend the morning and the luncheon

meeting where Mayor Fiorello LaGuardia will address the group on the subject "Radio By the American Plan".

In the morning session, the proposed NAB Code will be discussed by President Miller. Frank Mason, vice president in charge of international radio for NBC will discuss the problems of international broadcasting and new problems brought on by the recent action of the FCC in permitting commercial advertising on international short-wave stations. Curtis Mitchell, editor of *Radio Guide* will review some observations he has made on shortcomings in publicity promotion of commercial programs.

The afternoon session will be given over to a meeting of the NAB Sales Managers for a round-table discussion, "How To Sell More Radio". Headquarters will be represented by President Miller, who will introduce Mayor LaGuardia at the luncheon; Paul Peter, Director of Research; and Ed Kirby, Director of Public Relations. The latter two will discuss the organization and projected work of the new Bureau of Radio Advertising.

#### FREE OFFERS

A flood of contingent advertising propositions has streamed into broadcasting stations during the last few weeks.

The number of these sent to Headquarters indicated, however, that few, if any, stations were interested.

The NAB has notified every firm suggesting a cost-per-inquiry or commission deal that it undertake a regular radio advertising campaign. Stations, networks and agencies might well follow up with literature, rate cards, and so forth. These firms appreciate the value of radio advertising or they would not be trying to use it on any basis.

Among the firms which have approached stations for contingent deals recently were the Philatelic Banking Service, the "Southern Sportsman", the International Associates' Press, the Radio Advertisers Company, the Radio Traveling Corporation, the Imperial Chemical Company and Farjoe and Company.

The American Spice Trade Association is still trying to chisel free time.

The National Highway-U. S. 40 Association is asking for free time to promote the use of that road.

The Waldorf-Astoria Hotel, New York, sent out a "news release" about how cheap it was to dine and dance there.

The National Hotel Association bluntly refused to try to help obtain local sponsorship for the National Hotel Week announcements they sent out.

Any member considering the use of programs offered by the American Civil Liberties Union or the National Association of Manufacturers should write to Headquarters for information about these.



## CRAVEN ADDRESSES RMA ON TELEVISION PROBLEMS

Declaring that "it is surprising that the Radio Manufacturers Association should request the Commission to approve standards at such an early stage of development in television," Commissioner T. A. M. Craven of the FCC, told manufacturers at the RMA convention that he personally has "always felt that in this country private enterprise should be given the utmost freedom consistent with the interest of the public as a whole."

"It appears that the spectre of television, remote as it may be, has already begun to affect the economic stabilization of not only the existing radio manufacturing industry but also the existing industry involved in the broadcasting of regular voice and music programs to the public," he said.

"There is no need for an adverse effect. If the effect is adverse it must be the result of a lack of logical thinking and coordinated planning. Jobbers and others who sell broadcast receivers to the public should know that while television is here in the early stages of practical technical development, it is not here and cannot be here for several years from the standpoint of stabilized operation of a real service on a nation-wide scale.

"Thus, television is still in the experimental phase of development and while it is necessary for the public to participate in this phase to a limited degree, it would be foolhardy for the industry to lead the public into the belief that television is here as a practical reality as a stable service to the public on a national or even on a regional scale. The very fact that television has developed so rapidly in the past very few years should indicate that with the same intensive research in the future as in the past the public can expect greater improvements both in quality, simplicity, and cost. However, credit should be given for the wonderful strides in technical development achieved by the industry to date. The fact that you have already developed the technical phases of television to such an extent is a marvelous achievement. For this, the industry deserves the meritorious acclaim of every thinking person.

"The further development of television requires not only courage on the part of this industry but also the will to proceed. It is necessary for this industry to foster the development of television. Unless they do this they will be in no position to cry for protection when someone else undertakes the job. The public, having tasted the fruits of the inventions of modern genius, organized and financed by your industry, will not be denied the promise of the service which transmits over a distance not only the voice but also vision, in the form of culture, news, and entertainment."

## MUSICIANS CONVENTION

No mention of terms for new contracts between the A. F. and M. and broadcasting stations was made during the first four days of the six-day union convention in Kansas City this week. A full report on the convention will be sent to all members after its close.

## SENATE PASSES BARBOUR BILL

The Senate approved and sent to the House the Barbour Bill to permit transportation in interstate commerce of prize fight movies. The NAB endorsed the bill since it would permit television transmission of the fights.

## MONITOR STATION BILL

Senator Wheeler (D-Mont), Chairman of the Senate Interstate Commerce Committee, introduced the following bill this week at the FCC's request:

That the Federal Communications Commission be, and it is hereby, authorized to purchase for the United States a suitable site in the State of Massachusetts, provided a suitable site now owned by the Government is not available for the purpose, and cause to be erected thereon, according to plans and specifications to be approved by it, a suitable building or buildings, for use as a radio monitoring station, or to modify or reconstruct existing buildings or facilities on such site for such purpose, and to provide the necessary associated antenna systems, roadways, power, water, and sanitary facilities, including the construction and installation of geodetic apparatus and including necessary outfits, apparatus, and equipment at a total cost of said site, buildings and equipment of not to exceed Thirty Thousand Dollars (\$30,000).

## MONITORS ORDERED

The FCC has sent to all licensees of relay, international, high frequency, non-commercial educational, facsimile, television and developmental broadcast stations the following announcement dealing with the requirement of frequency monitors:

The attention of all licensees of relay, international, high frequency, non-commercial educational, facsimile, television and developmental broadcast stations is specifically called to the provisions of Section 40.02 of the rules and regulations governing broadcast stations listed above. This section requires that each such station shall have installed at the transmitter a frequency monitor having accuracy of one-half the allowed tolerance of the station. This section becomes *effective September 15, 1939*, and all stations must have a monitor by that time.

The attention of the licensee is also called to the fact that all of these stations except relay stations must install the monitor at the transmitter. An external standard or remotely located measuring equipment, though it may be common to several stations, *does not* meet the requirements of a frequency monitor. Relay stations must be checked by means of a monitor of the required accuracy at the beginning of operation and as frequently thereafter as necessary to maintain the operating frequency within the required tolerance.

Two frequency monitors, which will meet the requirements of Section 40.02 (old Rule 981) have been inspected by the Commission. The Commission has been advised that these frequency monitors or frequency measuring devices may be supplied by the manufacturers in sufficient quantities to meet the demand.

Section 40.02 was originally effective September 15, 1936, but this date has been extended from time to time due to the lack of commercially available equipment which will fulfill the requirements of this rule. The monitors required by this rule *are not approved by the Commission*, but shall have an accuracy of one-half of the allowed tolerance of the class of station with which

used. It is the responsibility of the licensee to see that the monitor will meet the frequency accuracy and operate in accordance with good engineering practice.

## RADIO MEASUREMENTS

During the month of May, broadcast measurements were made by the Federal Communications Commission of 722 stations with 43 not measured.

The measurements showed that 646 stations had a maximum deviation within 0-10 cycles; 64 stations with a deviation of 11-25 cycles; 9 stations with a deviation of 26-50 cycles; and 3 stations with a maximum deviation of over 50 cycles.

## LICENSE APPLICATIONS HELD UP

The Federal Communications Commission has announced that final action on nine applications pending before the Commission was being withheld because the facilities requested conflict with or involve the North American Regional Broadcasting Agreement. This Agreement, which was drawn up at the Havana Conference in December, 1937, allocates frequencies for standard broadcast stations on the North American Continent. The Agreement has already been ratified by the Governments of the United States, Canada, and Cuba and awaits only ratification by the Government of Mexico to become effective.

The nine applications on which action is being withheld are as follows:

Evening News Press, Port Angeles, Wash.  
KVL, Inc. (KEEN), Seattle, Wash.  
Michael J. Mingo, Tacoma, Wash.  
Tacoma Broadcasters, Inc., Tacoma, Wash.  
Radio Service Corp. (KSEI), Pocatello, Idaho.  
St. Lawrence Broadcast Co., Ogdensburg, N. Y.  
Cuyahoga Valley Broadcasting Co., Cleveland, Ohio.  
South Bend Tribune (WSBT), South Bend, Ind.  
King-Trendle Broadcasting Corp., Grand Rapids, Mich.

