

# ASCAP Negotiations Collapse; Special Convention Called For Sept. 15 In Chicago

After trying in vain since last March to find out how much broadcasters would be expected to pay for their music on the expiration of their present contract with the American Society of Composers, Authors and Publishers, Neville Miller, President of the National Association of Broadcasters, announced Thursday that the broadcasters would embark immediately upon efforts to develop such other sources of music as would render them independent of the copyright pool which now controls an overwhelming portion of the music available for use on the air.

Mr. Miller's announcement came immediately after the Negotiating Committee of his organization had met with John Paine, General Manager of the Society, and had been told that the Society still was not ready to make any proposal to the broadcasters, and further, that although the Society's Board of Directors had on July 13 authorized its president, Gene Buck, to appoint a committee of Board members with authority to negotiate with the broadcasters, Mr. Buck had departed on a vacation without even appointing such a committee and that the date of his return to New York had not been set.

Mr. Miller began negotiations with the copyright pool on behalf of the broadcasters last March, and these negotiations have been energetically pressed by the Negotiating Committee for many weeks but the Committee was forced to admit that in view of the Society's attitude it had been able to make absolutely no progress. It immediately got in touch with the Copyright Committee of the broadcasters' organization of which it is a sub-committee. The Copyright Committee thereupon called a convention of the entire broadcasting industry at the Edgewater Beach Hotel in Chicago on September 15 to raise a substantial war chest and to ratify plans which will be formulated meantime and which are expected to create an adequate supply of music from independent sources.

The Copyright Committee will meet in New York on August 9 to set plans and to engage a specialized staff for that purpose. The chief objectives of the broadcasters are:

1. To defend themselves against the Society's requirements that they pay tribute percentage-wise on all programs regardless of whether or not they use any ASCAP music or indeed any music at all.
2. To reduce the broadcasters' annual toll to the Society which is now running around \$4,000,000 a year and is rapidly mounting.
3. To bring about a more equitable distribution of the charges among the broadcasters themselves.
4. To foster, encourage and promote the writing of new music and new lyrics by giving

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*

## ASCAP NEGOTIATIONS COLLAPSE; SPECIAL CONVENTION CALLED FOR SEPT. 15 IN CHICAGO

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opportunity to be heard to new composers and authors.

5. To arm themselves with such supply of, or access to, music as will enable them to conduct future negotiations with the Society on terms of some equality.

Mr. Miller said that, while the broadcasters were not yet prepared to disclose their plans fully, their principal effort would be toward the engaging of composers and authors with a view to building up a reservoir of new music and the arranging and popularizing on the air of music now in the public domain which is not controlled by the copyright pool. He added that efforts would be made to enter into making arrangements with such publishers, composers and authors as have not yet renewed their contract with the Society and said that very probably there would be cooperative effort towards entering the music publishing field on a non-profit basis. He stated the desire of the broadcasters to give opportunity to new and non-established composers and any writers who felt that the Society had denied them opportunity to be heard.

Mr. Miller explained that the action taken today was in line with the instruction received by the Copyright Committee at the broadcasters' recent convention in Atlantic City and said from the temper of the broadcasters he anticipated no difficulty in obtaining ample funds for the vigorous and effective program. Mr. Miller emphasized that the broadcasters had paid the Society approximately \$20,000,000 for the right to use their music during the past six years alone and said that they expected to continue to pay very substantial sums for the use of music, but he declared that he believed that the broadcasters, who are the Society's biggest contributors, could no longer remain so largely dependent upon a single source of music.

The broadcasters' present contract with the Society expires December 31, 1940.

The members of the Negotiating Committee are Neville Miller, President, National Association of Broadcasters; Lenox Lohr, President, National Broadcasting Company, Inc.; Edward Klauber, Executive Vice President, Co-

lumbia Broadcasting System; John Elmer, President, WCBM, Baltimore, Maryland; Samuel R. Rosenbaum, President, WFIL, Philadelphia, Pennsylvania; Walter J. Damm, Managing Director, WTMJ, Milwaukee, Wisconsin; and John Shepard, 3rd, President, The Yankee Network, Boston, Massachusetts.

