



## Convention Takes Copyright, Code Action

Strong affirmative action on the two outstanding problems before the broadcasting industry today—copyright and program standards—marked the three day convention of the National Association of Broadcasters which adjourned Thursday at noon.

The convention unanimously adopted a resolution directing the Copyright Committee to fix an early deadline for the conclusion of the principle terms of a new deal with ASCAP and to call a special convention not later than September 15, if the Committee decides no good purpose would be served by postponement of the deadline.

By an overwhelming majority the convention adopted a Code of Program Standards and then unanimously supplemented it with a definition of "Accepted Standards of Good Taste" to assist in the Code's interpretation. The new Board was directed to fix the effective date and set up compliance machinery. The Board announced it would announce its plan at its September meeting.

Following are the texts of the copyright resolution, the Code and the Program Standards resolution:

### Copyright

Whereas the existing contracts between broadcasters and ASCAP expire December 31, 1940, and whereas ASCAP is now the principal source through which music is made available to American broadcasters, and whereas broadcasters are willing to pay a fair and reasonable price for ASCAP music and thereby encourage composers, authors and publishers to continue to produce the best possible music, and whereas further the broadcasters believe that any fair and reasonable price must be predicated upon paying for the music used, therefore,

Resolved that

1. The present copyright committee is continued as a special copyright committee with the powers and duties herein stated.

2. The copyright committee is authorized and directed through a negotiation committee to conclude with ASCAP a form of contract to be recommended to the entire industry for a term of years, on a basis acceptable to the industry.

3. The copyright committee is authorized to fix a deadline for conclusion of the principal terms of such a deal.

4. The copyright committee, if in its judgment no good purpose is served by postponement of its dead-line, is authorized to prepare such measures as are necessary and expedient to enable the industry to provide sufficient music for its requirements without ASCAP on the expiration of the existing ASCAP contracts December 31, 1940.

5. The copyright committee is authorized in such event to call a special convention of the industry not later than September 15 to vote the funds necessary for success of such measures.

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*

## The Code

Recognizing the importance of radio broadcasting in the national life and believing that broadcasters have sufficient experience with the social side of the industry to formulate basic standards for the guidance of all, the National Association of Broadcasters hereby formulates and publishes the following revised Code:

### CHILDREN'S PROGRAMS

Programs designed specifically for children reach impressionable minds and influence social attitudes, aptitudes and approaches and, therefore, they require the closest supervision of broadcasters in the selection and control of material, characterization and plot.

This does not mean that the vigor and vitality common to a child's imagination and love of adventure should be removed. It does mean that programs should be based upon sound social concepts and presented with a superior degree of craftsmanship; that these programs should reflect respect for parents, adult authority, law and order, clean living, high morals, fair play and honorable behavior. Such programs must not contain sequences involving horror or torture or use of the supernatural or superstitious or any other material which might reasonably be regarded as likely to over-stimulate the child listener, or be prejudicial to sound character development. No advertising appeal which would encourage activities of a dangerous social nature will be permitted.

To establish acceptable and improving standards for children's programs, the National Association of Broadcasters will continuously engage in studies and consultations with parent and child study groups. The results of these studies will be made available for application to all children's programs.

### CONTROVERSIAL PUBLIC ISSUES

As part of their public service, networks and stations shall provide time for the presentation of public questions including those of controversial nature. Such time shall be allotted with due regard to all the other elements of

balanced program schedules and to the degree of public interest in the questions to be presented. Broadcasters shall use their best efforts to allot such time with fairness to all elements in a given controversy.

Time for the presentation of controversial issues shall not be sold, except for political broadcasts. There are three fundamental reasons for this refusal to sell time for public discussion and, in its stead, providing time for it without charge. First, it is a public duty of broadcasters to bring such discussion to the radio audience regardless of the willingness of others to pay for it. Second, should time be sold for the discussion of controversial issues, it would have to be sold, in fairness, to all with the ability and desire to buy at any given time. Consequently, all possibility of regulating the amount of discussion on the air in proportion to other elements of properly balanced programming or of allotting the available periods with due regard to listener interest in the topic to be discussed would be surrendered. Third, and by far the most important, should time be sold for the discussion of controversial public issues and for the propagation of the views of individuals or groups, a powerful public forum would inevitably gravitate almost wholly into the hands of those with the greater means to buy it.

The political broadcasts excepted above are any broadcasts in connection with a political campaign in behalf of or against the candidacy of a legally qualified candidate for nomination or election to public office, or in behalf of or against a public proposal which is subject to ballot. This exception is made because at certain times the contending parties want to use and are entitled to use more time than broadcasters could possibly afford to give away.

Nothing in the prohibition against selling time for the presentation of controversial public issues shall be interpreted as barring sponsorship of the public forum type of program when such a program is regularly presented as a series of fair-sided discussions of public issues and when control of the fairness of the program rests wholly with the broadcasting station or network.

### EDUCATIONAL BROADCASTING

While all radio programs possess some educative values, broadcasters nevertheless desire to be of assistance in helping toward more specific educational efforts, and will continue to use their time and facilities to that end and in cooperation with appropriate groups, will continue their search for improving applications of radio as an educational adjunct.

### NEWS

News shall be presented with fairness and accuracy and the broadcasting station or network shall satisfy itself that the arrangements made for obtaining news insure this result. Since the number of broadcasting channels is limited, news broadcasts shall not be editorial. This



means that news shall not be selected for the purpose of furthering or hindering either side of any controversial public issue nor shall it be colored by the opinions or desires of the station or network management, the editor or others engaged in its preparation or the person actually delivering it over the air, or, in the case of sponsored news broadcasts, the advertiser.

The fundamental purpose of news dissemination in a democracy is to enable people to know what is happening and to understand the meaning of events so that they may form their own conclusions and, therefore, nothing in the foregoing shall be understood as preventing news broadcasters from analyzing and elucidating news so long as such analysis and elucidation are free of bias.

News commentations as well as all other newscasters shall be governed by these provisions.

## RELIGIOUS BROADCASTS

Radio, which reaches men of all creeds and races simultaneously, may not be used to convey attacks upon another's race or religion. Rather it should be the purpose of the religious broadcast to promote the spiritual harmony and understanding of mankind and to administer broadly to the varied religious needs of the community.

### Commercial Programs and

### Length of Commercial Copy

Acceptance of programs and announcements shall be limited to products and services offered by individuals and firms engaged in legitimate commerce; whose products, services, radio advertising, testimonials and other statements comply with pertinent legal requirements, fair trade practices and accepted standards of good taste.

Brief handling of commercial copy is recommended procedure at all times.

Member stations shall hold the length of commercial copy, including that devoted to contests and offers, to the following number of minutes and seconds:

#### *Daytime*

Fifteen-minute programs—3:15  
Thirty-minute programs —4:30  
Sixty-minute programs —9:00

#### *Nighttime*

Fifteen-minute programs—2:30  
Thirty-minute programs —3:00  
Sixty-minute programs —6:00

#### *Exceptions:*

The above limitations do not apply to participation programs, announcement programs, "musical clocks,"

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shoppers' guides and local programs falling within these general classifications.

Because of the varying economic and social conditions throughout the United States, members of the NAB shall have the right to present to the NAB for special ruling local situations which in the opinion of the member may justify exceptions to the above prescribed limitations.

## PROGRAM STANDARDS

To clarify the phrase "Accepted Standards of Good Taste" and the canons of good practice set forth in the NAB Code, therefore be it Resolved:

That member stations shall not accept for advertising:

1. Any spirituous or "hard" liquor.
2. Any remedy or other product the sale of which or the method of sale of which constitutes a violation of law.
3. Any fortune-telling, mind-reading, or character-reading, by handwriting, numerology, palm-reading, or astrology, or advertising related thereto.
4. Schools that offer questionable or untrue promises of employment as inducements for enrollment.
5. Matrimonial agencies.
6. Offers of "homework" except by firms of unquestioned responsibility.
7. Any "dopester," tip-sheet or race track publications.
8. All forms of speculative finance. Before member stations may accept any financial advertising, it shall be fully ascertained that such advertising and such advertised services comply with all pertinent federal, state and local laws.
9. Cures and products claiming to cure.
10. Advertising statements or claims member stations know to be false, deceptive or grossly exaggerated.
11. Continuity which describes, repellantly, any functions or symptomatic results of disturbances, or relief granted such disturbances through use of any product.
12. Unfair attacks upon competitors, competing products, or upon other industries, professions or institutions.
13. Misleading statements of price or value, or misleading comparisons of price or value.

## The New Board

*District 1*—Paul W. Morency

Radio Station WTIC  
Travelers Broadcasting Service Corporation  
Hartford, Connecticut

*District 2*—Harry C. Wilder, President

Radio Station WSYR  
Central New York Broadcasting Corporation  
Syracuse, New York

*District 3*—Clifford M. Chaffey

Radio Station WEEU  
Berks Broadcasting Company  
Reading, Pennsylvania

*District 4*—John A. Kennedy, President

Radio Station WBLK  
The Exponent Company  
Clarksburg, West Virginia

*District 5*—W. Walter Tison, Director

Radio Station WFLA  
Florida West Coast Broadcasting Company, Inc.  
P. O. Box No. 1410  
Tampa, Florida

*District 6*—Edwin W. Craig, Vice President

Radio Station WSM  
National Life & Accident Insurance Company  
Nashville, Tennessee

*District 7*—J. H. Ryan

Radio Station WSPD  
Fort Industry Corporation  
Toledo, Ohio

*District 8*—John E. Fetzer, President

Radio Station WKZO  
WKZO, Incorporated  
Kalamazoo, Michigan

*District 9*—Walter J. Damm, Managing Director

Radio Station WTMJ  
Milwaukee Journal Company  
Milwaukee, Wisconsin

*District 10*—John J. Gillin, Jr., Manager

Radio Station WOW  
Woodmen of the World Life Insurance Society  
Omaha, Nebraska

*District 11*—Earl H. Gammons, General Manager

Radio Station WCCO  
Columbia Broadcasting System, Inc.  
Minneapolis, Minnesota

*District 12*—Herbert Hollister, General Manager

Radio Station KANS  
KANS Broadcasting Company  
Wichita, Kansas

*District 13*—O. L. Taylor, General Manager

Radio Station KGNC

Plains Radio Broadcasting Company  
Amarillo, Texas

*District 14*—Eugene P. O'Fallon, President

Radio Station KFEL  
Eugene P. O'Fallon, Incorporated  
Denver, Colorado

*District 15*—Howard Lane

Radio Station KFBK  
McClatchy Broadcasting Company  
Sacramento, Calif.

*District 16*—Donald W. Thornburgh, Vice President

Radio Station KNX  
Columbia Broadcasting System, Inc.  
Los Angeles, California

*District 17*—C. W. Myers, President

Radio Station KOIN  
KOIN, Incorporated  
Portland, Oregon

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### One Year Term

### DIRECTORS-AT-LARGE

#### Large Stations

Harold Hough, General Manager  
Radio Station WBAP  
Carter Publications, Incorporated  
Fort Worth, Texas  
Frank M. Russell, Vice President  
Radio Station WRC  
National Broadcasting Company, Inc.  
Trans-Lux Building  
Washington, D. C.

#### Medium Stations

George Norton  
Radio Station WAVE  
WAVE, Inc.  
Louisville, Ky.  
Don S. Elias  
Radio Station WWNC  
Asheville Citizen-Times Co.  
Asheville, N. C.

#### Small Stations

John Elmer, President  
Radio Station WCBM  
Baltimore Broadcasting Corporation  
Baltimore, Maryland  
Harry R. Spence  
Radio Station KXRO  
KXRO, Incorporated  
Aberdeen, Wash.



## Executive Committee

The new NAB Board of Directors elected the following Executive Committee at its first meeting on Thursday:

Edwin W. Craig, WSM  
John Elmer, WCBM  
Herbert Hollister, KANS  
John A. Kennedy, WCHS  
Paul W. Morency, WTIC  
Harry C. Wilder, WSYR

## Resolutions Adopted

### One

*Resolved*, that the National Association of Broadcasters, in Seventeenth Annual Convention assembled, hereby thanks Mr. Stephen Early, secretary to the President of the United States, for his attendance, his constructive message and the good will and understanding of the problems in broadcasting as evidenced by the opinions and suggestions contained in his address.

### Two

*Resolved*, that the Seventeenth Annual Convention of the National Association of Broadcasters hereby extends its hearty thanks to Carl E. Milliken, secretary of the Motion Picture Producers and Distributors of America, Inc., for his interest in our problems and his kindness in being willing to share with us the experiences of his organization in meeting similar problems in the past.

### Three

*Resolved*, that the Seventeenth Annual Convention of the National Association of Broadcasters hereby thanks Mr. Elmer F. Andrews, administrator of the Wage and Hour Division of the United States Department of Labor, for his valuable suggestions and interpretation of the Fair Labor Standards Act. And that the Association hereby pledges its wholehearted support of Mr. Andrews and his organization in carrying out the intent of the law.