## EXPERIMENTAL RULE CHANGED

The FCC has announced that Section 51.22 of the Rules and Regulations Governing Experimental Services, was amended by deleting the word "April" and inserting in lieu thereof the word "October."

## FCC REPORT

The FCC's report to Congress on its investigation of the A. T. and T. included the following suggestion affecting broadcasting:

*Fourth*, amend Section 202(b) so as to make it clear by specific language rather than by implication that practices, classifications, regulations and facilities, as well as services and charges, in connection with the use of wires in chain broadcasting shall be subject to regulation by this Commission and so that this section of the Act will correspond to the preceding half of the section, 202(a).

## Legal

## FLORIDA'S NEW MONOPOLY LAW

Florida's new copyright monopoly law (NAB REPORTS, June 2, p. 3514), seeking to curb the activities of pools controlling the public performance of copyrighted music, became the law of the State Tuesday, June 12. The complete text of the law follows:

AN ACT relating to public performing rights in copyrighted musical compositions and dramatico-musical compositions; defining the same; regulating licensing of same; prescribed filing fees; making provisions for a resident agent in the state; levying a tax on the gross receipts from the licensing of such rights within the State of Florida; providing for the enforcement of this Act; the promulgation of rules and regulations, governing the enforcement of this Act; appropriating the proceeds of the tax and fees levied herein and repealing certain laws in conflict herewith.

Be it Enacted by the Legislature of the State of Florida:

Section 1. As used in this Act, "person" means any individual, resident or non-resident, of this state, and every domestic or foreign or alien partnership, society, association or corporation; the words "performing rights" refer to "public performance for profit"; the word "user" means any person who directly or indirectly performs or causes to be performed musical compositions for profit; the term "blanket license" includes any device whereby public performance for profit is authorized of the combined copyrights of two or more owners; the term "blanket royalty or fee" includes any device whereby prices for performing rights are not based on the separate performance of individual copyrights.

Section 2. It shall be unlawful for any person to sell, license the use of, or in any manner whatsoever dispose of, in this state, the performing rights in or to any musical composition or dramatico-musical composition which has been copyrighted, and is the subject of a valid existing copyright, under the laws of the United States, or to collect any compensation on account of any such sale, license or other disposition, unless such person:

(a) Shall first have filed with the Comptroller on forms prescribed by the Comptroller a list describing each such musical composition and dramatico-musical composition, the performing rights in which said person intends to sell, license or otherwise dispose of in this state, which description shall include the following: The name and title of the copyrighted composition, the date of the copyright, the number or other identifying symbol given thereto in the United States copyright office, the name of the author, the name of the publisher, the name of the present owner of the copyright to said composition, and the name of the present owner of the performing rights thereto. Additional lists of such copyrighted compositions may be filed by any such person from time to time, and shall be subject to all the provisions of this Act. A filing fee of two cents a composition shall be required by the Comptroller for filing any list under this Act.

(b) Shall simultaneously file an affidavit which shall describe the performance rights to be sold, licensed or otherwise disposed of and shall state that the compositions so listed are copyrighted under the laws of the United States, that the facts contained in the list to which said affidavit relates are true, that affiant has full authority to sell, license or otherwise dispose of the performing rights in such compositions; and the affidavit shall set forth the name, age, occupation and residence of the affiant; and if an agent, the name, occupation and residence of his principal.

Section 3. The list provided for in the preceding section shall be made available by the Comptroller to all persons for examination, and taking of copies, in order that any user of such compositions in this state may be fully advised concerning the performing rights therein, and avoid being overreached by false claims of ownership of said performing rights, and also avoid committing innocent infringements of said works. The Comptroller may, if in his discretion he deems it necessary, in order to prevent such overreaching and to protect the citizens of this state from committing innocent violations of the copyright laws of the United States, cause a list of all such copyrighted material filed with him to be published once a year or oftener in a form and medium which he shall deem suitable for said purpose. A duplicate of any list so filed by any such person shall at his request be certified by the



Comptroller and shall by the Comptroller be given or delivered to such person, who shall exhibit the same on demand of anyone to whom such person seeks to sell, license or otherwise dispose of said performing rights.

Section 4-A. It shall be unlawful for two or more owners of the copyrights of musical compositions or dramatico-musical compositions to associate or combine together in any manner, directly or indirectly, for the purpose of issuing blanket licenses for the public performance for profit of their compositions upon a blanket royalty or fee covering more than one, or all, of such compositions owned or controlled by the members of such association unless each individual copyright owner included in such association, or such association in behalf of each individual copyright owner, also shall make available to each user of such compositions within the state, at the option of the user, the right to perform publicly for profit each such copyrighted musical composition owned by him or it at a price established for each separate performance of each such composition. To this end, there shall be filed with the Comptroller, either as a part of the list required by Section 2 hereof or as a separate document by such copyright owner, or by such association in behalf of such owner, a schedule of prices for the performing rights to each separate performance for profit of each such composition contained in such list, together with an affidavit of the copyright owner of such compositions that the price so stated has been determined by such copyright owner acting for himself and not either directly or indirectly in concert or by agreement with the owner or owners of any other copyrights. Such schedule of prices may contain reasonable classifications determined by use and function, or either, of the users of said compositions, with separate price for each classification, provided that there is equal treatment of all persons within each classification and that there is no unreasonable discrimination between classifications. Any copyright owner may at his election fix one price which shall be applicable to each rendition of each of such compositions owned by him except to the extent that he elects to name specific compositions and to fix other prices for each rendition thereof; and said prices shall remain in force and effect until a new schedule of prices with respect to the performing rights to such compositions has been similarly filed in the office of the Comptroller, at any time, at the election of such owner changes in prices to become effective seven days from the date of filing thereof. The schedule of prices provided for herein shall be made available by the Comptroller to all persons for examination and the taking of copies, and may be published by him in the same manner as provided in Section 3 hereof.

Section 4-B. Any person issuing a blanket license for performance rights shall file with the Comptroller within thirty days from the date such blanket license is issued a true and complete copy of each such license issued or sold with respect to performance within this state, together with the affidavit of such person that such copy is a true and complete copy of the original and that it sets forth each and every agreement between the parties thereto with respect to such performing rights. The Comptroller shall charge for filing such contracts the same fee allowed clerks of the circuit court for similar services.

Section 4-C. It shall be unlawful for any person selling, licensing the use of or in any manner whatsoever disposing of or contracting to dispose of, in this state, the performing rights in or to any musical composition or dramatico-musical composition, to make any charge or to contract for or collect any compensation as a condition of using said performing rights based in whole or in part on any program not containing any such composition, and any such charge or contract for compensation shall be valid and enforceable only to the extent that it is based and computed upon a program in which such composition is rendered.

Section 4-D. It shall be unlawful for any person selling, licensing the use of or in any manner whatsoever disposing of or contracting to dispose of in this state public performing rights in or to any musical composition or dramatico-musical composition to make any charge or to contract for or collect any compensation for the use or performance of any such composition that has not been listed with the Comptroller as provided in Section 2.

Section 5. At the time of filing the information required in Sections 2 and 3, the owner of said performing rights shall execute and deliver to the Secretary of State on a form to be furnished by the Secretary of State, an authorization empowering the Secretary of State to accept service of process on such person in any action or proceeding, whether cognizable at law or in equity, arising under this Act, and designating the address of such person until the same shall be changed by a new form similarly filed; and service of process may thereafter be effected in this state on such person in any such action or proceeding by serving the

Secretary of State with duplicate copies of such process; and immediately upon receipt thereof the Secretary of State shall mail one of the duplicate copies by registered mail to the address of such person as stated on authorization last filed by him. A filing fee of \$5.00 shall accompany this notice and the Secretary of State shall deposit same in the General Revenue Fund of the State of Florida.

Section 6. No person shall be entitled to commence or maintain any action or proceeding in any court with respect to such performing rights, or to collect any compensation on account of any sale, license or other disposition of such performing rights, in this state, except upon pleading and proving compliance with the provisions of this Act.

Copies, certified by the Comptroller as such, of each or all of the lists, license agreements, affidavits and other documents filed with the Comptroller pursuant to the requirements of this Act, shall be furnished by the Comptroller to any person upon request at the prices regularly charged by a clerk of the circuit court for such work. Such certified copies shall be admitted in evidence in any action or proceeding in any court to the same extent as the original thereof.