The Copyright Committee of the NAB represents all groups of broadcasters, and in addition to the members of the Negotiation Committee mentioned above, include the following: Edwin W. Craig, Executive Vice President, National Life and Accident Insurance Company (WSM); Gregory Gentling, General Manager, KROC, Rochester, Minnesota; Clair McCollough, General Manager, WGAL, Lancaster, Pennsylvania; Theodore C. Streibert, Vice President, Mutual Broadcasting System, New York, N. Y.; Harold Wheelahan, General Manager, WSMB, New Orleans, Louisiana; and I. R. Lounsberry, Manager, WGR-WKBW, Buffalo, New York.

## Fly Visits President

James L. Fly, confirmed by the Senate on August 1 as successor to Frank R. McNinch as a member of the Federal Communications Commission, paid a visit on Thursday afternoon to President Roosevelt, accompanied by Mr. McNinch.

It was reported that they discussed some of the pending problems of the Commission and that Mr. McNinch told the President that it would probably be six months before the Commission will be ready to make public the results of its monopoly investigation in the broadcast industry.

Mr. McNinch, under date of July twenty-fifth, gave the President the following letter of resignation:

"DEAR MR. PRESIDENT:

"On October 1, 1937, you requested me to resign as Chairman of the Federal Power Commission and assume the duties of the Chairmanship of the Federal Communications Commission and effect such reorganization of its work as I might deem necessary to enable it to function more speedily and uniformly and more nearly to your satisfaction.

"We both expected this task would be accomplished long before this time. Once having undertaken this work, however, I found it so fraught with problems and difficulties and the Commission so disunited that not until now have I felt justified in respectfully requesting you to release me from further service at the Commission. I do not believe I could contribute a great deal more by continuing as Chairman unless I desired to continue in the work indefinitely, which I have no desire to do.

"It was our understanding that you would release me when I had done what I could to improve conditions within and the functioning of the Commission. The procedure for handling the work of the Commission has been radically reorganized and certain personnel changes effected, all of which have contributed toward a marked improvement in the efficiency of the Commission but, in my judgment, it is not possible to reach the maximum of efficiency in the public interest with the present personnel and within the inadequate framework of the Communications Act. It was this conviction that moved me to recommend to you last



winter a reorganization of the Commission and a revision of the Act, both of which recommendations I now renew.

"I found a great accumulation of pending cases and other work which has been brought up to date but which necessitated working unbearably long hours. This resulted recently, as you know, in a temporary impairment of my health, but I am happy to inform you now that I am rapidly improving.

"I am now convinced that, in justice to my family and to myself, I should not continue to carry the onerous burdens of an administrative position and have decided to reenter the practice of law, which I hope may be more lucrative but which will certainly be less burdensome and exacting physically than my present duties, and I hereby tender my resignation to be accepted at your pleasure, preferably not later than September 1, 1939.

"It was this same feeling which prompted me to advise you that I did not feel like undertaking another term as Chairman of the Federal Power Commission.

"At the close of my period of service I shall submit to you a summary report of the major improvements in the Federal Communications Commission since I took office.

"With renewed assurances of my unqualified loyalty to you personally and to the constructive and vital reforms in the interest of the people under your leadership, I am

"Faithfully yours,

"s/ FRANK R. MCNINCH."

Under this date the President advised Mr. McNinch that his resignation had been reluctantly accepted. His letter read as follows:

"MY DEAR FRANK:

"Because of the considerations which you urge in your letter of July twenty-fifth I have no alternative but to accept your resignation, effective at the close of business on August 31, 1939. I take this action with reluctance and sincere regret because of the high type of service you have rendered in the public interest.

"But your health is of paramount importance and you are perhaps wise in taking your recent illness as a warning that you must return to private pursuits, less exacting, physically and less onerous in their demands on both your time and your strength.

"I realize that I imposed a heavy burden upon you when I asked you to resign as Chairman of the Federal Power Commission and assume the duties of the Chairmanship of the Federal Communications Commission. I know that the task of reorganization, with which you were confronted, was a heavy one, and I appreciate your present conviction that you could not see the work through to completion without continuing with the Commission indefinitely.