### Four

*Resolved*, that the National Association of Broadcasters, in Seventeenth Annual Convention assembled, hereby extends its appreciation to Dr. John W. Studebaker, United States Commissioner of Education, and to Dr. Leonard Power, Research Coordinator of the Federal Radio Education Committee, for their help and suggestions in enabling the broadcasting industry to more completely live up to its obligations in promoting the proper use of radio facilities by the educational operators of the country.

### Five

*Resolved*, by the Seventeenth Annual Convention of the National Association of Broadcasters, that our thanks are extended to Mr. Orrin E. Dunlap, Jr., Radio Editor of the New York Times, for his message on television and facsimile.

### Six

*Resolved*, by the Seventeenth Annual Convention of the National Association of Broadcasters, that our thanks are extended to Joseph Marty, executive secretary of the Radio Servicemen of America, for his interesting discussion of the subject, "The Missing Link in Broadcasting."

### Seven

*Resolved*, that the National Association of Broadcasters hereby extends its appreciation to Edwin M. Spence and his co-workers for their usual efficient convention arrangements.

### Eight

*Resolved*, that the National Association of Broadcasters, in Seventeenth Annual Convention assembled, hereby heartily thanks the Columbia Broadcasting System, the Mutual Broadcasting System, and the National Broadcasting Company for their contributions in helping the National Association of Broadcasters in connection with the fine entertainment at the banquet. And particularly commends them for their thoughtfulness in providing entertainment other than that with which we are so familiar in our regular business.

### Nine

*Resolved*, that the National Association of Broadcasters hereby extends its hearty thanks to William S. Hamilton, manager, Harold E. Baggs, assistant manager, and the staff of the Ambassador Hotel, and the Atlantic City Convention and Publicity Bureau, for their fine service in contributing to the success of the Seventeenth Annual Convention of the Association.

### Ten

*(From the Independent Radio Broadcasters)*

WHEREAS, the Radio Manufacturers Association, comprising the larger manufacturers of radio receiving sets, has established and promoted the manufacture and sale of the push button type of receiving set, and

WHEREAS, the continued sale and distribution of the push button set (comprising for the most part only four buttons) will, in five years at the present rate of replacement, seriously reduce the possible listening audience of the independent stations, thereby causing inestimable damage to the independent broadcasters through the loss of advertising revenue, and

WHEREAS, the independent broadcasters feel that a continuance of this policy on the part of RMA constitutes an unfair trade practice and a monopolistic condition in the broadcast industry,

*Be It, Therefore, Resolved*, that the independent broadcasters urgently request that the NAB immediately attempt to arrive at a satisfactory solution to this problem with the RMA, and that failing to arrive at some satisfactory solution that the NAB bring the matter to the attention of the proper governmental agencies to the end that relief from this untenable situation be provided for the independent broadcasters.

### Eleven

*Be It Resolved*, by the National Association of Broadcasters, in Seventeenth Annual Convention assembled, that our hearty thanks and appreciation are hereby extended to President Neville Miller and his very efficient staff for their loyalty, cooperation and wholehearted support during the year just concluded.

WHEREAS, on May 23, 1939, the Federal Communications Commission promulgated new rules and regulations for the operation of international broadcast stations. These regulations included new and unprecedented restrictions and requirements as to program content and were issued without prior public hearing. On June 3, 1939, Neville Miller, President of the National Association of Broadcasters, addressed a letter to the Honorable Frank R. McNinch, Chairman of the Federal Communications Commission, discussing certain objections of principle to these regulations and suggesting that the Commission reconsider its action of May 23, 1939 and give licensees of international stations and others an opportunity at public hearing to discuss the questions involved; and

WHEREAS, as pointed out by President Miller in his letter of June 3, 1939, "If the Commission has authority to promulgate this character of regulation in the international field, it must have equal authority with respect to domestic broadcasting, as the same provisions of the law govern both classifications." It was further pointed out by President Miller that the proposed regulations will establish the precedent for "a violent transgression of the basic principles of American democracy" and that "surely no such dangerous prerogative is contemplated by the Communications Act of 1934 and is in direct conflict with Section 326 of the Act which expressly prohibits any type or character of censorship or any condition or regulation 'which shall interfere with the right of free speech by means of radio communication'"; AND

WHEREAS, subsequently, on June 15, 1939, the Federal Communications Commission, acting under a petition for the withdrawal or amendment of Rule 42.03 (a) filed on behalf of the American Civil Liberties Union, ordered a hearing to be held before a quorum of the Commission on the 12th day of July, 1939, the date for which hearing was later postponed to July 14, 1939; and

WHEREAS, President Miller, acting under authority vested in him by the Board of Directors of the National Association of Broadcasters, employed Swagar Sherley as special counsel to represent the National Association of Broadcasters at this hearing. Mr. Sherley has entered an appearance on behalf of the National Association of Broadcasters and has been instructed to participate in these proceedings; and

WHEREAS, because of the fundamental questions raised by these regulations, which appear not only to restrict the type of service that might be rendered by the licensees of international broadcast stations; and because of the more fundamental question that if such regulations are permitted to go unchallenged, there might be grave misunderstanding by the public and Congress as to the powers of the Federal Communications Commission with respect to program content, including advertising continuities; and because of the further fact that there is implied in these regulations a trend that must be resisted if broadcasting is to remain free and uncensored; and because of the further fact that there has been some suggestion or intimation as to the manner in which President Miller took the steps he did to call to the attention of the Commission the fears and misgivings of the broadcasting industry in connection with these regulations;

Now, Therefore, *Be It Resolved*, that the National Association of Broadcasters, assembled at their 17th annual convention, hereby affirms and believes that the statements contained in President Miller's letter of June 3, 1939, constitute a fair and accurate expression of the fundamental issues involved and commends President Miller for his prompt and vigilant action in calling to the attention of the Commission and the public the fact that the regulations governing international broadcasting stations, as drafted, contained elements of a genuine threat to the right of free speech by radio communication, not only in the operations of international broadcast stations, but in the domestic field as well.

*Be It Further Resolved*, that the National Association of Broadcasters takes cognizance of the fact that, in convening a formal hearing on these regulations, the Federal Communications Commission, on June 15, 1939, in a press release accompanying the order, stated:

"The Commission is of the opinion that an open public hearing to discuss the merit of the new regulation is desirable, particularly in view of the fact that the application of the rules has been misunderstood in some quarters.";

and that it is the sense of this convention that, in view of the Commissioner's statement, the Commission will, following the hearing scheduled upon this regulation, through appropriate revision or modification make it clear that such regulation could not in any way be construed or interpreted by either the licensees of international broadcast stations or by the public to abridge in any manner the fundamental right of free speech by means of radio communication.

#### Thirteen

WHEREAS, the National Association of Broadcasters, as the organization composed of the majority of the licensees of standard broadcast stations, has from time to time urged upon the Federal Communications Commission that the normal license period of standard broadcast stations be extended beyond the six months period; and

WHEREAS, it has been the sense of broadcasters that the previous short term license policy made for uncertainty and insecurity; and

WHEREAS, as early as 1934, the Honorable Thad H. Brown, member of the Communications Commission, proposed an amendment to the section of the regulations limiting the license period to six months, and proposed to extend it to a period of one year; and

WHEREAS, the industry has long believed that it was unnecessary to limit the license to a period of six months, particularly when Congress had authorized a maximum period of three years; and

WHEREAS, on June 22, 1939, the Communications Commission announced that it had increased the normal license period for standard broadcast stations from six months to one year by amending the appropriate section of the rules and regulations governing standard broadcast stations, which amendments affect all of the 735 standard broadcast stations now operating in the United States and territorial possessions.

Therefore, *Be It Resolved*, that the National Association of Broadcasters, in Seventeenth Annual Convention assembled, hereby

expresses to the Communications Commission its commendation of the action extending the license period to one year; and further, it is the belief of broadcasters that this will contribute to the stability of the industry and thus enhance the opportunity for increasingly better public service.

*Be It Further Resolved*, that the National Association of Broadcasters continue its efforts to obtain the maximum length of licenses as authorized by the Congress; and

*Be It Further Resolved*, that copies of this resolution be sent by the Secretary of the Association, to the Chairman of the Federal Communications Commission, and to each of its members, as an expression of appreciation of the confidence which the extension of the license period evidences.

#### Fourteen

*Resolved*, that the National Association of Broadcasters, in Seventeenth Annual Convention assembled, hereby heartily thanks Grover Whalen, president, and John S. Young, Director of Radio and Television, of the New York World's Fair, for the invitation extended to the broadcasters to attend the Fair as their guests.

#### Fifteen

*Resolved*, that the official acts of the duly qualified officers of the National Association of Broadcasters, performed since the last annual convention, be and the same are hereby approved.

#### Sixteen

*Resolved*, that the National Association of Broadcasters, in Seventeenth Annual Convention assembled, hereby extends its most hearty thanks to Will Hays, president of the Motion Picture Producers and Distributors of America, Inc., and to James G. Stahlman, past president of the American Newspaper Publishers Association, for their most valuable contributions to the principles of free speech and the preservation of that most important factor contributing to our democratic form of government as expressed in the international broadcast entitled, "The Mirrors of America," at 10.30 p.m., July 12, 1939.

## Early's Speech

I come here today not in the role of White House "spokesman" for that mythical creature of evasion was interred on the fourth day of March, 1933, and, insofar as I can predict, he will never be resurrected; certainly *not* by the incumbent President. Any views which I express to you, therefore, reflect solely my personal beliefs, based upon experience as a newspaperman and upon observations made during the past six years of official life.

When I accepted your invitation to appear before this convention, I emphasized to your President, Mr. Miller, that none could presume to speak for the President of the United States. I wish now to reiterate that as a preface to my remarks to you.

Usually when a government official appears before the trade association of an industry his remarks include:

1. A solemn plea for cooperation to attain some general and usually undefined objectives; or
2. A stern admonition to reform certain of its practices under the penalty of a paternal spanking; or
3. A soothing reassurance that the government has no immediate intention of taking over their business, leaving its operators to the mercies of a dictator with designs against the capitalistic system, or
4. A pious affirmation of faith in the profit system.

I prefer to avoid such banalities although, like a famous Vermonter, I, too, could assure you that I am "agin sin."

Broadcasting, it seems to me, mostly craves reassurance. That I can bring you. I have no knowledge of any Marxist plot for government to "take over" and operate radio stations. Nor am I informed concerning any subversive movement to put the government in the retail hardware business. If such reassurance will serve to alleviate the jitters, I am glad to pass it along.

When the time comes that this government dictates what its people shall hear; what they shall read or see, then freedom ends and democracy is no more.

Perhaps most of you are familiar with the recent utterance of the President concerning freedom of radio. Speaking in a transcribed interview conducted by Lowell Mellett, Executive Director of the National Emergency Council, the President said, in part:



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

What, then, is this freedom? The President in the statement just quoted spoke of the government's having a "different relation to radio from that toward the school and the press." To my mind, this relationship implies more than mere technical regulation necessitated by the physical phenomena of radio and goes somewhat beyond the statutory prohibition against broadcasting obscene, indecent language or information concerning lotteries, etc. Fortunately or unfortunately, the radio spectrum limits the number of broadcast stations and government must determine who is to operate them. This necessarily involves a duty upon the part of the government and a peculiar responsibility upon the part of broadcasters who are licensed to operate a franchise in the public interest.

Were the physical characteristics such that an unlimited number of broadcast stations could be established, the relationship of the regulatory authority of government to the broadcast operator might be simply that of parceling out wave-lengths and enforcing recognized statutory prohibitions against false and misleading advertising that apply to all media alike. However, if predicted engineering advances materialize and the number of broadcast stations can be expanded to approach infinity, I doubt if the present operators will be particularly jubilant over the prospect of such additional competition. You might yearn then for the good old days of regulation and questionnaires. The present F. C. C. might become a synonym for peace and exclusive frequencies.

Therefore, it should be assumed that broadcasters are not hostile to a periodic scrutiny of their record to determine whether they have fulfilled their obligation to the people in performing a public service.

As I understand it, grants are made essentially to the highest bidder for public service. The licensee then assumes an obligation to render the type of service he specified in obtaining his grant. If someone thinks he can perform a better broadcasting service in your locality than you, under the law, he has a right to file application for your license, and, if he can prove his case to the satisfaction of the Commission, he can supplant you.

Consequently, I take it, your best insurance to defeat such potential antagonists is consistently to render the very best public service you can. A cumulative record of good service is an excellent insurance policy.

Extremists of the "hands-off" school may advocate that when a licensee is granted a station, the licensing authority should kiss him goodbye, wish him luck and renew his license every six months or a year as a matter of course. This would grant a perpetual franchise to each licensee and the government, as the agent of the people, would have no opportunity to determine whether a proper public service was being rendered.