Section 7. From and after the effective date of this Act there is hereby levied, and there shall be collected, a tax, for the act or privilege of selling, licensing, or otherwise disposing of performing rights in such compositions in this state, in an amount equal to three per cent of the gross receipts of all such sales, licenses or other dispositions of performing rights in this State, payable to the State Comptroller on or before the fifteenth day of March, 1940 with respect to all such gross receipts for the portion of the calendar year 1939 after the effective date of this Act, and annually thereafter, on or before the fifteenth of March of each succeeding year, with respect to the gross receipts of the preceding calendar year. A return on a form prescribed by the Comptroller shall be made by all persons subject to this tax on or before the 15th day of March every year which shall accompany a remittance of the tax due.

The Comptroller shall have authority through his authorized agents to examine and audit the books and records of any person he may deem subject to the tax or fees under this Act and may require such persons to appear before him at his office in the Capitol in the City of Tallahassee, Florida with such records and papers as may be necessary after giving thirty days notice to such person through said person's authorized agent, the Secretary of State.

The Comptroller shall also have authority through his authorized agents to examine and audit the books, records and accounts of any licensee or user making payments for use of public performing rights in the State of Florida to any person in order that the Comptroller may determine or check on gross receipts of those selling or licensing public performing rights in the State of Florida. Any person refusing the Comptroller or his duly authorized agents access to such books, records and accounts shall be subject to penalties prescribed in Section 9 hereof and may be required to appear in person with all books, papers and accounts required by the Comptroller at the Comptroller's office in the Capitol, Tallahassee, Florida within ten days after receipt of notice which the Comptroller shall send by "registered mail, return receipt requested".

Should the Comptroller determine that any person liable for any tax or fees under this Act has made an incorrect return or has made no return at all, or has failed to pay any tax or fees due, the Comptroller shall after determining the amount of such tax or fees due the State of Florida, from the best information at his command, certify such claim for delinquent taxes to said person through his duly designated agent, the Secretary of State, and unless payment of such delinquent tax is received within thirty days of delivery of said notice to the Secretary of State the Comptroller shall apply to a Circuit Judge in Leon County for the appointment of a receiver to take over and administer all assets of said delinquent tax payer in the State of Florida.

The Circuit Judge upon the Comptroller's application properly authenticated, shall appoint some agent of the Comptroller as receiver, to serve without further compensation, but who shall be allowed all actual expenses. After posting such bond as the judge may determine proper, the said receiver shall take over and administer the affairs of said delinquent taxpayer within the State of Florida, collect accounts and do all things necessary to protect the interests of both the State of Florida and the said delinquent taxpayer and from such collections as he may make, he shall first pay the expenses of the receivership and any litigation incident thereto and the tax plus interest at the rate of 2% per month or



fraction thereof from the last day of the year for which the tax was due.

After having satisfied the claims of the State and paid all costs of the receivership the receiver shall make a return to the court who shall order all assets returned to the taxpayer.

Section 8. It shall be unlawful for any person, without the consent of the owner thereof, if said owner shall have complied with the provisions of this Act, publicly to perform for profit, in this state, any such composition, or for any person knowingly to participate in the public performance for profit of such composition, or any part thereof.

Section 9. Any violation of this Act shall constitute a misdemeanor, to be punished as provided elsewhere in the laws of this state.

Section 10. Any person or persons who negotiates or collects or attempts to collect license fees or other exactions or acts in any capacity whatsoever as a representative or agent for any person owning public performing rights of any copyrighted composition shall be subject to all the penalties in this Act provided for violations thereof.

Section 11. Any person in this State aggrieved by reason of any violation of this Act may sue thereof in the circuit court in which he resides or in the circuit in which the violation took place to recover any damages as the result of the violation of the terms of this Act or to require specific performance under the provisions of this Act and shall be entitled to recover his costs including reasonable attorneys fees to be fixed by the court.

Section 12. The several Circuit Courts of this State shall have jurisdiction to prevent and restrain violations of this Act, and, on the complaint of any party aggrieved because of the violation of any of the terms of this Act anywhere within this State, it shall be the duty of the State's attorney in their respective circuits, under the direction of the Attorney-General, to institute proceedings, civil or criminal or both under the terms hereof, to enforce any of the rights herein conferred, and to impose any of the penalties herein provided. In civil actions such proceeding may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of have been duly notified of such petition, the Court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree, the Court may at any time make such temporary restraining order as shall be deemed equitable.

Section 13. In the event of the failure of the State's Attorney and Attorney-General to act promptly, as herein provided, when requested so to do by any aggrieved party, then such party may institute a civil proceeding in his own behalf, or upon behalf of Plaintiff and others similarly situated, as the State's Attorney and the Attorney-General could have instituted under the terms of this Act.

Section 14. After the costs and expenses of enforcing this Act and the collection of the taxes and fees herein levied and imposed are deducted the amount of which costs and expenses are hereby appropriated to be paid from the proceeds of this Act, there is hereby appropriated the entire balance paid into the Comptroller under and by virtue of this Act to the General Revenue Fund of the State of Florida.

Section 15. All laws or portions thereof whether general, special or local, which relate to the same subject matter as this Act and which are inconsistent with the provisions of this Act, are hereby superseded by the provisions of this Act to the extent that such inconsistency exists.

Nothing contained in this Act shall be so construed as to impair or affect the obligation of any contract or license which was lawfully entered into prior to the effective date of this Act.

Provided, however, nothing in this Act shall be construed to repeal, supersede or modify any of the statutes of the State of Florida pertaining to monopoly or restraint of trade, including but not limiting the generalities of the foregoing Sections 1, 2-C, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13 and 14 of Chapter 17807, Laws of Florida 1937. Provided further, the revenue provisions of this Act shall take effect immediately it becomes a law and persons having contracts to sell public performing rights to users in the State of Florida shall file copies of such contracts with the Comptroller within thirty days of the date this Act becomes a law and shall within ninety days of the time this Act becomes a law comply with other provisions of this Act that require filing of any data.

Section 16. If any section in this Act, or any part of any section shall be declared invalid or unconstitutional, such declaration of invalidity shall not affect the validity of the remaining portions hereof.

Section 17. This Act shall take effect immediately upon its becoming a law.

Law without Approval, June 12, 1939.

## STATE LEGISLATION

### MASSACHUSETTS:

H. 2259 (Burgess) **TANGIBLES—EXEMPTION**—Relative to exemption from the payment of local taxes on tangible personal property. Referred to Committee on Taxation.

H. 2402 (Reported on H. 901) **RADIO—SLANDER**—Relative to slander by radio.

### TEXAS:

HC.R. 175 (Bradbury) **INVESTIGATE LOBBYING**—To provide for a general investigation of lobbying activities with particular emphasis on activities connected with S.J.R. 12.

## FEDERAL COMMUNICATIONS COMMISSION

### FINDINGS OF FACT

The Federal Communications Commission has announced a Proposed Findings of Fact in which it is proposed to grant the application of **WHTT, Hartford, Conn.**, to permit a power increase from 100 watts day to 250 watts day, to install new equipment, to make antenna changes, and to change transmitter site locally.

The Commission stated in its Proposed Findings that a public need has been shown for the additional service in the Hartford area proposed by the station, and that the operation of the station as proposed will not cause objectionable interference to the operation of any existing station or to any station proposed in any application pending at the time of the hearing of this case.

The Commission in a Proposed Findings of Fact proposed to grant the application of the **Saginaw Broadcasting Company, Saginaw, Michigan**, and **Gross and Shields, Saginaw, Michigan**, both asking for new stations in that city to operate on **1200 kilocycles**, with 100 watts night, 250 watts LS, specified hours, and **950 kilocycles**, 500 watts power, daytime only, respectively.

The Commission stated that there is a public need in Saginaw for the service and that both of the applications will receive cooperation of local organizations in the city. The Commission stated also that advertising support is available for both of the proposed stations, and the granting of the application in each case is in the public interest.

### DECISIONS OF COMMISSION

The Federal Communications Commission has granted the application of **Hugh J. Powell and Stanley Platz** for consent to the voluntary assignment of license of **KGGE, Coffeyville, Kansas**, to **Hugh J. Powell**. The station operates on **1010 kilocycles**, 1000 watts, sharing time with **WNAD**.