"For all that you have done—much of it imposing a tremendous strain on your physical strength—I desire to express gratitude and appreciation. And although your retirement from the public service is deeply regretted I do hope that in the less exacting demands of private life you will find speedy restoration to health and strength. With every good wish.

"Very sincerely yours,

"FRANKLIN D. ROOSEVELT."

## INTERNATIONAL COPYRIGHT TREATY

Senator Thomas (D-Utah) on August 1 announced on the floor of the Senate that the International Copyright Treaty would not be taken up at this session of Congress. This Treaty, known as Executive E, 73rd Congress, has been on the executive calendar of the Senate for some months, and its adoption prior to the passage of adequate copyright amendments has been opposed by most groups affected by the copyright laws. Adherence by the United States to the International Copyright Convention is sponsored by the State Department. A strenuous effort probably will be made at the next session of Congress to obtain Senate approval.

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## MEMBERSHIP CERTIFICATES

A membership certificate was mailed to all active members of the Association this week. It is hoped that this certificate will be displayed prominently some place in the station. If, after a reasonable length of time, your copy is not received, please advise Headquarters Office as each member was mailed a certificate.

## NEW LEGISLATION

### CONGRESS

H. R. 7456 (Mr. Kennedy, D-NY) COPYRIGHT—Provides that in network and transcription broadcasts originating station or transcription manufacturer is solely liable for infringement. Referred to Committee on Patents.

## FCC CLOSES 290 CASES

The Federal Communications Commission has announced that since November 15, 1938, it had disposed of 290 of a total of 325 broadcast hearing docket cases. Of the 35 not disposed of by the Commission, 12 cannot be acted upon by reason of contingencies beyond the control of the Commission, such as possible conflict with Havana Radio Broadcast Treaty and pending litigation. Of the remaining 23 docket cases decisions are in the course of preparation for early action by the Commission.

In addition to the foregoing 325 cases there are 19 cases recently heard which are not available to the Commission for action because of lack of completion of the cases by litigant parties to the proceedings.

## RELAY RULES AMENDED

FCC has amended relay rules, section 41.05(c) to read as follows:

### Sec. 41.05—Power Limitations

(c) A relay broadcast station assigned frequencies in Groups H and I will be licensed to operate with a power output not in excess of that necessary to transmit the program and orders satisfactorily to the receivers and shall not be operated with a power greater than that licensed. In event interference may be caused to stations on adjacent channels, licensees shall endeavor to make arrangements to reduce power to a point where interference will not be objectionable. If a satisfactory arrangement cannot be agreed upon, the Commission will determine and specify the maximum power or conditions of operation of each such station.

## FCC ANNOUNCES ADMINISTRATIVE CHANGES IN ORDER NO. 2

A new administrative order, No. 2, has been issued by the Federal Communications Commission which changes and announces in detail the duties of various officials of the Commission as follows:

Under the authority of the Communications Act of 1934, as amended, particularly Sections 5(e) and 409 thereof,

### IT IS ORDERED:

(1)(a)<sup>1</sup> That the Secretary of the Federal Communications Commission is hereby authorized to determine, order, certify, report or otherwise act, upon:

- (a) all applications for operator licenses, and
- (b) all applications for amateur and ship stations, and
- (c) all applications for renewal of aircraft station licenses, and for new aircraft station licenses in cases where the applicant is the holder of a station license;

(b) That the Secretary of the Federal Communications Commission is hereby authorized to enter the appropriate final order of the Commission in all cases involving applications for radio station authorizations in which proposed findings and conclusions of the Commission have been issued pursuant to the provisions of Section 1.231 of the Commission's Rules of Practice and Procedure and in which no exceptions have been filed within the time prescribed in said section.