I would not advocate that the licensing authority lay down in advance definite, detailed and rigid standards of public service, implemented by specific rules and prohibitions. It would be difficult, if not impossible to draft such standards free from the odium of censorship. But the elements that compose public service are not vague or mysterious. Each of you broadcasters know whether your station is doing the right kind of job and, for my part, I would be willing to leave to a jury of broadcasters any specific instance involving the right of a station to have its license renewed.

You would know the answer. Only recently, I am advised, the Communications Commission has extended the license period from six months to a year for standard broadcast stations. The requirement that a broadcast licensee make annual justification for the use of a franchise granted him by his government is in no sense incompatible with freedom, as we understand it, and it is not necessary to lay down tight regulations to prevent flagrant disregard of the fundamental deficiencies of broadcasting. The Commission, it seems to me, has ample authority to proceed against any licensee who persists in a course of conduct which reasonable men agree is contrary to any rational standard of public interest.

The question then arises whether, in the process of making this determination, any violence is done to the freedom of radio. Of the 700 odd radio stations, the vast majority of whom have had their licenses regularly renewed since 1927, I am told that less than a half dozen have had their licenses revoked for cause. Since the Communications Commission was created in 1934, the records show that only a single station has failed to obtain its renewal of license—and that for some violation of technical engineering regulations.

Yet it is said that you gentlemen live in a constant state of fear that your licenses MAY be taken from you and that, therefore, you must spend too great a part of your time and give up too great a part of your time on the air in trying to please the big, bad government. The big, bad government, standing over you with hand outstretched ready to snatch away your precious license. Of course, I know and I am certain you agree that this just isn't so.

Thus it would seem that there has been no perversion of the duty of the regulatory authority to examine periodically the station's record. What, then, is the basis for the clamor that radio's freedom may be invaded? Certainly the brief history of radio regulation affords no conclusive evidence of any threat to the fundamental American right of freedom of speech.

Nevertheless, certain myths have grown up which deserve examination. The first myth *that should be cracked* is censorship. The Communications Act of 1934—I am certain you have recently read this section—says "nothing in this Act should be understood to give the Commission the power of censorship . . . and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech." There is nothing ambiguous or equivocal about that language. Legalists may quibble over its commas and semicolons but I stick to the interpretation that it means what it says. And should this Commission or any of its successors promulgate any regulation that violates that section, broadcasters have the remedy of judicial review and, if you *can't* get in the courthouse, you can *ignore* the regulation until the Commission takes you there.

The recent outcry over the regulation relating to international broadcasting demonstrates that the people of our country would never tolerate censorship. In this instance, the Commission, as you might expect, disclaimed any attempt at censorship and I understand it now has convened a hearing to determine whether the rule should be revised. It is my personal hope that the final regulations governing this class of broadcast stations will leave no doubt that freedom of speech is American culture and that *no* agency of government intends to supervise or control the programs broadcast.

In my opinion, censorship of radio, the press and other media of public information, should it ever develop, would be preceded by a real upheaval in the basic structure of our government and economic system. Professional alarmists may spin learned and fanciful parallels of events here and abroad, but these United States of ours *defy comparison*.

And I reiterate: I am the last person in the world to advocate censorship of what is said by broadcasters in the United States or by newspapers in the United States. I say this not only because I am a firm believer in the constitutional provision for freedom of expression, but also because I am an equally strong believer in the common sense of the American people within our own borders. No "Columnist," "interpreter" or "broadcaster" who misinterprets, misquotes or invents news out of a clear blue sky survives long. The good sense of the American people catches on to the fact that he is a perverter rather than a purveyor of news.

In the same way the American people soon lose confidence in the type of individual who seeks to stir up prejudice—prejudice against race, against religion or against color.

Thus I can conceive of no permanent danger within our country, even though great temporary harm is often done to our national welfare by such people. The average American citizen realizes that in most cases their principal motive is to seek notoriety either for the sake of notoriety itself or because they are paid large sums of money by people who have special axes to grind.

There is a real danger—a permanent danger, however—in news stories which might originate in the United States and be directed by foreign agencies to the citizens of other nations. The people of other nations are not as familiar with our own background as we are and the most fantastic stories about what is going on within the United States are readily believed by foreigners when they hear these stories over the short wave or read them as so-called news stories in their newspapers. They get wholly erroneous ideas not only about facts in the United States, but also about public opinion in the United States. The result is that these foreigners, because of false impressions, become less friendly to us and make it more difficult for us to maintain or to make friendships with them. This affects, of necessity, what we call our American relationship to international affairs as a whole.

I do not have to cite instances or to give illustrations. I do not have to name names. You are just as aware as I am that within the past few years there have been newspaper columnists and radio commentators whose words have been hailed with glee in certain portions of the earth as proof that the United States is friendly to certain principles of international conduct, which, as a matter of fact, the overwhelming majority of Americans dislike and abhor.



To say that false news of this kind emanating from the United States does harm not only to us but to civilization as a whole is putting it mildly. But that does not mean that the time has come for Government censorship over such false news.

It is obvious that those who operate international broadcast stations have a very definite public duty to keep their programs free from false news. Definitely this is their duty—and definitely the Government is watching and will continue to watch with great interest to see whether those in control of these stations continue to observe this public obligation. International broadcasting is but a single aspect of this problem. It is my information that international broadcasting by American stations, largely because of the accuracy of their reports, are relied upon by constantly increasing numbers of foreign listeners. While it is a sad commentary on our civilization that harried citizens elsewhere under the penalty of incarceration or worse must obtain accurate news from without their borders, you international licensees are performing a genuine service for them. Free men everywhere, I hope, will continue to crave truth even if they must bootleg it.

Although I am not familiar with them in detail, I know that the networks and many independent stations have developed enlightened policies dealing with religion, political discussions and commercial continuities. One specific policy which impresses me with radio's own recognition of its stewardship is that which prohibits the sale of time for propaganda purposes. To permit the individual or group with the greatest financial resources to utilize radio to peddle their own particular brand of social or economic philosophy would be a grave mistake for radio. Among other things, it would deny equality to groups with lesser resources.

In dealing with radio, the White House in 1933 adopted and has maintained a policy of equal treatment of networks and stations. When the President speaks, the microphones of any responsible broadcasting organization may seek and obtain their place on his desk. Certain restraints have, as a matter of necessity, been imposed in the relationships of radio to the White House. For example, we have insisted that radio announcers in dramatized news broadcasts or otherwise refrain from imitation of the President's voice, unless specifically authorized with a direct quotation and appropriate explanation that it was not the President speaking. It had been our experience that such imitations resulted in deception and after such a broadcast the White House mail was heavily loaded with inquiries of bewilderment.

The myth of censorship and the fallacy that broadcasters goose-step to official pressure seem to a sideline observer to be the twin bogey-man of radio. In my opinion freedom from official censorship, freedom from domination by any administration or political party rests with the radio itself. So long as its operations reflect the "doctrine of fair play" as expressed by the provision of the statute governing political broadcasts, so long as programs are interesting, informative and clean—in brief so long as radio serves democracy, it will remain free.

I belong to what may be the old-fashioned school in that I believe a reporter should stick to the facts with appropriate elucidation to make the news understandable and let his reader or listener reach his own conclusions. And I like that portion of your proposed code which says:

"If a broadcaster devotes a reasonable amount of time to fair and two-sided discussion of controversial public issues, using representative speakers to give differing points of view, he is providing debate and the expression of opinion on controversial issues in a far more effective way than it can possibly be provided by one or even a handful of commentators, regularly expressing personal points of view on every conceivable subject."

Let me speak in conclusion of my own amazement of the growth and development of this industry. It is an old story to you but fascinating to those not engaged in broadcasting to contemplate the fact that in 15 years more than 81 per cent of our families have acquired radio sets. That broadcasting must have done a good job is further evidenced by the fact that these sets are in use almost five hours a day. Through the medium of network systems more than 90 per cent of our population can listen to the voice of their President or his critics, hear the greatest in music and the drama; and the world is brought to our door. Contrasted with what has been done in other countries, we are convinced that the pattern adopted in America not only is the most consistent with our democratic traditions but affords the greatest opportunity for the development of a superior service.

No one can predict when radio will become of age because the miracles of science apparently have no boundaries. Of this much I am certain—radio in the hands of private enterprise has done amazingly well. With the government assuring free competition in the service to our people, with that sense of public responsibility

your codification efforts imply, with that awareness to needs of scientific research you have manifested, there is every reason for you to receive the continued and enthusiastic support of the public—that ultimate tribunal of success.

## Congratulations!

Adoption of the new code was received favorably by both press and public. The clause outlawing controversial questions from paid time, for elimination of any attack upon race or religion, met with the widest public support. The women's organizations of the country were enthusiastic about the children's platform and sent in to the convention wires of commendation. Several of these are published below.

NEVILLE MILLER  
HOTEL AMBASSADOR  
ATLANTIC CITY, NEW JERSEY

Heartiest congratulations to you and the National Association of Broadcasters upon new code for children's programs. Stop. I have every confidence that only great good will result for our children, their parents and the future of our democracy.

DOROTHY GORDON  
*Sunapee, New Hampshire*

\* \* \* \*

NEVILLE MILLER  
HOTEL AMBASSADOR  
ATLANTIC CITY, NEW JERSEY

All of us interested in the best development of radio in the world today are delighted with the proposed code of the National Association of Broadcasters. We congratulate you on your masterly formulation and wish you all success in your efforts.

SIDONIE MITSNER GRUENBERG, *Director,*  
*Child Study Association and Chairman,*  
*Parent Education, Committee of National*  
*Advisory Council on Radio in Education.*

\* \* \* \*

NEVILLE MILLER  
HOTEL AMBASSADOR  
ATLANTIC CITY, NEW JERSEY

Congratulations on code adoption. We represent hundreds of thousands of parents and children who will benefit and be grateful.

DOROTHY L. MCFADDEN,  
*Junior Programs, Inc.,*  
*New York City.*

\* \* \* \*

NEVILLE MILLER  
HOTEL AMBASSADOR  
ATLANTIC CITY, NEW JERSEY

Warmest congratulations on code for children's programs. Altogether admirable.

MARY GOULD DAVIS,  
*New York City.*

\* \* \* \*

NEVILLE MILLER,  
HOTEL AMBASSADOR,  
ATLANTIC CITY, NEW JERSEY

Congratulations to you and your board upon the splendid success of your conference and the establishment of the code system. As National Radio Chairman of the National Society New England Women, Radio Committee member of the National Federation of Press Women and member of the Women's National Radio Committee, I express my deep appreciation of your cooperation.

DOROTHY M. LEWIS,  
*Laconia, New Hampshire.*



NEVILLE MILLER,  
HOTEL AMBASSADOR,  
ATLANTIC CITY, NEW JERSEY

Delighted to read of convention's approval of code for broadcasting ethics. This is a forward step in radio and reflects much credit on the National Association of Broadcasters.

MRS. WILLIAM CORWITH, *National Radio Chairman,  
American Legion Auxiliary.*

\* \* \* \*

NEVILLE MILLER,  
HOTEL AMBASSADOR,  
ATLANTIC CITY, NEW JERSEY

Congratulations on passage of revised code a tremendous stride was taken to keep radio within the framework of our free enterprise system and yet serve the public interests. On behalf of the general Federation of Women Clubs who have worked consistently for better children radio programs. I want to thank you in particular. Democracy and decency go forward again. Congratulations.

LUCY R. MILLIGAN, *Chairman of Radio.*

## STUDEBAKER PRAISES BROADCASTING FOR NEW PROGRAM STANDARDS

In an address, "What the Federal Radio Education Committee Means to the American System of Broadcasting," Dr. John W. Studebaker, U. S. Commissioner of Education, congratulated the broadcasters on the adoption of a code and praised the improving relationships between radio and education generally. He stated that we had much in common; that the purpose of education in a democracy was to preserve the "right to learn"; and that radio as perhaps the most formidable channel for the distribution of information and knowledge was making substantial contributions to the American way of life and was insuring the American public of the "right to learn."

Dr. Studebaker pointed out the purposes of the Federal Radio Education Committee and explained the contributions it would make to both education and radio in uncovering valuable information for the benefit of both groups.

Dr. Leonard Power, research coordinator of the FREC, detailed the research project being carried on at Princeton University and Ohio State, which is being financed by a joint fund contributed by two educational foundations and the broadcast industry through the NAB.

## MOVIE CODE ADMINISTRATOR ADDRESSES CONVENTION

Carl E. Milliken, secretary of the Motion Picture Producers and Distributors of America, Inc., described the operation of the movie code at a convention luncheon on Tuesday. He urged the broadcasters to profit by the experience of the movies by setting their program standards just a little higher than the public demanded. In this way, he said, the industry could not only reflect but develop the tastes of its listeners. He also suggested that the industry attempt to educate the listeners to accept better programs, thus doing its share to raise the nation's cultural standards. Administration of any code called for

a strong personality, he said, adding that he was certain that the NAB had such in Neville Miller.