The application of the Eastern States Broadcasting Corporation, licensee of WSNJ, **Bridgeton, New Jersey**, for a construction permit to increase the station's hours of operation from daytime only to unlimited time with 250 watts daytime and 100 watts night, operating on **1210 kilocycles** has been granted by the Commission.

The Commission has granted the application of the M. & M. Broadcasting Company for a construction permit for the erection of a new station at **Marinetta, Wisconsin**, to operate on **570 kilocycles** with 250 watts power, daytime only.

The Commission has granted the application of broadcasting station KTRB at **Modesto, California**, for license renewal. The station operates on **740 kilocycles**, 250 watts, daytime only.

The Commission has denied the application of the Pillar of Fire for a construction permit to erect a new international broadcasting station at **Zarephath, New Jersey**, to operate on **6080, 11830, and 17780 kilocycles**, 5000 watts power, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The following hearings are scheduled before the Commission in broadcast cases beginning the week of June 19. They are subject to change.

### Monday, June 19

- WJBW—Charles C. Carlson, New Orleans, La.—Renewal of license, **1200 kc.**, 100 watts, shares WBNO.  
WJBW—Charles C. Carlson, New Orleans, La.—Modification of license, **1200 kc.**, 100 watts, unlimited time. Present assignment: **1200 kc.**, 100 watts, shares WBNO.

### Tuesday, June 20

#### Further Hearing

- NEW—Neptune Broadcasting Corp., Atlantic City, N. J.—C. P., **1420 kc.**, 100 watts, 250 watts LS, unlimited time.

### Wednesday, 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.

### Friday, 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.

### FUTURE HEARINGS

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

### July 31

- WHA—University of Wisconsin, Madison, Wis.—C. P., **670 kc.**, 50 KW, unlimited time (requests facilities of WMAQ). Present assignment: **940 kc.**, 5 KW, daytime.  
WMAQ—National Broadcasting Co., Inc., Chicago, Ill.—Renewal of license, **670 kc.**, 50 KW, unlimited time.  
NEW—Lakeland Broadcasting Co., Willmar, Minn.—C. P., **680 kc.**, 250 watts LS, limited time.

### September 8

- NEW—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—C. P., **1200 kc.**, 100 watts, daytime.

### September 15

- W9XBS—National Broadcasting Co., Inc., Chicago, Ill.—Renewal of license, **31600, 35600, 38600 and 41000 kc.**, 100 watts, 100 watts LS, Emission A-3, unlimited according to Rule 983 (a).  
W9XBS—National Broadcasting Co., Inc., Chicago, Ill.—Modification of license, **42180 kc.**, 100 watts, 100 watts LS, Emission A-3, unlimited according to Rule 983 (a).

### November 1

- NEW—Wm. F. Huffman, Wisconsin Rapids, Wis.—C. P., **580 kc.**, 250 watts, unlimited time (DA night).

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

- NEW—The Louisville Times Company, near Eastwood, Ky.—Granted C. P. for new facsimile broadcast station on an experimental basis, frequency **25250 kc.**, 500 watts.  
WLLH—Merrimac Broadcasting Co., Inc., Lawrence, Mass.—Granted extension of special experimental authority to operate synchronously with station WLLH at Lowell, Mass., on **1370 kc.**, with variable power of 10 to 100 watts, for the period ending January 1, 1940.  
WHK—Radio Air Service Corp., Cleveland, Ohio.—Granted modification of license to increase day power from  $2\frac{1}{2}$  to 5 KW.  
KTKC—Tulare-Kings Counties Radio Associates, Visalia, Calif.—Granted modification of C. P. to make changes in authorized equipment and changes in DA system and to extend commencement date to 30 days after grant and completion date to 180 days thereafter.

### DESIGNATED FOR HEARING

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

- WTNJ—WOAX, Inc., Trenton, N. J.—Modification of license to increase day power from 500 watts to 1 KW. Application designated for hearing to determine the question of possible interference and because pending applications involve increase in service.

### RENEWAL OF LICENSES

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

- KCMO, Kansas City, Mo.; KFIZ, Fond du Lac, Wis.; KGFL, Roswell, N. Mex.; KFRO, Longview, Tex.; KIUN, Pecos, Tex.; KOTN, Pine Bluff, Ark.; KRNR, Roseburg, Ore.; KTEM, Temple, Tex.; KTSW, Emporia, Kans.; KVOE, Santa Ana, Calif.; KVWC, Vernon, Tex.; KXL, Portland, Ore.; WAPO, Chattanooga, Tenn.; WATL, Atlanta, Ga.; WCBM, Baltimore; WCHV, Charlottesville, Va.; WDNC, Durham, N. C.; WFOR, Hattiesburg, Miss.; WGL, Fort Wayne, Ind.; WHBQ, Memphis, Tenn.; WHFC, Cicero, Ill.; WHLS, Port Huron, Mich.; WILM, Wilmington, Del.; WKBB, E. Dubuque, Ill.; WKBV, Richmond, Ind.; WLAP, Lexington,

Ky.; WLEU, Erie, Pa.; WMSD, Muscle Shoals City, Ala.; WOC, Davenport, Iowa; WPAD, Paducah, Ky.; WRAK, Williamsport, Pa.; WSAU, Wausau, Wis.; WRDW, Augusta, Ga.; WSTP, Salisbury, N. C.; WSYB, Rutland, Vt.; WABY, Albany, N. Y.; WAZL, Hazleton, Pa.; WDAN, Danville, Ill.; WEOA, Evansville, Ind.; WGAL, Lancaster, Pa.; WIBM, Jackson, Mich.

## MISCELLANEOUS

**WKBN**—WKBN Broadcasting Corp., Youngstown, Ohio.—Granted special temporary authority to operate from 8 to 10 p. m., EST, on July 3, and from 9 to 11 a. m. and 1 to 3 p. m., EST, on July 3 and 4 (provided WOSU remains silent), in order to broadcast holiday programs.

**WBBM**—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted extension of special temporary authority to operate auxiliary transmitter of station WENR, at Downers Grove, for the period June 14 to July 13, until new antenna can be put up at WBBM's location.

**KWLC**—Luther College, Decorah, Iowa.—Granted special temporary authority to reduce its broadcasting schedule to 1 hour daily for the period June 12 to August 12, in order to observe summer vacation.

**WJBO**—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted extension of special temporary authority to operate simultaneously with WTAW from 8 to 9 p. m., CST, the following Mondays: June 12, 19, 26 and July 3, in order to broadcast special programs from Louisiana State University and special addresses by the President and members of the faculty of that University.

**WSVS**—Seneca Vocational High School, Buffalo, N. Y.—Granted special temporary authority to remain silent on the following dates: July 1 to September 10, inclusive, summer vacation; October 12, Columbus Day; October 27 and 28, State Teachers Convention; November 7, Election Day; November 11, Armistice Day; November 30, December 1 and 2 (noon) to December 31, inclusive, Christmas vacation. To operate from 8:30 to 10 a. m. and from 2 to 3 p. m., EDST, instead of EST, from September 10 to September 23 (provided WBNY remains silent).

**W8XUJ-W8XNU**—The Crosley Corp., Cincinnati, Ohio.—Granted extension of special temporary authority to use facsimile broadcast experimental station W8XUJ and high frequency station W9XNU at Carew Tower, for the period June 9 to July 8, in order to complete radiation tests to determine whether or not shielding is needed in television rooms and also to make survey of station W8XNU to determine coverage of this frequency from Carew Tower location.

**W6XUD**—Intermountain Broadcasting Corp., Salt Lake City, Utah.—Granted special temporary authority to operate an additional portable ultra high frequency Pack transmitter, with construction and technical features similar to the equipment licensed under call letters W6XUC, 1 watt, using frequencies 132260, 134080, 135480, 135760 kc., for the period June 15 to 30.

**NEW**—WDAY, Inc., Fargo, N. Dak., Portable-Mobile.—Granted C. P. for new high frequency relay broadcast station upon an experimental basis only, conditionally, frequencies 30820, 33740, 35820 and 37980 kc., conditionally, 25 watts.