## MILLER, HAYS AND STAHLMAN MAKE JOINT BROADCAST

For the first time in history, leaders of radio, movies, and press jointly gave the American people an accounting of the services of these three great "Mirrors of America," in a broadcast Wednesday night. Neville Miller spoke from Atlantic City; Will Hays spoke from Hollywood; James G. Stahlman, retired president of the American Newspaper Publishers Association, spoke from London.

All three stressed the public obligations of their medium. All three asserted that only freedom could insure the fulfillment of these obligations to the best interest of the people.

## Television

The NAB invited Orrin E. Dunlap, Jr., veteran radio editor of the *New York Times*, to tell the convention what had happened in the field of television and how he thought it would develop in the immediate future.

Because of illness, Mr. Dunlap was unable to attend the convention but sent the following statement which was read to the delegates.

Television is making progress in New York, but slowly. It is like the baby who has taken a few steps and rather chestily looks westward as if it might be no trick to walk right across the map to San Francisco. But the parents know that when the youngster goes to California he'll probably fly, not hike. So with television today. It is toddling around New York. It can't walk to the Pacific. It must fly. But it cannot fly until there is a wire or a national radio relay system on which to travel.

Those in telecasting today are asking when the others are coming in to help them carry the load. The pioneer already feels the burden. He's afraid that he will not be appreciated until years from now, when monuments or plaques may be erected. Pioneering is often a thankless task. Trail blazers meet the obstacles and opposition. So it is with the telecaster. His road through the air is no easier than that of the covered wagon, the iron horse or the clipper planes. Nevertheless, pioneering made their achievements possible. A dozen years separated Lindbergh's flight to Paris and the transatlantic Dixie Clipper's passenger carrying schedule that puts America and Europe a day and a night apart. Progress in television may seem slow, but each day finds the images dancing nearer to the homes.

From the broadcaster's standpoint there is a vital question to be answered before he can hope to get revenue from telecasting. Who will pay for the programs? It may be from three to five years before that answer is available. Because of tradition in broadcasting, the quick answer is sponsors. But can they afford it? And will the public tolerate advertising on television? The eye in its likes and dislikes differs from the ear. The eye can "tune out" even the most subtle visual advertising on the screen by a turn of the head or a drop of the eyelid. The ear has no such guards.

The toughest row to hoe in television is to get the first 100,000 sets in homes. Then many of the present riddles will be answered; public reaction will be known.

Television has been called a \$13,000,000 "If." The question is how to sever the "If" and let the 13 million grow.

First, programs must be of such calibre that the Joneses will be surprised to learn that they are missing pictures the Smiths are seeing. Before this can happen the price of television sets

must be within range of the average pocketbook. Telecast stations must be on the air in cities other than New York.

The optimist in television must be fully aware of the intricate problems ahead. For one who has seen so much magic performed by radio since 1912, it is easy after seeing scenes from a Broadway play, a baseball game, and a prize fight by television to realize that it has a tremendous future—that some day it will be a great industry.

It is true that television has not made the splash in New York that some expected. They overlooked certain factors, now more apparent since programming has been in effect on a regular schedule for two months. The optimistic figure of 100,000 television sets being sold by Christmas is being whittled drastically. 10,000 would be a big surprise. Nevertheless, progress is being made.

From all indications it will be the autumn of 1941 at the earliest before television really gets up steam in the New York area. Telecasters have two years of agony ahead. In that period the showmen will learn more about their art, which incidentally, is not merely Hollywood plus broadcasting. Television is an art in itself.

Furthermore, and this is vital, before the public takes to television, prices must be reduced or present radios converted to receive telecasts without much expense. The public is greatly interested in television, but can't afford it.

Listeners who have become accustomed to plucking their entertainment from the air with an instrument costing less than \$100, and in the majority of cases much less, are not likely to take to television at a cost of \$500. They can listen in or go to the movies cheaper than that. Therefore, prices must be lowered, and they will be as mass production has a chance to operate. But in any case it is going to cost more to see and to hear than merely to listen by radio.

Broadcasting, of course, flamed as a national craze and became a pastime because it was simple and inexpensive. Radios could be built at home. It was a new fun. But that's a story you all know. The question now is what effect is television to have on broadcasting? There are so many angles to the subject that I shall try to stick to the text "What is to be the fate of the broadcasters and their millions invested?"

That question has been put also in regard to the stage and screen. Broadcasting will be more directly affected by television than will Hollywood or the theatre. Television is just another motion picture, but it is a broadcast picture. It's in the air on wavelengths and that's where you are. It appeals directly to your audience and therefore to hold them, eventually you must add sight to sound. Your future as broadcasters is in ultra-short waves. Just as amusement centers shift, also shopping, residential, publishing and transportation terminals, so too will broadcasting's center of entertainment shift to keep pace with progress. It will go below ten meters. In years to come the present broadcast band may be abandoned like an old theatre after the shows moved uptown to a modernistic, bright-light street glorified by a shift in the population.

The radio population, however, has nothing to fear. Broadcasters will make it as convenient as possible to take them along. Ultra-short wave converters will avert obsolescence of the existing radios. They will continue in use until gradually they are replaced by popularly priced combination tele-radios attuned to ultra-short waves.

But how can all this happen when television isn't national? It will be either through an ingenious wire network or through automatic ultra-short wave bouncer stations located fifteen or twenty miles apart. If the wires cannot do it radio will take the network problem into its own hand. It can be done.

Gradually broadcasting will move into the ultra-short wave spectrum. To be sure, for many years the regular broadcasters will begin to feed the same programs into the ultra-short wave channels to accommodate the modern audience and to fill in while there are no television shows on the air. In addition special sound programs will be offered, new acts and talent developed on the tiny waves. You as broadcasters are by no means to be supplanted; you are to be kept busier than ever running a two or three ring circus. You may have to go into the film making business to create short attractions of your own for telecasting. But remember, on the air there is a second handedness to films. Already it has been learned in New York and London that televisioners prefer live shows and surprising as it may seem a drama that runs for more than an hour is a big hit, if properly staged. But, of course, the headline television act of acts is the topicality or actuality as they call them in London; events as they happen as they call them in New York.

Television is an intimate medium; it's a parlor show and the actors who come into the family circle to perform successfully are those who have a friendly approach. Television is no glamour medium. The keynote is the same as in broadcasting—be natural.

People have heard much about television in the past ten years. Few of them have seen it. In New York, daily, more are viewing the images and I have yet to talk with an initiate who does not express amazement at what television can do. They never suspected telepictures could be so clear. They would like to have a tele-set in their homes but it is the price and the fear that tele-sets will change radically within a year or two that keeps them away. When the signs appear that those two factors, high prices and quick obsolescence, are to be removed, that will be the cue to broadcasters that their audience is beginning the mass march into the ultra-short wave field. That may be five years from now. Nevertheless, this is the time to stake the ultra-short wave claims and prepare for the exodus from 550-1600 kilocycles into the promised land. There is little static or fading there. Tonal quality is excellent, because of the wide wave path available. If you want to see yourself in the mirror of the future listen to Armstrong's staticless, ultra-short wave system. Until then you haven't heard radio perfection.

With television will come greater use for facsimile as a supplemental service. Television is a fleeting picture. Facsimile leaves a permanent record. To date it is more or less of a ticker service. It is not amusement. Therefore it has not caught with the public. Furthermore, it is rather slow and expensive. It lacks the spontaneity of broadcasting. But as new apparatus and tubes are evolved to perfect the use of ultra-short waves, facsimile will come into its own. It needs a satisfactory paper that will print by an electrical touch, not by ink. Many uses for this facsimile machine of the future can be seen, one of which is likely to be an attachment to the television set to print the program, synopsis of the shows, biographical facts about speakers and summaries of events seen and to be seen on the air.

It is not too much to expect that television sets will be equipped with a bell or whistle actuated by a master signal from the transmitter. It will call the family to the tele-room for a special event or to warn when the curtain is going up. Radio becomes more automatic. But even then it gives you more to think about. Yours is an unending business, unlimited, and there is not the slightest chance in the world of the progressive broadcaster being supplanted. But the day is not so far away when he cannot be classed as a leader if he operates only a sound theatre when just around the corner on another wavelength his competitors are offering illustrated sound. Today it may seem that television is creeping at the pace of a glacier. But by 1950 broadcasters will be deep into ultra-short waves and television. The ice age will not last forever.

Now, there is one more factor to be watched. War threats hang over Europe. Storm signals flutter around the world. The bugle call would stop television's march toward the home, but after a conflict television would emerge greatly advanced. Broadcasting was a so-called by-product of the World War. Whether history is to repeat in television is something to be considered.

## ANDREWS SAYS BROADCASTING GIVES "VERY LITTLE TROUBLE"

Elmer F. Andrews, Wage and Hour Administrator, told the NAB convention that "the radio industry is giving us very little trouble."

Since the Wage and Hour Act went into effect last October 24, the Administrator has received 18,000 complaints of violation, he said, and only 12 of these were against radio—and that included radio manufacturing as well as broadcasting.

Mr. Andrews pointed out that the broadcasting business should profit from the Wage and Hour Act despite slight inconveniences in its application to broadcasting employees. By increasing the wage of low pay workers throughout the country, the Act should increase the de-



mand for consumer goods and consequently the volume of advertising, he said.

"Undoubtedly you wish to know just how definitely the Fair Labor Standards Act affects you. Well, you are under the law. I think there is no room for argument there. You are covered by the definition written into the Act itself that 'commerce means trade, commerce, transportation, transmission, or communication among the several states or from any State to any place outside thereof.' You are certainly engaged in 'communication,' and transmission, too, I take it, so that brings you in.

"However, so far as the application of the 25-cents-an-hour minimum wage to the industry is concerned, the discussion is somewhat academic. Radio is a high wage industry. I am informed that the average wage in radio is somewhat more than \$45 a week, and that certainly takes you out of the sweatshop class.

"Persons employed in a bona fide executive, administrative or professional capacity are exempt from the Wage and Hour Provisions. The Act requires the Administrator to define these terms. We have struggled with the problem and with the help and advice of both employers and employees have defined them in our regulations.

"I should like to add, however, that any person wishing a revision of any of the terms of the regulations may petition the Administrator who will either arrange for hearings or make some other provision for affording interested parties an opportunity to present their views, either in support of or in opposition to the proposed changes. In the absence of any petition for change in the regulations applicable to professionals, I assume that the radio industry has not found them too burdensome and has been able to adjust its operations to the requirements. At least I certainly hope that is the case."

After his talk, Mr. Andrews answered numerous questions about the application of the Act to broadcasting employees. All of his answers were in line with opinions and interpretations which have been sent to all members by the NAB Labor Relations Department.

#### REGISTRATION 655

Total registration at the Seventeenth Annual Convention was 655.

## FEDERAL COMMUNICATIONS COMMISSION

#### DECISIONS OF COMMISSION

The Federal Communications Commission has granted the application of KGDE, **Fergus Falls, Minnesota**, for renewal license and also license renewal of Experimental Relay Stations KIIV and W10XBH, Fergus Falls.

Station KGDE operates on **1200 kilocycles**, 100 watts night, 250 watts LS, unlimited time.

Application of KROY, **Sacramento, California**, to increase its operation from daytime to unlimited time has been granted by the Commission. The station operates on **1210 kilocycles**, 100 watts power.

The Commission granted the application of KSAN, **San Francisco**, for a license renewal operating on **1420 kilocycles**, 100 watts, unlimited time, and assignment of station's license to The Golden Gate Broadcasting Corporation and dismissed the application for assignment of construction permit to change transmitter site of Station KSAN and install new antenna.

Application of WKAQ, **San Juan, Porto Rico**, for renewal of license was granted by the Commission. The station operates on **1240 kilocycles**, 1000 watts, unlimited time.

The Commission has granted the application of Richland, Inc. for a construction permit for a new station at **Mansfield, Ohio**, to operate on **1370 kilocycles**, 250 watts, daytime only.

The application of the Coastal Broadcasting Company for a construction permit for a new station at **Brunswick, Georgia**, to operate on **1500 kilocycles**, 250 watts LS, 100 watts night, unlimited time has been granted by the Commission.

The Commission has granted the application of the Northwest Broadcasting Company for a construction permit to erect a new station at **Fort Dodge, Iowa**, to operate on **1370 kilocycles**, 250 watts LS, 100 watts night, with specified hours of operation.

The application for consent to transfer control of Broadcasting Station WHBB, **Selma, Alabama**, from the Selma Broadcasting Company, Inc. to Bascom Hopson has been granted by the Commission. The station operates on **1500 kilocycles**, 100 watts, unlimited time. Commissioner Thompson did not participate in this decision.

The Commission has granted the application of KRBA, **Lufkin, Texas**, to make changes in its transmitting equipment and increase its daytime power from 100 watts to 250 watts.

The application of the Pennsylvania Newspaper Company for consent to transfer the control of WWSW, **Pittsburgh**, from Walker & Downing Radio Corporation to the P. G. Publishing Company has been granted by the Commission. The station operates on **1500 kilocycles**, 100 watts, 250 watts LS, unlimited time.

The Commission granted the application of WJAC, **Johnstown, Pa.**, to change its assignment from sharing time with WFBG on **1310 kilocycles**, 100 watts night, 250 watts day, to unlimited time.

The Commission granted the application of WHMA, **Anniston, Alabama**, to operate unlimited time on frequency **1420 kilocycles**, instead of daytime only, using 100 watts power.

The application of WFBR, **Baltimore, Md.**, for a special experimental authorization for a satellite station to operate on **1270 kilocycles** with power output of from 10 to 100 watts, unlimited time, to be located at **Fred-erick, Md.**, and to operate synchronously with Station WFBR was denied by the Commission.

The Commission granted the application of the Greenville Broadcasting Company for the erection of a new station at **Greenville, North Carolina**, to use **1500 kilocycles**, 250 watts, daytime.

The Commission granted the application of J. Samuel Brody for the erection of a new station at **Sumter, South Carolina**, to operate on **1310 kilocycles**, 100 watts night, 250 watts LS, unlimited time, and in the same decision the Commission denied the application of WIS, **Columbia, South Carolina**, for special experimental authority to operate a satellite station at Sumter, South Carolina synchronously with WIS.

## PROPOSED FINDINGS OF FACT

The Federal Communications Commission announced its Proposed Findings of Fact proposing to grant the application of the Southern Oregon Broadcasting Company for the erection of a new station at **Grants Pass, Oregon**, to use **1310 kilocycles**, 100 watts, unlimited time.

The application of KAND, at **Corsicana, Texas**, to increase its power to 100 watts night on **1310 kilocycles** is proposed to be granted by the Commission in a Proposed Findings of Fact. The new station now operates 100 watts daytime only.

In a Proposed Findings of Fact the Commission proposes to deny the application of KRRV, **Sherman, Texas**, to move its transmitter locally, to install new

equipment, including a directional antenna, and to operate the station on **880 kilocycles**, unlimited time, with 1000 watts. The station now operates on **1310 kilocycles**, 250 watts, daytime only.

The application of KPLT, **Paris, Texas**, to change its assignment from 250 watts daytime on **1500 kilocycles** to unlimited time on the same frequency, with 100 watts night, 250 watts day, is proposed to be granted by the Commission in a Proposed Findings of Fact.

The Commission proposes to grant in a Proposed Findings of Fact the application of WHDF, **Calumet, Michigan**, to operate full time on **1370 kilocycles** instead of specified hours and renewal of its license. The station now operates 100 watts night, 250 watts LS. In the same Findings the Commission denies without prejudice the application of the Copper Country Broadcasting Company to erect a new station at **Hancock, Michigan**, to use **1370 kilocycles**, 250 watts day, 100 watts night, with specified hours of operation. The Commission states that this Company can file its application for a construction permit on another frequency.

The Commission proposes to grant in a Proposed Findings of Fact the application of the Suffolk Broadcasting Corporation to erect a new station at **Suffolk, Virginia**, to use **1420 kilocycles**, 100 watts night, 250 watts day, unlimited time.

The application of the Spartanburg Advertising Company to erect a new station at **Spartanburg, South Carolina**, to use **1370 kilocycles**, 100 watts night, 250 watts LS, unlimited time, is proposed to be granted by the Commission in a Proposed Findings of Fact.

The Commission proposes to deny the application of the Brown County Broadcasting Company for the erection of a new station at **Brownwood, Texas**, to operate on **990 kilocycles**, 1000 watts, daytime only.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

No broadcast hearings are scheduled to be held at the Commission during the week beginning Monday, July 17.

## FUTURE HEARINGS

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



- WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—Special Experimental Authorization. **1420 kc.**, 250 watts night, 1:05 to 2:15 a. m., CST.
- WLAP—American Broadcasting Corp. of Kentucky, Lexington, Ky.—C. P., **1270 kc.**, 1 KW. Unlimited time (DA night). Present assignment: **1420 kc.**, 100 watts, 250 watts, LS, unlimited time.
- NEW—Clyde E. Wilson & Howard A. Shuman, d/b as Hot Springs Broadcasting Co., Hot Springs, Ark.—C. P., **1310 kc.**, 100 watts, 250 watts, LS, unlimited time.

September 26

- KNEL—G. L. Burns, Brady, Tex.—Modification of license, **1500 kc.**, 100 watts, 250 watts LS, unlimited time. Present assignment: **1500 kc.**, 250 watts, daytime.
- WSPR—Quincy A. Brackett, Lewis B. Breed, Edmund A. Laport, co-partners, d/b as Connecticut Valley Broadcasting Co., Springfield, Mass.—Mod. License, **1240 kc.**, 250 watts, 500 watts LS, unlimited time. Present assignment: **1140 kc.**, 500 watts, limited time—KVOO, WAPI.

September 27

- NEW—Dr. Willard Carver, Thomas B. Williams, Byrne Ross, Lawton, Okla.—C. P., **1420 kc.**, 100 watts, 100 watts LS, unlimited time.

October 9

- NEW—The Mayflower Broadcasting Corp., Boston, Mass.—C. P., **1410 kc.**, 500 watts, 1 KW, LS, unlimited time. (Re-quires facilities of WAAB.)
- WAAB—The Yankee Network, Inc., Boston, Mass.—Renewal License (Main & Auxiliary), **1410 kc.**, 1 KW, 1 KW LS (Main) \*500 watts, 1 KW LS (Auxiliary), unlimited time.
- \* Auxiliary purposes only.

October 23

- WCBS—WCBS, Inc., Springfield, Ill.—C. P., **1290 kc.**, 500 watts, 1 KW LS, unlimited time. (DA-night). Present assignment: **1420 kc.**, 100 watts, 250 watts LS, unlimited time.
- NEW—Yetta G. Samford, C. S. Shealy, Thomas D. Samford, Jr., J. H. Orr, d/b as Opelika-Auburn Broadcasting Co., Opelika, Ala.—C. P., **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### APPLICATIONS GRANTED

- NEW—Tom M. Bryan, Ft. Lauderdale, Fla.—Granted C. P. for a new broadcast station, to operate on **1370 kc.**, 100 watts night, 250 watts day, unlimited time.
- NEW—W. B. Dennis, Plainview, Texas.—Granted C. P. for a new broadcast station to operate on **1200 kc.**, 100 watts, daytime only.
- NEW—W. G. H. Finch, New York City.—Granted license for new high frequency broadcast station to use the equipment now licensed for Development Broadcast Station W2XBF, to operate on frequency **42180 kc.**, experiment conditionally; 1 KW.
- WIBC—Glenn Van Auken, Indianapolis, Ind.—Granted consent to transfer control of Indiana Broadcasting Corp. (WIBC), to H. G. Wall. (Station operates on **1050 kc.**, 1 KW, daytime only.)
- WGN—WGN, Inc., Chicago, Ill.—Granted extension of special authority for transmission of facsimile signals over the regular broadcast transmitter of WGN during the experimental period between 1 and 6 a. m., CST, from August 1, 1939, to February 1, 1940.
- WHO—Central Broadcasting Co., Des Moines, Ia.—Same except transmitter of WHO, and from 12 midnight to 5 a.m., CST.

- WSM—The National Life and Accident Insurance Co., Nashville, Tenn.—Same except transmitter of WSM.
- WLW—The Crosley Corp., Cincinnati, Ohio.—Same except transmitter WLW.
- WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Same except transmitter of WOR, and from 1 to 6 a. m., EST.
- WPTF—WPTF Radio Company, Raleigh, N. C.—Granted extension of special experimental authority to operate with 5 KW from sunset at KPO to 11 p. m., EST, using DA after sunset, for the period August 1, 1939 to February 1, 1940.
- KWOC—Don M. Didenton and A. L. McCarthy, Poplar Bluff, Mo.—Granted voluntary assignment of license from Don M. Didenton and A. L. McCarthy to A. L. McCarthy, O. A. Tedrick and J. H. Wolpers, d/b as Radio Station KWOC.
- NEW—Head of the Lakes Broadcasting Co., Superior, Wis.—Granted C. P. for new high frequency broadcast station; frequency **26300 kc.** on an experimental basis only, conditionally; 1 KW.
- KANS—Charles C. Theis, Wichita, Kans.—Granted authority to transfer control of corporation (The Kansas Broadcasting Co., licensee of station KANS), from Charles C. Theis to stockholders (To Herb Hollister).
- NEW—Don Lee Broadcasting System, Los Angeles, Cal.—Granted C. P. for new portable-mobile television relay station on an experimental basis, to operate on frequencies **156000-162000 kc.**; 100 watts.
- WSPR—Connecticut Valley Broadcasting Company, Springfield, Mass.—Granted assignment of license to WSPR, Inc., **1140 kc.**, 500 watts night and day, limited time.
- WGRM—Ben Farmer, Wilson, N. C.—Granted transfer of control of WGTm, Inc., licensee of station WGTm, to H. W. Wilson, Charlotte L. Burns and George C. McDonald.
- WFBM—Indianapolis Power & Light Co., Indianapolis, Ind.—Granted voluntary assignment of license to WFBM, Inc.
- WNEI—Indianapolis Power & Light Co., Portable-Mobile (Area of Marion County, Ind.)—Same for relay station.
- WIPM—Indianapolis Power & Light Co., Portable-Mobile (area of Marion County, Ind.)—Same for relay station.
- WILP—Indianapolis Power & Light Co., (area of Indianapolis, Ind.)—Same for relay station.
- W9XXM-W9XXZ—Indianapolis Power & Light Co. (area of Indianapolis, Ind.)—Same for relay station.
- WNEI—Indianapolis Power & Light Co. (Portable-Mobile, area of Marion County, Ind.)—Granted voluntary assignment of C. P. for relay broadcast station to WFBM, Inc.
- NEW—WSPB, Inc., Sarasota, Fla.—Granted C. P. for new station in Sarasota, Fla., to operate on **1420 kc.**, 100 watts night, 250 watts day, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.
- WAPI—Alabama Polytechnic Institute, University of Alabama, Etc., Birmingham, Ala.—Granted renewal of license for the period August 1, 1939, to February 1, 1940.
- WWL—Loyola University, New Orleans, La.—Granted extension of special experimental authority to operate unlimited time, using DA day and night, for the period August 1, 1939, to February 1, 1940.
- KWKH—International Broadcasting Corp., Shreveport, La.—Granted extension of special experimental authorization to operate on **1100 kc.**, with 10 KW power, unlimited time, employing DA for nighttime operation, for the period August 1, 1939, to February 1, 1940.
- WBBM—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted extension of special experimental authority to operate synchronously with KFAB from local sunset at Lincoln, Nebr., to midnight, for the period August 1, 1939, to February 1, 1940.
- KFAB—KFAB Broadcasting Co., Lincoln, Nebr.—Granted extension of special experimental authority to operate synchronously with WBBM from local sunset at Lincoln, Nebr., to midnight, for the period August 1, 1939, to February 1, 1940.
- NEW—Frank R. Pidcock, Sr., Moultrie, Ga.—Granted C. P. for new station to operate on **1370 kc.**, 100 watts night, 250 watts day, unlimited time. Exact transmitter and studio sites to be determined with Commission's approval.
- KIRO—Queen City Broadcasting Co., Seattle, Wash.—Granted extension of special experimental authority to operate on frequency **710 kc.**, with 1 KW, unlimited time, for the period August 1, 1939, to February 1, 1940.



## DESIGNATED FOR HEARING

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

- NEW**—Hazlewood, Inc., Orlando, Fla.—Application for C. P. to erect a new station to operate on 1390 kc., 1 KW day and night, unlimited time.
- WNYC**—City of New York, Municipal Broadcasting System, New York City.—Application for modification of license to increase time of operation from daytime-WCCO to S.H. 6 a. m. to 11 p. m., EST. (To be heard before the Commission.) Application designated for hearing as the request violates Rules 116 and 117, and would cause interference to existing stations.
- NEW**—Harold Thomas, Bridgeport, Conn.—Application for C. P. for new station to operate on 1310 kc., with 100 watts night, 250 watts day, unlimited time. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.
- WNBX**—Twin State Broadcasting Corp., Springfield, Vt.—Application for C. P. to move station approximately 27 miles to Keene, N. H., install DA system for day and nighttime operation, and operate with 1 KW night and day employing DA system for both day and night. Exact studio site to be determined with Commission's approval. (Application designated for hearing to determine if interference might result.)
- KWK**—Thomas Patrick, Inc., St. Louis, Mo.—Application for C. P. to make changes in equipment, install DA system for nighttime operation, and change frequency from 1350 kc. to 630 kc. (Application designated for hearing to determine the question of interference, and pending applications involve increase in service.)
- NEW**—George Penn Foster, Maxwell Kelch and Clavert Charles Applegate, d/b as Nevada Broadcasting Co., Las Vegas, Nev.—Application for C. P. for new station to operate on 1370 kc., 100 watts night, 250 watts day, unlimited time.
- NEW**—Las Vegas Broadcasting Co., Inc., Las Vegas, Nev.—Application for new station to operate on 1420 kc., 100 watts night, 250 watts day, unlimited time.
- NEW**—Radio Voice of Springfield, Inc., Springfield, Ohio.—Application for C. P. for new station to operate on 1310 kc., 100 watts, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval.
- WRUF**—University of Florida, Gainesville, Fla.—Application for C. P. to move transmitter and studio sites locally; make changes in equipment; install DA system; and increase power and time of operation from 5 KW, limited, to 5 KW night, 10 KW day, unlimited, DA system after sunset at Denver. (Application to be heard before the Commission, and designated for hearing because request violates Rule 116.)
- KMAC**—W. W. McAllister and Howard W. Davis, d/b as Walmac Co., San Antonio, Tex.—Application already in docket amended so as to request C. P. to move transmitter site from 319 Ave. A., San Antonio, to site to be determined in San Antonio, subject to Commission's approval; changes in equipment and installation of antenna system; change in frequency from 1370 kc. to 930 kc., and power from 100 watts night, 250 watts day, S-KONO, to 1 KW day and night, unlimited time. (Application designated for hearing to determine question of interference, and pending applications involve increase in service.)
- WINS**—Hearst Radio, Inc., New York City.—Application for voluntary assignment of license from Hearst Radio, Inc., to Metropolitan Broadcasting Corp. (station operates on 1180 kc., 1 KW, limited time). Application designated for hearing to determine relationship between proposed owner and the owner of other stations in the New York area.