**NEW**—Red River Broadcasting Co., Inc., Duluth, Minn.—Granted C. P. for new relay broadcast station, frequencies 1606, 2022, 2102 and 2758 kc., 50 watts.

**WDAJ**—Tampa Times Co., Tampa, Fla., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station, frequencies 1606, 2022, 2102 and 2758 kc., 40 watts.

**KMED**—Mrs. W. J. Virgin, Medford, Ore.—Granted modification of C. P. to install new equipment.

**W9XXL**—The Ashland Broadcasting Co., Inc., Ashland, Ky., Portable-Mobile.—Granted C. P. for new high frequency relay broadcast station, frequencies 30820, 33740, 35820 and 37980 kc., on an experimental basis conditionally, 10 watts.

**NEW**—Larus & Bros. Co., Inc., Richmond, Va., Portable-Mobile.—Granted C. P. for new relay broadcast station, frequencies 1646, 2090, 2190 and 2830 kc., 25 watts.

**KVWC**—The Northwestern Broadcasting Co., Vernon, Tex.—Granted license to cover C. P. authorizing changes in composite equipment and increase in day power from 100 to 250 watts.

**WHOM**—New Jersey Broadcasting Corp., Jersey City, N. J.—Granted license to cover C. P. authorizing changes in transmitter site and installation of vertical radiator.

**WCOS**—Carolina Advertising Corp., Columbia, S. C.—Granted modification of C. P. approving transmitter and studio sites, changes in equipment, and approval of vertical antenna.

**KRLD**—KRLD Radio Corp., Dallas, Tex.—Granted modification of C. P. to extend completion date from July 1 to August 1.

**WDSM**—WDSM, Inc., Superior, Wis.—Granted modification of C. P. approving transmitter site and changes in authorized equipment and extension of commencement date to 10 days after grant and completion date to 90 days thereafter.

**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, W8XB, W9XAP, W9XDV, W9XDW, W9XXD, W9XXG, W10XAH, W10XAL, W10XAK, W10XAM, W10SAN, W10XAP, W10XAX, W10XCG, W10XCH, W10XDX, W10XDY, W10XDZ, W10XEA, W10XEB, W10XED, W10XFQ, W10XFR, W10XCG, W10XN, W10XV and W10XY, on the frequencies 31.22 and 37.02 mc. in lieu of present assignments 31.1 and 37.6 mc., for the period June 19 to July 18, 1939, pending adjustment of relay broadcast frequency assignments above 30 mc., as contemplated by General Order No. 19.

**WBAA**—Purdue University, West Lafayette, Ind.—Granted special temporary authority to operate from 4 p. m. to 5 p. m., CST, on June 11, 1939, in order to broadcast Commencement Services of Purdue University, and from 7:15 p. m. to 10 p. m., CST, on June 17, 1939, in order to broadcast Purdue University Music Festival.

**WKAQ**—Radio Corp. of Porto Rico, San Juan, P. R.—Granted extension of special temporary authority to rebroadcast sustaining programs to be received from international broadcast stations W2XE and W3XAU over station WKAQ, on a non-commercial experimental basis only, for the period beginning June 20 and ending in no event later than July 19, 1939.

**WPRA**—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate from 9 a. m. to 11 a. m. and from 2 p. m. to 6 p. m., AST, on June 11, 18, and 25, 1939, in order to broadcast baseball games.

**KFVS**—Hirsch Battery & Radio Co., Cape Girardeau, Mo.—Granted special temporary authority to operate from 7:30 to 9 p. m., CST, on June 13, in order to broadcast talk by Dr. L. M. Birkhead.

**KGFL**—KGFL, Inc., Roswell, N. Mex.—Granted special temporary authority to operate simultaneously with KICA from 7:30 to 9:30 p. m., MST, on July 2 and 9, in order to broadcast evening church services. Also to broadcast same hours June 11, 18, 25, in order to broadcast evening church services.

**WINS**—Hearst Radio, Inc., New York City.—Granted special temporary authority to operate from 10:15 p. m. to midnight, EST, on June 9, in order to broadcast opening of WINS studio in the Worlds Fair.

**W2XDG**—National Broadcasting Co., Inc., New York City.—Granted extension of special temporary authority to operate high frequency broadcast station on the frequency 38.65 mc. pending action on application for modification of license, for the period June 18 to July 17.

**WCOV**—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—Granted petition for order to take depositions in re application for modification of license to change hours of operation from daytime to unlimited, using 1210 kc., 100 watts night, 100 watts LS.

**WJBO**—Baton Rouge Broadcasting Co., Inc., Baton Rouge, La.—Granted petition for order to take depositions in re application for C. P. to install new equipment and increase power.

**WCAD**—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate from 1:30 to 3 p. m. and 4 p. m. to LS (June 7:45 p. m., EST, June 10), in order to broadcast alumni parade and varsity baseball game; to operate from 10:30 a. m. to 12 noon in order to broadcast Commencement Exercises of Theological School, and from 2:30 to 4 p. m., on June 11, Baccalaureate Service of the College of Letters and Science; to operate from 9:30 a. m. to 12:30 p. m. and 1:30 to 3 p. m., June 12, in order to broadcast Graduating Exercises of College of Letters and Science, and Senior Luncheon.

**WAID**—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Granted special temporary authority to use equipment described in application for low frequency relay station, with