## RENEWAL OF LICENSES

The following stations were granted renewal of licenses for the regular period ending February 1, 1940:

KDKA and Alternate, Pittsburgh, Pa.; KFBI, Abilene, Kans.; KFEQ, St. Joseph, Mo.; KGDM, Stockton, Cal.; KGO and auxiliary, San Francisco; KJBS, San Francisco; KJR and auxiliary, Seattle; KMMJ, Grand Island, Neb.; KNX, Los Angeles; KRLD, Dallas, Texas; KSL, Salt Lake City; KSOO, Sioux Falls, S. Dak.; KTKC, Visalia, Cal.; KVOO, Tulsa, Okla.; KWKH, Shreveport, La.; KXA, Seattle; KYQ, Philadelphia, Pa.; WABC-WBOQ, New York City; WBAL, Baltimore, Md.; WBAP, Fort Worth, Texas;

WBZ, Boston, Mass.; WBZA, Boston; WCAL, Northfield, Minn.; WCBD, Chicago; WCCO, Minneapolis; WDGY, Minneapolis; WDWZ, Tuscola, Ill.; WFAF and auxiliary, New York City; WEAU, Eau Claire, Wis.; WEEU, Reading, Pa.; WENR, Chicago; WEW, St. Louis, Mo.; WFAA, Dallas, Tex.; WGAN, Portland, Maine; WGN, Chicago, Ill.; WHAM and auxiliary, Rochester, N. Y.; WHB, Kansas City, Mo.; WHDH and auxiliary, Boston; WHEB, Portsmouth, N. H.; WHO, Des Moines, Ia.; WIBG, Glenside, Pa.; WINS, New York City; WJJD, Chicago; WJR and auxiliary, Detroit, Mich.; WJZ and auxiliary, New York City; WLAW, Lawrence, Mass.; WLB, Minneapolis; WLS, Chicago; WLW, Cincinnati, Ohio; WMAZ and auxiliary, Macon, Ga.; WMBI, Chicago; WNYC and auxiliary, New York City; WOAI and auxiliary, San Antonio, Texas; WOI, Ames, Iowa; WOR and auxiliary, Newark, N. J.; WOWO, Fort Wayne, Ind.; WPTF and auxiliary, Raleigh, N. C.; WSB and auxiliary, Atlanta, Ga.; WSM and auxiliary, Nashville, Tenn.; WTAM, Cleveland, Ohio; WTBO, Cumberland, Md.; WTIC, Hartford, Conn.; WWL, New Orleans, La.; WVVA and auxiliary, Wheeling, W. Va.

W2XQO—Knickerbocker Broadcasting Co., Inc., Flushing, N. Y.—Granted renewal of high frequency broadcast station license for the period ending April 1, 1940.

## MISCELLANEOUS

- WWRL**—Long Island Broadcasting Corp., Woodside, N. Y.—Adopted an order extending the effective date of Provision (3) of the Commission's Order of December 5, 1938, 90 days from July 4, 1939.
- WTAG**—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted petition to intervene on the issues as stated by the Commission in notice of designation in the hearing on the application of C. T. Sherer Co., Inc., for a new station in Worcester, Mass., to operate on 1200 kc., 100 watts night, 250 watts LS, unlimited time.
- WRBL**—Columbus Broadcasting Co., Inc., Columbus, Ga.—Granted petition to intervene on the issues as stated by the Commission in notice of designation in the hearing on the application of Yetta G. Samford, C. S. Shealy, Thomas D. Samford, Jr., J. H. Orr, d/b as Opelika-Auburn Broadcasting Co., Opelika, Ala., for a new station to operate on 1370 kc., 100 watts night, 250 watts LS, unlimited.
- WCOV**—John S. Allen and G. W. Covington, Jr., Montgomery, Ala.—Granted applicant's petition for leave to amend application by a change in name to Capital Broadcasting Co., Inc., in re application for modification of license to change hours of operation from daytime to unlimited, using 1210 kc., 100 watts.
- KNEL**—G. L. Burns, Brady, Tex.—Granted applicant's motion to postpone hearing scheduled for July 11 on application for modification of license to change hours of operation from daytime to unlimited, using 1500 kc., 100 watts night, 250 watts LS, new date to be fixed by Secretary's office.
- KQV**—KQV Broadcasting Co., Pittsburgh, Pa.—Granted applicant's petition for continuance of hearing from July 12 to July 15.
- KRLH**—Clarence Scharbauer, Midland, Texas.—Granted applicant's motion for leave to amend application to eliminate request for increased daytime power; hearing scheduled for July 14 cancelled, new date to be fixed by Secretary's office.
- WEAF**—National Broadcasting Co., Inc., New York, N. Y.—Granted authority to move transmitter site from Bellmore, N. Y., to Port Washington, N. Y., and install vertical radiator in accordance with specifications for marking of the vertical radiator.
- WBBM**—Columbia Broadcasting System, Inc., Chicago, Ill.—Granted extension of special temporary authority to operate auxiliary transmitter of Radio Station WENR at Downers Grove, for the period July 14 to August 12, 1939, until new antenna can be put up at WBBM's location.
- W8XUJ, W8XNU**—The Crosley Corporation, Cincinnati, Ohio.—Granted extension of special temporary authority to use facsimile broadcast (experimental) Station W8XUJ and high frequency station W8XNU at Carew Tower for period July 9 to Aug. 7, 1939, 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.
- WCKY**—L. B. Wilson, Inc., Covington, Ky.—Granted special temporary authority to operate with directional antenna, 50 KW power, from 6 a. m. to one hour before sunset, for period not to exceed ten days, in order to make proof of performance



- measurements in accordance with C. P. granted November 28, 1938.
- WAID—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Granted special temporary authority to use equipment described in application with 20 watts power on 2830 ke. from 10 a. m. to 7 p. m., EST, for a period July 12 to July 15, 1939, in order to broadcast Junior Amateur Golf Tournament.
- WHMA—Harry M. Ayers, Anniston, Ala.—Granted special temporary authority to operate from local sunset (July, 7 p. m., CST) to the conclusion of "All Star" baseball game to be played on July 8, using 50 watts only.
- WCFL—Chicago Federation of Labor, Chicago, Ill.—Granted special temporary authority to rebroadcast the transmissions from Naval Reserve Plane J2F3 #1572, from 10 p. m. to 11 p. m., CDST, on July 9, operating on frequency 6690 ke.
- WPR—Puerto Rico Advertising Co., Inc., Mayaguez, P. R.—Granted special temporary authority to operate from 9 to 11 a. m. and from 2 to 6 p. m., AST, on July 9, 16, 23, 30, in order to broadcast baseball games; to operate from 9 to 11 a. m. and from 2 to 6 p. m., July 25, and from 10 p. m. to 1 a. m., July 26, in order to broadcast activities pertaining to arrival of American forces to Puerto Rico in 1898.
- WJJD—WJJD Incorporated, Chicago, Ill.—Granted extension of special temporary authority to operate from 5 a. m. to 6 a. m., CST for the period 3 a. m., EST August 1, to Sept. 23, 1939, in order to conform with the adoption of daylight saving time in Chicago; granted on a temporary basis only and is subject to revocation by Commission without prior notice or hearing.
- KWJJ—KWJJ Broadcast Co., Inc., Portland, Oregon—Granted extension of special temporary authority to operate on 1040 ke., limited time, and resume operation from 9 p. m. to 3 a. m., PST, for period 3 a. m., EST, August 1, to 3 a. m., EST, February 1, 1940.
- WGTM—WGTM, Incorporated, Wilson, North Carolina—Granted special temporary authority to operate from local sunset (July 7:30 p. m. EST) to 12 midnight on July 18, 19, and 20, 1939, in order to broadcast the Third annual North Carolina Tobacco Exposition and Festival.
- WIXOK—The Yankee Network, Inc., Boston, Mass.—Granted extension of special temporary authority to operate relay broadcast experimental station WIXOK on 133,030, 134,850, 136,810, 138,630 ke., power 250 watts, in accordance with Sec. 40.04, in order to carry out the program of experimentation outlined in the application for C. P. granted January 24, 1939, for the period July 12, 1939, to August 10, 1939.
- WPR—Puerto Rico Advertising Co., Inc., Mayaguez, Puerto Rico—Granted special temporary authority to operate from 9:00 a. m. to 11:00 a. m. and from 2:00 p. m. to 6:00 p. m. and from 10:00 p. m. to 1:00 a. m. AST, for the period July 15, 1939, to July 23, 1939, in order to broadcast inaugural ceremonies of new studios.
- National Broadcasting Co., Inc., New York, N. Y.—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, W9XXC, W10XAH, W10XAI, W10XAK, W10XAM, W10XAN, W10XAP, W10XAX, W10XCG, W10XCH, W10XDX, W10XDY, W10XDZ, W10XEA, W10XEB, W10XED, W10XFQ, W10XFR, W10XGC, W10XN, W10XV, and W10XY, on the frequencies 31.22 and 37.02 mc. in lieu of present assignments 31.1 and 37.6 mc., for the period July 19 to 3 a. m., EST, August 1, 1939, pending adjustment of relay broadcast frequency assignments above 30 mc. as contemplated by General Order No. 19.
- W2XDG—National Broadcasting Co., Inc., New York, N. Y.—Granted extension of special temporary authority to operate high frequency broadcast station W2XDG on the frequency 38.65 mc., pending effective date of new frequency allocation, for the period July 18 to 3 a. m., EST, August 1, 1939.
- 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 ke., power not to exceed 2000 watts, for period July 19 to August 17, in order to make necessary adjustments on equipment installed and for tuning and adjustments of antenna elements now assembled for erection atop 400-foot mast.
- WORC—Alfred Frank Kleindienst, Worcester, Mass.—Granted extension of special temporary authority to operate WORC new directional antenna as authorized in B1-P-2270 during daylight hours for period July 11 to July 17, 1939, in order to facilitate equipment tests for proof of performance measurements.
- W9XAI—The Journal Company (The Milwaukee Journal), Portable-Mobile area of Milwaukee, Wis.—Granted application for C. P. for changes in equipment of high frequency relay broadcast station W9XAI and decrease in power from 50 watts to 25 watts, and to use certain frequencies listed under Group D of Section 41.03; frequencies 30820, 33740, 35820 and 37980 ke.; granted conditionally.
- W10XGC—National Broadcasting Co., Inc., Portable Mobile (Area of New York, N. Y.)—Granted application for C. P. for changes in equipment, decrease in power from 30 watts to 25 watts, and addition of A1 and A2 emission; frequencies 31220, 35620, 37020 and 39260 ke.; granted conditionally.
- W9XC—Central Broadcasting Co., Davenport, Iowa—Granted modification of C. P. for extension of completion date for construction from June 18, 1939, to September 18, 1939.
- WFMJ—William F. Maag, Jr., Youngstown, Ohio—Granted modification of C. P. for extension of completion date from July 28, 1939, to Sept. 27, 1939.
- WING—WSMK, Incorporated, Dayton, Ohio—Granted modification of C. P. to extend completion date for construction from July 1 to August 1, 1939.
- WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—Granted application for license to cover C. P.; frequency 1370 ke., power 100 watts, daytime only.
- KSL—Radio Service Corp. of Utah, Salt Lake City, Utah.—Granted application for C. P. to install a new transmitter at its present transmitter location; frequency 1130 ke., power 50 KW, unlimited time.
- WCOU—Twin City Broadcasting Co., Inc., Lewiston, Maine.—Granted petition to reconsider and grant without a hearing the application for C. P. to increase daytime power of the station from 100 watts to 250 watts. This application was designated for hearing on January 20, 1939.
- KOCA—Oil Capital Broadcasting Association, Kilgore, Tex.—Denied petition for rehearing in re application of KFRO, Voice of Longview, Longview, Tex., for C. P. to authorize change in frequency from 1370 ke. to 1340 ke., power and hours of operation from 250 watts, daytime only, to 1 KW, unlimited time, employing DA at night; change transmitter site and install new transmitter, which was granted by the Commission on May 31, 1939.
- NEW—North Shore Broadcasting Company, Salem, Mass.—Granted petition to reconsider and grant application for a new station without a hearing, to operate on 1200 ke., with 100 watts, unlimited time.
- WKBO—The Telegraph Press, Inc., Harrisburg, Pa.—Reconsidered and granted without hearing the application for consent to transfer control of Keystone Broadcasting Corp., licensee of broadcast station WKBO, from the Telegraph Press, Inc., to J. H. Steinman and John F. Steinman.
- WWNC—Asheville Citizen-Times Co., Asheville, N. C.—Denied petition for rehearing in re application of WOSU, Columbus, Ohio, for modification of license to increase power at night from 750 watts to 1 KW, on frequency 570 ke., with specified hours.
- WSYR—Central New York Broadcasting Corp., Syracuse, N. Y.—Denied petition for reconsideration of WOSU application referred to above.
- World Wide Broadcasting Corp., Boston, Mass.—Denied petition requesting continuance of hearing now scheduled for July 14, in re Section 42.03 (a), the rules in re international stations.
- KOVC—KOV, Inc., Valley City, N. Dak.—Denied petition of KOVC to dismiss without prejudice the application for C. P. heretofore set for hearing, and denied application for change in frequency and increase in power.
- KFH—Radio Station KFH Co., Wichita, Kans.—Denied petitions of KFH and KANS for rehearing in re application of KFBI to move station from Abilene to Wichita, Kans., which was granted by the Commission on May 23, 1939.
- NEW—Nebraska Broadcasting Co., Hastings, Nebr.—Granted C. P. for new station to operate on 1200 ke., 100 watts night, 250 watts day, unlimited time. Exact transmitter and studio sites to be determined with Commission's approval.
- W9XDV—National Broadcasting Co., Inc., Portable-Mobile (area of Denver, Colo.)—Granted application for C. P. to make



changes in equipment and increase power from 1 watt to 2 watts; granted conditionally.

W10XAI—National Broadcasting Co., Inc., Portable-Mobile (area of New York).—Granted application for C. P. to make changes in equipment and increase power from 1 watt to 2 watts; granted conditionally.

W9XAK—National Broadcasting Co., Inc., Portable-Mobile (area of Chicago, Ill.).—Granted application for C. P. to make changes in equipment and increase power from 1 watt to 2 watts; granted conditionally.

W10XAX—National Broadcasting Co., Inc., Portable-Mobile (area of Cleveland, Ohio).—Granted application for C. P. to make changes in equipment and increase power from 1 watt to 2 watts; granted conditionally.

W10XCG—National Broadcasting Co., Inc., Portable-Mobile (area of Cleveland, Ohio).—Granted application for C. P. to make changes in equipment and increase power from 25 watts to 50 watts; granted conditionally.

W10XDX—National Broadcasting Co., Inc., Portable-Mobile (area of New York, N. Y.).—Granted application for C. P. to make changes in equipment and increase power from 1 watt to 2 watts; granted conditionally.

W10XDY—National Broadcasting Co., Inc., Portable-Mobile (area of Washington, D. C.).—Granted application for C. P. to make changes in equipment and increase power from 1 watt to 2 watts; granted conditionally.

W10XDZ—National Broadcasting Co., Inc., Portable-Mobile (area of Washington, D. C.).—Granted application for C. P. to make changes in equipment and increase power from 1 watt to 2 watts; granted conditionally.

W10XEA—National Broadcasting Co., Inc., Portable-Mobile (West Coast Area).—Same as above, except add to P.A.: 120000, 240000, 300000 and 330000, and except WPO, West Coast Area.

W10XEB—National Broadcasting Co., Inc., Portable-Mobile (West Coast Area).—Same as above, except add to P.A.: 120000, 240000, 300000 and 330000, and except WPO, West Coast Area.

KBTA—Red River Broadcasting Co., Inc., Portable-Mobile (area of Duluth, Minn.).—Granted license to cover C. P. for new relay broadcast station, frequencies 1606, 2022, 2102 and 2758 kc., power 10 watts.

W9XTZ—Eugene P. O'Fallon, Portable-Mobile (area of Denver, Colo.).—Granted application for license to cover C. P. for new high frequency relay broadcast station to use frequencies listed under Group F of Section 41.03, power 0.8 watt, unlimited, under Sections 40.04 and 41.04, and to communicate as a relay broadcast station under Sections 41.01, 41.02(c), 41.03(b), and 41.05(b) to relay programs to applicant's broadcast station KFEL, Denver, Colo., where wire facilities are not available; granted conditionally.

NEW—South Nebraska Broadcasting Co., Hastings, Nebr.—Denied as in cases of default the application of South Nebraska Broadcasting Co. for a new station to operate on 920 kc., with 1 KW night, 5 KW day, unlimited time, because applicant failed to appear or present any evidence in support of its application.

NEW—Presque Isle Broadcasting Co., Erie, Pa.—Designated for further hearing to determine the citizenship of each of the officers, directors and stockholders of the applicant corporation.

KUMA—Albert H. Schermann, Flagstaff, Ariz.—Continued hearing now scheduled for July 24 to September 25, on the Order of Revocation of License of station KUMA.

KFJB—Marshall Electric Co., Marshalltown, Iowa.—Authorized Secretary's office to issue a corrected license to station KFJB changing the name from Marshall Electric Co., Inc., to Marshall Electric Company, inasmuch as the articles of incorporation filed with the Commission on April 18, 1932 show the company was incorporated in the name of Marshall Electric Co., although applications have been inadvertently filed in name of Marshall Electric Co., Inc.

The Commission announced it had granted a petition to reconsider its decision of April 10, in which the application of Radio Enterprises, Inc., Victoria, Texas, for a new station to operate on frequency 1310 kc., with power of 100 watts night, 250 watts day, unlimited time, was denied.

The Commission set aside and cancelled the order of April 10, and GRANTED the application of Radio Enterprises, Inc., for a new station at Victoria, Texas, to use the above-described facilities.

## APPLICATIONS FILED AT FCC

### 570 Kilocycles

WMCA—Knickerbocker Broadcasting Co., Inc., New York, N. Y.—Authority to install automatic frequency control apparatus on auxiliary transmitter.

### 580 Kilocycles

WTAG—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Construction permit to install new transmitter, make changes in directional antenna system, for use both day and night, increase power from 1 KW to 1 KW night, 5 KW day.

### 620 Kilocycles

WFLA—Florida West Coast Broadcasting Co., Inc., Tampa, Fla.—Modified license to increase power from 1 KW night, 5 KW day to 5 KW day and night.

### 680 Kilocycles

NEW—Lakeland Broadcasting Co., Willmar, Minn.—Construction permit for new station on 680 kc., 250 watts, limited time. Amended: to request daytime hours of operation.

### 700 Kilocycles

WLW—The Crosley Corp., Cincinnati, Ohio.—License to cover C. P. (B-2-P-2397) for equipment changes.

### 850 Kilocycles

KWKH—International Broadcasting Corp., Shreveport, La.—Extension of modification of special authority to operate on 50 KW power, unlimited time on 1100 kc., period ending 2-1-40 (using directional antenna at night).

### 1040 Kilocycles

KRLD—KRLD Radio Corp., Dallas, Texas.—License to cover C. P. (B3-P-2080) as modified, for new transmitter, directional antenna for day and night use, and increase power.

KTHS—Hot Springs Chamber of Commerce, Hot Springs, Ark.—Extension of special experimental authority to operate on 1060 kc., simultaneously with WBAL from 6 a. m. to local sunset, daily, suspend until 8 p. m. and unlimited from then until midnight, period ending 2-1-40. Amended: hours of operation.

KRLD—KRLD Radio Corp., Dallas, Texas.—Extension of special experimental authority to operate simultaneously with WTIC, unlimited time for period ending 2-1-40.

KRLD—KRLD Radio Corp., Dallas, Texas.—Authority to determine operating power by direct measurement of antenna power.

### 1080 Kilocycles

WMBI—The Moody Bible Institute Radio Station, Chicago, Ill.—Voluntary assignment of license from The Moody Bible Institute Radio Station to The Moody Bible Institute of Chicago.

### 1210 Kilocycles

WSBC—WSBC, Inc., Chicago, Ill.—Modification of license to increase power from 100 watts; 250 watts day to 250 watts day and night.

WSOC—WSOC, Inc., Charlotte, N. C.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

WJLS—Joe L. Smith, Jr., Beckley, W. Va.—Modification of license to increase power from 100 watts night; 250 watts day, to 250 watts day and night.

WCOV—Capital Broadcasting Co., Inc., Montgomery, Ala.—Modified license to change hours from daytime to unlimited time, using 100 watts power. Amended: to change name from John S. Allen & G. W. Covington, Jr.

WHAI—John W. Haigis, Greenfield, Mass.—Modified license to increase power from 100 watts night, 250 watts day to 250 watts day and night.

### 1260 Kilocycles

WFVA—Fredericksburg Broadcasting Corp., Fredericksburg, Va.—Modification of C. P. (B2-P-2105) for a new station re-

questing equipment changes, approval of antenna, and approval of transmitter site at Leonard Road and 2nd St., near Fredericksburg, Va., and studio site at 528 Wolfe St., Fredericksburg, Va. Amended: omit request for equipment changes.

#### 1270 Kilocycles

WJDX—Lamar Life Insurance Co., Jackson, Miss.—Modified license to increase power from 1 KW night, 5 KW day to 5 KW day and night.

#### 1310 Kilocycles

WCLS—WCLS, Inc., Joliet, Ill.—Construction permit to make changes in transmitting equipment, changes in antenna, move studio and transmitter. Amended: re move of transmitter, same address.

WEMP—Milwaukee Broadcasting Co., Milwaukee, Wis.—Modified license to increase power from 100 watts night, 250 watts day to 250 watts day and night.

WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Modification of license to increase power from 100 watts; 250 watts day to 250 watts day and night.

WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Construction permit to install new transmitter and directional antenna for night use; increase power from 100 watts, 250 watts day, to 500 watts, 1 KW day; change frequency from 1310 kc. to 620 kc.; and change transmitter site from 201 Randolph St., Knoxville, Tenn., to Holston Hills Road, near Knoxville, Tenn.

WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Modified license to increase power from 100 watts night, 250 watts day to 250 watts day and night.

WLBC—Donald A. Burton, Muncie, Ind.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

#### 1370 Kilocycles

WISE—Asheville Daily News, Harold H. Thoms, Owner, Asheville, N. C.—Modification of C. P. (B3-P-1066) for a new station, requesting equipment changes, approval of antenna and approval of studio and transmitter site at 179 S. French Broad, Asheville, N. C. Amended: Give transmitter and studio site as Broadway and College, Asheville, N. C., and make changes in antenna.

WBLK—The Exponent Co., Clarksburg, W. Va.—Modified license to increase power from 100 watts night, 250 watts day to 250 watts day and night.

#### 1420 Kilocycles

WACO—Frontier Broadcasting Co., Inc., Waco, Texas—Modified license to increase power from 100 watts night, 250 watts day to 250 watts day and night.

WCBS—WCBS, Inc., Springfield, Ill.—Modified license to increase power from 100 watts night, 250 watts day to 250 watts day and night.

KVAK—Carl Latenser, Atchison, Kan.—Modified construction permit (B4-P-1846) as modified for new station requesting extension of completion date from 7-28-39 to 9-28-39.

#### 1430 Kilocycles

WOKO—WOKO, Inc., Albany, N. Y.—Special Experimental authority to operate a facsimile station from 2 to 5 a. m., for regular license period ending 11-1-39.

#### 1500 Kilocycles

KNOW—Frontier Broadcasting Co., Inc., Austin, Texas—Construction permit to install new transmitter, make changes in antenna, increase power from 100 watts to 100 watts; 250 watts day, and move transmitter from 114 West Seventh St., Austin, Texas, to site to be determined, Austin, Texas.

KRNR—News-Review Co., Roseburg, Ore.—Modified license to increase power from 100 watts night, 250 watts day to 250 watts day and night.

#### MISCELLANEOUS

NEW—The Journal Company (The Milwaukee Journal), Milwaukee, Wis.—Construction permit for new high frequency broadcast station on 42600 kc., 5 KW power, Special emis-

sion, to be located at 606 West Wisconsin Ave., Milwaukee, Wis.

WAIG—WGN, Incorporated, area of Chicago, Ill.—License to cover C. P. (B4-PRE-258) for new relay broadcast station.