- 20 watts power on 2830 kc., on June 9, from 2 to 7 p. m., EST, in order to broadcast Syracuse University crew races.
- KFIO—Spokane Broadcasting Corp., Spokane, Wash.—Granted supplemental petition for order to take depositions in re application for C. P. to change frequency, power, and time of operation.
- KUTA—Jack Powers, David G. Smith, Frank C. Carman and Grant Wrathall, d/b as Utah Broadcasting Co., Salt Lake City, Utah.—Granted permission to withdraw motion for order to take depositions in re application for C. P. to install new transmitter and antenna, change frequency and power.
- KSL—Radio Service Corp. of Utah, Salt Lake City, Utah.—Granted petition to intervene in the hearing on the application of KUTA for C. P. to install new transmitter, etc.
- KWK—Thomas Patrick, Inc., St. Louis, Mo.—Granted motion to dismiss without prejudice application for modification of license to increase power.
- NEW—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—Granted petition for leave to file appearance in re application for C. P. for a new station to operate on 1200 kc., 100 watts, daytime.
- WPTF—WPTF Radio Co., Raleigh, N. C.—Granted special temporary authority to operate from 11 p. m. to 12 midnight, EST, for a period not to exceed 30 days, in order to broadcast programs as described.
- WPG—City of Atlantic City, N. J.—Denied extension of special temporary authority to operate from 3:15 to 4:30 p. m. Sundays, June 11, 18, 25 and July 2, in order to broadcast major league baseball games; to operate from 2 to 3 p. m., EST, on June 16, 23, 30 and July 7, in order to broadcast programs of the New Jersey League of Municipalities studio recital, featuring Alice Woodlyn and CBS features.
- WLAW—Hildreth & Rogers Co., Lawrence, Mass.—Granted license to cover C. P. authorizing changes in equipment.
- NEW—Donald C. Treloar, Kalispell, Mont., Portable-Mobile.—Granted C. P. for new high frequency relay broadcast station, frequencies 30820, 33740, 35840, 35820 and 37980 kc., experimentally, conditionally, 10 watts.
- W9XS—The Champaign News-Gazette, Inc., Champaign, Ill., Portable-Mobile.—Granted C. P. for changes in equipment and for frequencies 30820, 33740, 35820 and 37980 kc., on an experimental basis, conditionally, 2 watts.
- WJBK—James F. Hopkins, Inc., Detroit, Mich.—Granted license to cover C. P. authorizing local move of transmitter site and installation of vertical radiator.
- WNAD—University of Oklahoma, Norman, Okla.—Granted special temporary authority to operate from 8 to 9 p. m., CST, on July 2, 9, 16 and 23, in order to broadcast special educational programs (provided KGGF remains silent).
- KGGF—Powell & Platz, Coffeyville, Kans.—To remain silent from 8 to 9 p. m., CST, on July 2, 9, 16 and 23, in order to permit WNAD to broadcast special educational programs.
- WMIN—WMIN Broadcasting Co., St. Paul, Minn.—Granted special temporary authority to rebroadcast demonstration of two-way communication to be conducted in accordance with Sec. 112.06 to be received from station WPDS, licensed to City of St. Paul, operating on frequency 33940 mc., from 9:25 to 9:30 a. m., CST, June 13.
- W1XOK—The Yankee Network, Inc., Boston, Mass.—Granted special temporary authority to operate relay broadcast experimental station W1XOK on frequencies 133030, 134850, 136810, 138630 kc., 250 watts, in accordance with Sec. 40.04, in order to carry out program of experimentation outlined in the application for C. P. granted January 24, 1939, for a period not to exceed 30 days.
- KUSD—University of South Dakota, Vermillion, S. Dak.—Granted petition to reconsider and grant application for renewal of license of station KUSD, which was designated for hearing on February 27, 1939, to determine primarily whether applicant had complied with the provisions of Rule 340.01, which requires the licensees of all broadcast stations to supply certain information with respect to stock ownership. Applicants have now furnished the information required by said Rule.
- WLAP—American Broadcasting Co. of Kentucky, Lexington, Ky.—Granted petition in so far as it requests further hearing, set aside the Statement of Facts, Grounds for Decision and Order of the Commission of December 23, 1938, and remanded for further hearing the application of WLAP for C. P. to install new transmitter and use DA at night; change frequency from 1420 kc. to 1270 kc., and operate with 1 KW, unlimited time, and upon the following issues: (1) to determine whether or not applicant's present facilities provide adequate service to the community, and (2) whether the use of frequency 1270 kc., with 1 KW, unlimited time, with DA at night, will provide adequate service for the area proposed to be served and would be consistent with sound principles of allocation.
- 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.
- KVI—Puget Sound Broadcasting Co., Inc., Tacoma, Wash.—Granted special temporary authority to rebroadcast over station KVI the conversation between two planes of the 116th Observation Squadron, 41st Division Aviation, Washington National Guard, June 14, in connection with altitude flight.
- W1XPW—WDRG, Inc., Hartford, Conn.—Granted extension of special temporary authority to test high frequency broadcast equipment of station W1XPW, authorized by modification of C. P. on the frequency 42.4 mc., with power output of 1 KW, for the period June 23 to July 22, pending action on application.
- W2XMN—Edwin H. Armstrong, New York City.—Granted extension of special temporary authority to operate high frequency broadcast station W2XMN on frequency 42.8 mc., with power of 40 KW, for the period July 14 to August 12, pending definite arrangements to be made in ultra high frequency bands.
- KFRU—KFRU, Inc., Columbia, Mo.—Dismissed KFRU's petition for rehearing filed as respondent in re applications of KVOD and KFEL, Denver, Colo. (Dockets 4527 and 4578).
- WPTF—WPTF Radio Co., Raleigh, N. C.—Granted special temporary authority to operate crystal controlled test transmitter, maximum power 100 watts, on frequency 720 kc., in the vicinity of Raleigh, for 1 hour after local sunrise until 1 hour before local sunset, for the period June 15 to July 14, in order to determine suitability of proposed transmitter site.
- WTAR—WTAR Radio Corp., Norfolk, Va.—Granted special temporary authority to operate with 5 KW at night, using DA, for the period June 14 to July 13, in order to overcome interference from Cuban Station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency 780 kc., reduces power so that additional interference is not involved, or until defective directional system is corrected by installing new tuning condensers.
- WMC—Memphis Commercial Appeal Co., Memphis, Tenn.—Granted special temporary authority to operate with 5 KW at night, using directional antenna, for the period June 14 to July 15, in order to overcome interference from Cuban Station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency 780 kc., reduces power so that additional interference is not involved, or until defective directional system is corrected by installation of new tuning condensers.
- KPDN—R. C. Hoiles, Pampa, Tex.—Granted special temporary authority to operate unlimited time on June 14, in order to broadcast the "Top O' Texas Fiesta", sponsored by the Chamber of Commerce.
- WCAD—St. Lawrence University, Canton, N. Y.—Granted special temporary authority to operate from 8 to 9:30 p. m., EST, on June 19, 20 and 21, in order to broadcast third Conference on Canadian American Affairs.
- KRLD—KRLD Radio Corp., Dallas, Tex.—Granted special temporary authority to broadcast the regular programs of station KRLD over the new 50-KW transmitter, using DA during daytime, then reverting to the old 10-KW transmitter one hour before sunset in accordance with permit, for a period not to exceed 30 days, in order to make proof of performance tests.
- W3XO—Jansky and Bailey, Washington, D. C.—Granted extension of special temporary authorization to operate high frequency broadcast station W3XO on a frequency of 43.32 mc., with the regular power of 1 KW, pending final arrangements in connection with the reallocation of the high frequency services with respect to Commission Order No. 19, for the period June 29 to July 28.

W1XAL—World Wide Broadcasting Corp., Boston, Mass.—Granted special temporary authority to broadcast one-second time signals over international broadcast experimental station W1XAL, on 6040 kc., from 10 to 11 a. m. and from 1 to 2:30 p. m., EST, on June 15, in cooperation with Department of Geology, M. I. T. seismographic work.

WAUJ—The Louisville Times Co., Louisville, Ky.—Granted special temporary authority to operate a portable-mobile relay broadcast transmitter, with power of 10 watts, on frequencies 30820, 33740, 35820 and 37980 kc., for a period not to exceed 30 days, to relay program material to broadcast station WHAS for broadcast.

W1XOJ—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to test high frequency broadcast equipment of station W1XOJ authorized by modification of C. P. on frequency 43000 kc., with power not to exceed 2 KW, for the period June 19 to July 18, in order to make necessary adjustments on equipment installed and for tuning and adjustments of the antenna elements which are now assembled for erection atop 400-foot mast.

## APPLICATIONS FILED AT FCC

### 650 Kilocycles

KIRO—Queen City Broadcasting Co., Seattle, Wash.—Modification of special experimental authority to increase power to 5 KW (710 kc., unlimited time), install new transmitter and antenna, move transmitter to site to be determined, Seattle, Wash., for period ending 8-1-39.

### 770 Kilocycles

WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Construction permit to make changes in transmitting equipment.

### 830 Kilocycles

WRUF—University of Florida, Gainesville, Fla.—Construction permit to make changes in equipment; increase power from 5 KW to 10 KW to sunset at Denver, 5 KW thereafter; install directional antenna for use after sunset at Denver, Colo.; change hours of operation from limited to unlimited time; move studio and transmitter from Gainesville, Fla. (4.4 miles), to University Campus, Gainesville, Fla.

### 1120 Kilocycles

WDEL—WDEL, Inc., Wilmington, Del.—Modification of license to increase power from 250 watts night, 500 watts day, to 500 watts day and night.

### 1230 Kilocycles

WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Voluntary assignment of license from Indianapolis Power & Light Co. to WFBM, Inc.

### 1260 Kilocycles

WFVA—Fredericksburg Broadcasting Corporation, Fredericksburg, Va.—Modification of construction permit (B2-P-2105) for a new station requesting changes in equipment, install new antenna, and approval of transmitter site at Leonard Road and 2nd St., near Fredericksburg, Va., and studio site at 528 Wolfe St., Fredericksburg, Va.

### 1310 Kilocycles

WCLS—WCLS, Inc., Joliet, Ill.—Construction permit to make changes in transmitting equipment, changes in antenna, move of studio and transmitter from 222 N. Chicago St., Joliet, Ill., to Elgin at Walnut, Joliet Twp., Ill.

NEW—Harold Thomas, Bridgeport, Conn.—Construction permit for a new broadcast station to be operated on 1310 kc., 100 watts night, 250 watts day, and unlimited hours.

### 1370 Kilocycles

WBNY—Roy L. Albertson, Buffalo, N. Y.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

WPRA—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Modification of construction permit B-P-1941 for change in

frequency, hours and power, equipment changes, and move of transmitter to site to be determined, further requesting changes in transmitting equipment, approval of antenna, and approval of studio site at McKinley Cor. del Rio, Mayaguez, P. R., and transmitter site at Mayaguez, P. R.

KTOK—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—License to cover C. P. (B3-P-2109) to make changes in equipment and change power from 100 watts to 100 watts, 250 watts day.