WAIF—WGN, Incorporated, area of Chicago, Ill.—License to cover C. P. (B4-PRE-259) for new relay broadcast station.

W9XJM—WCBS, Incorporated, Portable-Mobile—Construction permit for changes in equipment, increase power from 2 to 10 watts, specify frequencies 31220, 35620, 37020, 39260 kc., in accordance with new rules.

WAIH—WGN, Incorporated, area of Chicago, Ill.—License to cover C. P. (B4-PRY-179) for new relay broadcast station.

W9XAZ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Modification of C. P. for move from 509 W. Wisconsin Ave., to 606 West Wisconsin Ave., and specify frequency 42260 kc., antenna changes, and extend commencement and completion dates from 5-13-39 and 11-13-39 to 30 days after grant and 90 days thereafter.

NEW—The Travelers Broadcasting Service Corporation, Avon, Conn.—Construction permit for a new Television Broadcast station on frequencies 84000-90000 kc., 1 KW power, A-3 and A-5 emission, to be located at Avon, Conn.

NEW—WOKO, Incorporated, Albany, N. Y.—Construction permit for a new facsimile station on 25050 kc., 500 watts power, A-3 and A-4 emission, to be located near Central Ave. and Tremont St., Albany, N. Y.

W2XQR—John V. L. Hogan, New York, N. Y.—Modification of construction permit specifying transmitter site at Alpine, New Jersey.

NEW—Worcester Telegram Publishing Co., Inc., Holden, Mass.—Construction permit for a new high frequency broadcast station on 43400 kc., 1 KW power, to be located at Shrewsbury St., Holden, Mass.

W8XRZ—WJR, The Goodwill Station, Portable-Mobile, Detroit, and Vicinity—Construction permit to change frequency operating assignment of Station W8XRZ from 31100, 34600, 37600, 40600 kc., to 1646, 2090, 2190, 2830 kc., and make equipment changes.

NEW—Edwin H. Armstrong, Portable-Mobile—Construction permit for new special relay broadcast station to be used with high frequency broadcast station W2XMN on frequencies 133030, 134850, 136810, 138630 kc., 50 watts, Emission Special for frequency modulation.

W9XEG—Martin R. O'Brien, Portable-Mobile—License to cover construction permit (B4-PRE-227) for new relay broadcast station. Amended to specify frequencies 30820, 33740, 35820, 37980 kc., in accordance with new rules.

WAHF—WTAR Radio Corp., Portable-Mobile—License to cover construction permit (B2-PRY-137) for new relay station.

W5XGO—Beaumont Broadcasting Assn., Portable-Mobile—Voluntary assignment of license to KRIC, Inc.

KDAC—George Harm, Portable-Mobile—License to cover construction permit (B5-PRY-167) for new relay broadcast station.

## 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.

**American Oil Company**—A complaint has been issued against American Oil Company, Baltimore, and General Finance, Inc., Washington, D. C., alleging price discrimination in the sale of gasoline, in violation of the Robinson-Patman Act.

General Finance, Inc., is engaged, among other things, in the selling and financing of taxicabs, and also leases and operates two gasoline stations in Washington.



## CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Shaw and Davis, Inc.,** Abner Shaw, and Janet Shaw, 20 West 47th St., New York, have been ordered to discontinue misleading practices in the sale of jewelry, leather goods and related items to the consuming public.

By misrepresenting themselves as "wholesalers" and by publishing "list prices" in their catalogs, the respondents were found to have misled the public into buying their merchandise under the belief that they were securing the goods at retail dealer prices. The so-called "list prices" were found not to be "list prices" but figures that will, when reduced by a specified discount, show the prices of respondents' articles as offered for sale to consumers.

The respondents were ordered, in reference to sales to the purchasing public other than the retail trade, to cease representing themselves as "Wholesalers" or "Wholesale Jewelers," and to cease using the terms "list prices" or "discount" or representing that the price at which they offer their products for sale, constitutes a discount to the purchaser, or is a wholesale price, when such price is the one at which they normally sell their products in the usual course of business. (3635)

**Silver Manufacturing Company**—James I. Silver, trading as Silver Manufacturing Company, Silver Sales Company, and World-Wide Radio Company, 2868 Elston Ave., Chicago, has been ordered to discontinue misleading representations and lottery methods in selling radios, fountain pens and other novelty merchandise.

Radios were found to have been represented in a fashion tending to deceive buyers into believing they were R.C.A. sets, when in truth only tubes or other parts had been made by a manufacturer operating under a limited R.C.A. license.

It was also found that the respondent advertised to the effect that his agents could obtain radio sets from the respondent at factory prices and save up to 50 per cent, when in fact the respondent was not the manufacturer of the sets offered but only the middle-man and did not sell radios at factory prices or at the saving advertised.

The Commission's order directed the respondent to cease representing directly or by inference that radios not made by the Radio Corporation of America are "R.C.A." radios; that the respondent is a manufacturer, until that is a fact and that his purchasers obtain a 50 per cent or other saving, and to cease implying that merchandise supplied to agents is free when they are required to pay therefor or perform certain services to obtain it. (3211)

**Silver Sales Company**—See Silver Manufacturing Company.

**World Wide Radio Company**—See Silver Manufacturing Company.

**Wyeth Chemical Company**, 15 Exchange Place, Jersey City, N. J., was ordered to discontinue false and misleading representations in the sale and distribution of "Freezone," a preparation for the removal of corns and callouses.

The order directed the respondent to cease and desist from representing that "Freezone," or similar products, will cure corns or callouses or prevent their formation or recurrence, and that it will promptly stop, or prevent the recurrence of, pain caused by corns. The order also prohibited representations that corns have roots, that the roots are removable by "Freezone," or that an entire corn can be removed by the use of the fingers after one application. (3754)

## STIPULATIONS

The Commission has entered into the following stipulations:

**Bond Pharmacals**, 2404 McKinney Ave., Dallas, Tex., has entered into a stipulation to discontinue certain representations in

Five taxicab companies of Washington and Baltimore, whose policies and activities were controlled by General Finance, Inc., or by its officers, Herbert Glassman and Edward C. Ostrow, are alleged in the complaint to have entered into a contract with American Oil Company providing for the purchase of "Amoco" and "American Gas," at a price of 5½ cents per gallon below the current posted retail service station price, and 1½ cents to 2½ cents lower than the posted tank wagon prices charged by American Oil Company for Amoco and American Gas sold by it to other retail gasoline station operators in the District of Columbia. During the years 1937, 1938 and 1939 American Oil Company is alleged to have sold to General Finance, Inc., more than 100,000 gallons of gasoline monthly, at the prices fixed in the contract, which gasoline was resold at retail by General Finance, Inc., at its gasoline stations in Washington to taxicab operators and the public.

The complaint alleges that although the contract provides that the products purchased under it are "for buyer's own consumption only and not for resale, in whole or in part, to buyer's employees or any other person," the gasoline purchased by General Finance has been resold by it at retail to taxicab operators and to the public generally. The fact of such resale, the complaint alleges, has at all times been well known to the American Oil Company.

By selling its gasoline at the prices stated, which are substantially lower than prices charged by it to other retail dealers in the District of Columbia, American Oil Company is charged with discriminating in price, and receipt of such discrimination in price was knowingly induced and received by General Finance, Inc. (3843)

**General Finance, Inc.**—See American Oil Company.

**Simmons Company**—A complaint has been issued charging the Simmons Company, New York, manufacturer of metal beds, mattresses and allied products, with unlawful price discriminations in violation of the Robinson-Patman Act.

Discounts allegedly were granted certain purchasers under a sliding scale plan based on purchases during the calendar year, and operating as follows: No discount on purchases of less than \$50,000; 3 per cent discount on purchases of \$50,000; 3½ per cent on purchases of \$75,000; 4 per cent on purchases of \$100,000; 4½ per cent on purchases of \$150,000, and 5 per cent on purchases of \$200,000 and more.

The complaint charges that the respondent's discount plan discriminated against individual purchasers of less than \$50,000 worth of merchandise in a year and in favor of those competing individual customers purchasing more than that amount and that there were few of the latter class. However, it is alleged, the Simmons Company sold its product to large central organizations or syndicate members and granted the discounts on the basis of aggregate purchases of the entire organizations even though some of their individual retail stores or units often made aggregate yearly purchases which were no larger and in many cases smaller than the yearly purchases of many unaffiliated individual customers. In many instances, it is alleged, the individual customers were in direct competition with unit stores of the central organizations, or with member stores of the syndicates. (3840)

**Usona Shirt Company**—False representations in the sale of textile fabrics is alleged in a complaint issued against Usona Shirt Company, 230 Fifth Ave., New York.

The respondent is alleged to label certain of its products as being "shrunk," "pre-shrunk," or "full shrunk," when in fact they were not made of shrink-proof, non-shrinkable cloth, but from cloth which had not been fully shrunk to the extent that no residual shrinkage remained. (3842)

**Williams & Wilkins Company**—Price discrimination in the sale of books in violation of the Robinson-Patman Act is charged in a complaint against The William and Wilkins Company, Mt. Royal and Guilford Avenues, Baltimore, publishers and distributors of medical and other scientific books.

The complaint charges the respondent company with discriminating in price between different purchasers buying the same books for resale to retail dealers by granting price discounts ranging from 20 per cent to 35 per cent. It is alleged that the effect of such discriminatory discounts enables some purchasers to buy the same books at lower prices than competing purchasers. (3844)

connection with the sale of its product, "30-40 Wafers," a concentrated food tablet represented as an aid for reducing weight.

The respondent agrees to desist from representing, directly or by implication, that "30-40 Wafers" will be effective in reducing weight, unless it is clearly explained that the product is of value only to the extent that it tends to reduce the appetite for other foods, and that it should be used in conjunction with low calorie diets and exercise. (02398)

**Intermountain Broadcasting Corp.**—Five Western and one Southern broadcasting stations have entered into stipulations to discontinue certain advertising practices in connection with the sale of their facilities.

The respondents are Intermountain Broadcasting Corporation, operating station KDYL, Salt Lake City, Utah; Lamar Life Insurance Company, station WJDX, Jackson, Miss.; Mosby's, Incorporated, station KGVO, Missoula, Mont.; Woodmen of the World Life Insurance Society, station WOW, Omaha, Nebr.; KFRU, Incorporated, station KFRU, Columbia, Mo., and Minnesota Broadcasting Corp., station WTCN, Minneapolis.

The respondents agreed to cease representing, directly or by implication, that their respective stations have a certain power unless that power is actually used by them during the entire broadcasting period, or unless it is clearly explained in direct connection with each representation that such power is authorized and used only during certain specified hours.

According to the stipulation, all but one of the respondents advertised, without qualification, their stations as having 5,000 watts power, which, it was agreed, might mislead some prospective purchasers of radio facilities into believing that such power was continuous when in fact the power authorized for use and used in each instance was 5,000 watts during the day only and was limited to 1,000 watts at night. In the case of KFRU, Incorporated, the power advertised without qualification was 1,000 watts when in fact 1,000 watts was used by day and 500 watts at night. (02392 through 02397, inclusive.)

**Ivis Company, Inc.**—In a stipulation, The Ivis Company, Inc., 150 Pearl St., New York, agrees to cease certain misrepresentations in the sale of a facial pack designated "Milk-Mode".

The respondent stipulates that it will cease representing directly or by implication that Milk-Mode or the Milk Mode treatment will reduce enlarged pores, remove blackheads, whiteheads, or

discolorations; that it is comparable to a facial massage treatment in a beauty salon; that it will lift out dirt and poisons from the pores and combat re-infection or that the treatment is a health bath for the skin, and that actresses have said it will give renewed vitality.

The respondent will also cease the representations that Milk-Mode is of value in the treatment of oily, coarse, drab, dry or sallow skin; that it will eliminate or reduce wrinkles, lines, puffiness or sagging, and that it will stimulate, revitalize or tone the skin or stimulate circulation. (020400)

**KFRU, Inc.**—See Lamar Life Insurance Company.

**Lamar Life Insurance Company**—See Intermountain Broadcasting Corp.

**Minnesota Broadcasting Corp.**—See Lamar Life Insurance Company.

**Mosby's Inc.**—See Lamar Life Insurance Company.

**Tenex, Incorporated**, Davenport, Iowa, entered into a stipulation to cease the dissemination of misleading advertisements in the sale of Tenex, a treatment for athlete's foot and other skin diseases.

The respondent agreed to cease representing directly or by implication that Tenex is a cure for athlete's foot, ringworm or any other disease or that it is a competent treatment or effective remedy for fungus nail, eczema, barber's itch, corns and callouses, cuts, dermatitis, irritation, skin diseases generally, and ringworm, unless the representations are limited to the types of ringworm for which Tenex may be effectively indicated.

The respondent will also cease representing that eczema is a fungus infection or disease; that Tenex is harmless to healthy tissue, and that Tenex will prevent reinfection of athlete's foot conditions. (02401)

**Woodmen of the World Life Insurance Society**—See Lamar Life Insurance Co.