WDWS—The Champaign News Gazette, Champaign, Ill.—Authority to install automatic frequency control apparatus.

### 1420 Kilocycles

KABC—Alamo Broadcasting Co., Inc., San Antonio, Tex.—Construction permit to install new equipment, new vertical antenna; change frequency from 1420 kc. to 630 kc.; increase power from 100 watts night, 250 watts day, to 1 KW night, 5 KW day; and move transmitter.

### 1430 Kilocycles

NEW—Publix Bamford Theatres, Inc., Asheville, N. C.—Construction permit for a new station on 1430 kc., 1 KW power, unlimited time. Amended: Give transmitter site at Emma Road, near Asheville, N. C.

### 1500 Kilocycles

WOPI—Radiophone Broadcasting Station WOPI, Inc., Bristol, Tenn.—Construction permit to install new transmitter; make changes in antenna; increase power from 100 watts to 100 watts night, 250 watts day; and move transmitter.

KDRO—Albert S. and Robert A. Drohlich, d/b as Drohlich Brothers, Sedalia, Mo.—Modification of construction permit B4-P-2165 for new station, requesting authority to install new transmitter and vertical antenna, approval of transmitter and studio sites at 2100 West Broadway, Sedalia, Mo.

## MISCELLANEOUS

WGHB—Florida West Coast Broadcasting Company, Inc., Tampa, Fla.—License to cover C. P. (B3-PRY-169) for new relay station.

WIPM—Indianapolis Power & Light Co., Mobile, area of Marion County, Ind.—Voluntary assignment of license to WFBM, Inc.

WIPL—Indianapolis Power & Light Co., Mobile, area of Marion County, Ind.—Voluntary assignment of license to WFBM, Inc.

W9XXM—Indianapolis Power & Light Co., Indianapolis, Ind.—Voluntary assignment of license to WFBM, Inc.

W9XXZ—Indianapolis Power & Light Co., Mobile, area of Marion County, Ind.—Voluntary assignment of license to WFBM, Inc.

NEW—WGN, Inc., Portable-Mobile, area of Chicago, Ill.—Construction permit for a new portable-mobile relay station on 31620, 35620, 37340, 39620 kc., 25 watts power, A-3.

WDAC—University of Wisconsin, Portable-Mobile, vicinity of Madison, Wis.—License to cover construction permit B4-PRY-150.

WNEI—Indianapolis Power & Light Co., Mobile.—Voluntary assignment of license to WFBM, Inc.

NEW—Yuma Broadcasting Co., Yuma, Ariz.—Construction permit for a new broadcast station to be operated on 1210 kc., 100 watts night, 250 watts day, unlimited hours.

NEW—B. B. Shapiro, F. P. Shapiro and H. Shapiro, d/b as Leroy's Jewelers, Los Angeles, Calif.—Construction permit for a new television broadcast station on frequencies 50000-56000, 66000-72000, 78000-84000 kc., power of 1 KW, Emission A3 and A5 for both visual and aural. Amended to request frequency band 66000-72000 kc.

W6XAP—Airfan Radio Corp., Ltd., San Diego, Calif. (Portable-Mobile).—Modification of license to change frequencies in accordance with new rules to request 31220, 35620, 37020, 39260 kc., and power to conform with new assignment reduced from 30 to 25 watts.

W1XOK—The Yankee Network, Inc., Boston, Mass.—License to cover C. P., B1-PRE-107, as modified. Amended to request frequencies 133030, 134850, 136810, 138630 kc., power of 50 watts.

NEW—Central New York Broadcasting Corp., Portable-Mobile.—Construction permit for a new relay broadcast station on



frequencies 1606, 2022, 2102, 2758 kc., power of 100 watts, A3 emission.

NEW—Radio Voice of Springfield, Inc., Springfield, Ohio.—Construction permit for a new broadcast station to be operated on 1310 kc., 100 watts, unlimited hours.

NEW—Columbia Broadcasting System, Inc., Portable-Mobile.—Construction permit for a new relay broadcast station on frequencies 1646, 2090, 2190 and 2830 kc., power 50 watts, A3 emission.

NEW—The Louisville Times Co., Portable-Mobile, area of Louisville, Ky.—Construction permit for a new relay broadcast station on 30820, 33740, 35820, 37980 kc., 10 watts, A-3.

NEW—The Louisville Times Co., area of Louisville, Ky.—License to cover C. P. above.

WSXAL—The Crosley Corporation, Mason, Ohio.—Modification of construction permit for extension of completion date to 1-1-40.

NEW—The May Department Stores Co., Los Angeles, Calif.—Construction permit for new television station on 60000-86000 kc., 1 KW power, A-3 and A-5, located at Wilshire Blvd at Fairfax St., Los Angeles, Calif. Amended to request 50000-56000 kc. or 66000-72000 kc.

NEW—WGN, Inc., Portable-Mobile, area of Chicago, Ill.—Construction permit for a new relay station on 1622, 2058, 2150, 2790 kc., power of 50 watts, A-3.

## 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.

**Anesthetic Advancement & Research Guild, Inc.**—See Guild Anesthetic Laboratories.

**Actino Laboratories, Inc.**, 429 West Superior St., Chicago, and its president, Carl Loeb, are charged with misleading representations in the sale of orthoptic equipment in a complaint.

The complaint alleges that the respondents sell three types of orthoptic machines, two of their own manufacture and one made by a competitor and that, in order to induce the purchase of the machines they manufacture, they accept the used machines made by a competitor from customers as part payment for their own products. It is alleged that the respondents thereupon sell the competitor's machine as new and at prices substantially lower than those charged by the competing manufacturer for new, unused machines. (3813)

**Guild Anesthetic Laboratories**—Misrepresentation that a commercial organization is operating as a guild or association of persons engaged in kindred pursuits for mutual protection, aid and cooperation, is alleged in a complaint. The respondent, Guild Anesthetic Laboratories, 2457 South Michigan Ave., Chicago, until recently known as Anesthetic Advancement and Research Guild, Inc., distributes a medicinal preparation known as "Guild Procaine Epinephrine Anesthetic", for use as a local anesthetic. Its customers include dentists, physicians and dental colleges.

It is alleged that the respondent corporation misrepresented the character of its business by use of the trade or corporate names "Anesthetic Advancement and Research Guild, Inc.", and "Guild Anesthetic Laboratories", some of the printed matter showing the word "Guild" set out in large type. (3816)

**Norman Company**—Alleging misleading representations in the sale of novelty merchandise, including lamps and shades, a complaint has been issued against Norman Company, a corporation, and its officers, Samuel J. Goldberg, Mrs. May Goldberg, Edward Koplin, and Max Feder, all of 169 Madison Ave., New York.

It is alleged that the Norman Company sent merchandise to various individuals, partnerships and corporations without previously receiving orders therefor and that in its correspondence with such purported purchasers, contended that the merchandise had been shipped in response to orders.

The complaint charged that the corporate respondent received no orders for the merchandise sent to purported purchasers in such instances and that its purpose was, through threats, coercion and annoyance, to induce the purported purchasers to accept and pay for merchandise rather than submit to the annoyance of interminable correspondence and threats. (3812)

**Philip R. Park, Inc.**, San Pedro, Calif., distributor of a dehydrated kelp product in powdered and tablet form designated "Granular Parkelp" and "Parkelp Tablets", has been served with a complaint alleging misrepresentation.

Among advertisements disseminated by the respondent are the following: "Parkelp is amazingly rich in iodine, iron, calcium and other food minerals which land foods lack", and "It is interesting to know that lack of food minerals in such land-grown vegetables as lettuce, celery, asparagus, spinach, etc., which form a part of our daily diet, often results in deficiency conditions of the body. You can add these important minerals and vitamins to your diet in any easy and economical way. Try Parkelp, a pure, deep sea kelp product that brings you food minerals from the sea."

The complaint alleges that the amount of minerals other than iodine contained in respondent's product is not sufficient to produce the results claimed in respondent's advertising. It is also alleged that the diet of the American people is not deficient in the minerals mentioned in respondent's advertising, nor are the vegetables therein referred to deficient in such minerals. (3815)

**Puritan Undergarment Corp.**—Misleading representations in the sale of women's undergarments in violation of the Federal Trade Commission Act are alleged in a complaint issued against Puritan Undergarment Corporation, 1427 DeKalb Ave., Brooklyn. It is alleged that garments containing 87 per cent cotton, 10 per cent rayon and only 3 per cent wool were misleadingly represented as containing 15 per cent wool; that garments containing 10.5 per cent wool, the remainder being rayon and cotton, were advertised as 30 per cent wool, and that garments appearing to be made partly of silk were sold without disclosure that the fiber or material in question was not silk, but rayon. (3810)

**Refrigeration & Air Conditioning Institute, Inc.**, 2150 Lawrence Ave., Chicago, has been served with a complaint alleging violation of the Federal Trade Commission Act in the sale of correspondence courses.

In selling its courses in refrigeration and air conditioning, the respondent is alleged to have made representations through its salesmen and by means of its advertising matter implying that there is a great demand for men in the air-conditioning and refrigeration industries; that these industries will absorb all graduates of the respondent school or that approximately 5,000 of its graduates will be so absorbed annually and that the respondent school is the official training agency of the two industries.

It is also alleged that the respondent implies that its educational program is directly in charge of officers or employees of certain leading manufacturers; that manufacturers who have commended the respondent's training will give employment to its graduates or to a large percentage thereof and that such manufacturers have actually sponsored the school or contributed financially to its upkeep. (3811)

**Tetrine Chemical Sales Company**—Maurice M. Goldberg and Tetrine Chemical Sales Company, 521 Fifth Ave., New York, are charged in a complaint with misrepresentation in the sale and distribution of fire extinguishers and chemical fluids.

The complaint charges that the respondents represent that fire extinguishers are given free to purchasers of a certain specified quantity of chemical fluid for use in the extinguishers, and that the representation is false and misleading, as the price received by the respondent for the fluid is so clearly in excess of the normal market value as to include not only the value of the fluid but the fire extinguishers as well. (3814)

**Weiss Bedding Company, Inc.**—Alleging false representations of the fiber and material of which mattresses are made a complaint has been issued against Weiss Bedding Company, Inc., and

its president, Dan Weiss, Jr., 365 Baxter Ave., Louisville, Ky., mattress manufacturers.

Among representations allegedly used by the respondents in advertising certain of their mattresses are assertions such as "This mattress contains 100 per cent cotton felt," "All new and sanitary," and "Complies with all State laws."

The complaint alleges that certain of the respondents' mattresses do not contain 100 per cent cotton felt, that the material in them is not all new and sanitary and that the mattresses as produced do not comply with all State laws. (3809)

## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**William J. Cressy**, 2521 North 56th St., Milwaukee, formerly trading as Flying Intelligence Service, in the sale of a manual of instructions in aviation, has been ordered to cease and desist from representing that he conducts a flying school; that he will procure jobs for students either during or after training; that he is affiliated with the United States Air Corps or that purchasers of his aviation manual will receive training by that air corps. The complaint in this case was dismissed as to Mrs. Effie Robertson, who was found not to be a partner in the business. (3431)

**Lewyn Drug, Incorporated**, Hollywood, Calif., distributor of medicinal preparations known as Dr. Haller's Prescription 5000 and Dr. Haller's Prescription 2000, has been ordered to cease and desist from disseminating advertisements which represent that use of these preparations constitutes a competent, safe and scientific treatment for delayed menstruation, and that their use will produce no ill effects.

The order also prohibits dissemination of advertisements which fail to reveal that use of these preparations may result in serious injury to the health of the user.

The true facts are, according to findings of the Commission, that use of either of the respondent's preparations may result in gastrointestinal disturbances such as catharsis, nausea and vomiting with pelvic congestion, inflammation and congestion of the uterus and adnexa leading to excessive uterine hemorrhage, and in those cases where either of these preparations is used to interfere with the normal course of pregnancy, may result in uterine infection with extension to other pelvic and abdominal structures causing septicemia or blood poisoning. (2934)

**National Sales Company**—Robert R. Charney, trading as National Sales Company and as Windsor Pen Company, 1315 Atlantic Ave., Atlantic City, N. J., has been ordered to cease and desist from representing excessive fictitious prices as regular prices of its merchandise; that any articles customarily sold in connection with use of a purported certificate have value exceeding the actual money price required to be paid; that certain fountain pens last a life time and that rings or necklaces are set with diamonds or will not tarnish or discolor. (3610)

**O. K. Tailoring Company, Inc.**—Misleading representations in the sale of men's garments are prohibited under an order to cease and desist issued against O. K. Tailoring Company, Inc., 325 South Market St., Chicago.

The respondent company was directed to discontinue employing the unqualified word "wool" or words of similar meaning to designate fabrics or products not composed wholly of wool, provided that in case of a fabric or product composed partly of wool and partly of other materials such words may be used as descriptive of the wool content if in immediate conjunction there also appear accurate designations of each constituent fabric or material in the order of predominance by weight.

Under the order, the respondent is also to cease using the term "free" or similar terms to refer to merchandise regularly offered as compensation for distributing the respondent's clothing products; to cease representing that the respondent's garments are the fastest selling lines of such merchandise in America, and that its agents receive specified compensation for the sale of the respondent's merchandise, unless they do in fact receive such compensation and

there is no deception as to the services to be performed in obtaining. (3404)

**Stillwater Company**—Hay fever is not attributable to over-sensitive, weak, or unhealthy local conditions of the nasal membranes and their consequent susceptibility to excessive irritation from pollens, and cannot be successfully treated and cured, or the cause removed, by local medication, according to findings made in connection with issuance of a cease and desist order against R. O. Murphy, trading as The Stillwater Company, Stillwater, Minn., distributor of five preparations advertised as a treatment and remedy for hay fever.

Findings of the Commission are further that the respondent's theories as to the treatment of or method of averting hay fever by local applications to the membranes of the nose are not in accordance with the consensus of present-day medical opinion. (3608)

**Windsor Pen Company**—See National Sales Company.

## STIPULATIONS

The Commission has entered into the following stipulations:

**Gabilla, Inc.**, 19 West 18th St., New York, a corporation engaged in the sale and distribution of perfume products, has stipulated to cease and desist from use of the word "Paris" or "France" on its labels or containers so as to imply that its products are of French origin, and from use of the words "Bottled in U. S. A." to imply that the product is imported in bulk as finished perfume and bottled in the United States, and from use of any foreign address on its letterheads or trade literature so as to imply that the corporation has offices or places of business in the foreign countries indicated, when such are not the facts. (2478)

**Dr. Laun Sales Company**—Joseph E. Gessner, trading as Dr. Laun Sales Company, 207 North Michigan Ave., Chicago, agrees to cease disseminating advertisements representing that "Dr. Laun's Reducing and Stimulating Balm", either with or without the application of massage, will remove fat from the body or any part thereof or that the preparation or any of its ingredients has any value as a reducing agent. (2480)

**Mentos Products, Inc.**, 1469 North Hirst St., Philadelphia, agrees to cease advertising that use of Mentos will promote the growth of hair; that Mentos or Mentos Shampoo is capable of cleansing below the pore openings; that Mentos is efficacious in "building the resistance of the skin and scalp"; that its use will result in permanent cessation of falling hair, scalp itching or "sores between toes" and will cure eczema, ringworm, psoriasis, scalp irritations, scaly scalp conditions or dandruff. In its stipulation the respondent company admits that use of its products will not accomplish the results claimed. (02384)

**Photo-Markets, Inc.**, Washington, D. C., publisher of a magazine "Photo-Markets", has entered into a stipulation to cease and desist from the sale or distribution of cards or tags bearing the inscription "Press Card" or "Press Tag", purporting to grant bearers exceptional privileges through police and fire lines. The so-called "Press Tags" are designed for attachment to automobile license plates. (2475)

**Solo Chemical Works, Inc.**, 212 Fifth Ave., New York, has entered into a stipulation to discontinue misleading representations in the interstate sale of so-called tubular fly ribbons. The respondent agrees to discontinue using the word "Honey" alone or in connection with a picturization of a bee hive or in any other way as a brand name or designation for its product so as to imply that it has been substantially treated with honey. The stipulation recites that the honey content of the coating used on the ribbons was not substantial and added nothing to their effectiveness. (2479)