(2) That the Chief Engineer of the Federal Communications Commission is hereby authorized to determine upon all applications and requests and to make appropriate order in letter form for the signature of the Secretary in the following matters:

- (a) temporary operation without specified items of equipment, or with temporary, substitute or auxiliary equipment:
  - (1) operation without an approved frequency monitor;
  - (2) operation without an approved modulation monitor;
  - (3) operation without thermometer in automatic temperature control chamber;
  - (4) operation without antenna ammeter, plate voltmeter or plate ammeter;
  - (5) operation with substitute ammeter, plate voltmeter or plate ammeter;
  - (6) operation with temporary antenna system;
  - (7) operation with auxiliary transmitter as main transmitter;
- (b) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application;
- (c) where formal application is not required, application for new or modified equipment or antenna system;
- (d) change of specifications for painting and lighting antenna towers where formal application is not required;
- (e) operation to determine power by direct method during program test period;
- (f) relocation of transmitter in same building;
- (g) operation with reduced power or time under Sections 3.57 and 3.71;
- (h) approval of types of equipment as to compliance with outstanding rules and standards;
- (i) all authorizations for equipment and program tests, or extensions thereof, where it appears that compliance has been had with the terms of the construction permit;
- (j) denial of requests for equipment and program tests where specifications of construction permit have not been met;
- (k) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorizations it appears that the terms of the construction permit have not been met;
- (l) extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission;
- (m) representations of compliance with technical requirements specified in authorizations, orders, rules or releases (except formal applications);

<sup>1</sup> Applications for Class II experimental stations, directed toward the development of an established radio service only, shall be included among the classes of applications covered by the delegation of authority contained in the paragraphs designated <sup>1</sup>, for the classes of service covered in such paragraphs.

- (n) operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it become impossible to continue operating at the licensed location;

(2A) That the Chief Accountant of the Federal Communications Commission is hereby authorized to determine, order, certify, report or otherwise act upon and to make appropriate order in letter form for the signature of the Secretary in the following matters:

- (a) administration and application of regulations promulgated by the Commission pursuant to Section 220 of the Act, relating to accounts, records, and memoranda to be kept by carriers subject to the jurisdiction of the Commission;
- (b) applications for extensions of time in which to file annual, monthly, and special reports required by the Commission pursuant to Section 219 of the Act;
- (c) administration and application of orders or rules of practice and procedure promulgated by the Commission relating to financial and statistical data of standard broadcast stations and broadcast networks or chains;

(3) <sup>1</sup> That a Commissioner, to be selected and appointed by subsequent supplement or supplements to this Order by the Commission, is hereby authorized to hear and determine, order, certify and report or otherwise act upon all applications for the Aviation, Emergency, and Miscellaneous services, and for special authorizations other than those falling under paragraph (1), (2), (4), (5) or (6) (b) of this Order; and for emergency exemptions from the provisions of Section 352 (b) of the Act:

(4) <sup>1</sup> That a Commissioner, to be selected and appointed by subsequent supplement or supplements to this Order by the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon all applications in the broadcast service as follows: for licenses following construction which comply with the construction permit; applications for construction permit and modification of construction permit involving only a change in equipment; applications for extensions of time within which to commence and complete construction; applications to install frequency control equipment; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for special temporary authorization, in a manner not inconsistent with the established policy of the Commission; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter sites; and applications for relay broadcast stations;

(5) <sup>1</sup> That a Commissioner, to be selected and appointed by subsequent supplement or supplements to this Order by the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon all radio matters of every character (except broadcast, and cases falling under paragraph (1) of this Order) within the territory of Alaska;

(6) That a Commissioner, to be selected and appointed by subsequent supplement or supplements to this Order by the Commission, is hereby authorized to determine, order, certify, report or otherwise act upon all uncontested proceedings involved in:

(a) the issuance of certificates of convenience and necessity and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act;

(b) <sup>1</sup> applications for instruments of authorization for the Fixed Public or Fixed Public Press radio services, except applications involving (1) new points of communication (2) changes in transmitter location other than local in character, (3) assignment of additional frequencies, or (4) involving change of policy by the Commission the revocation of station license, or the establishment of a new type of service.

(7) That a Commissioner, to be selected and appointed by subsequent supplement or supplements to this Order by the Commission, is hereby authorized to determine and act upon all matters arising in connection with the administration of tariff regulations promulgated by the Commission pursuant to Section 203 of the Act and in connection with the administration of this section in so far as it relates to the modification of requirements

<sup>1</sup> Applications for Class II experimental stations, directed toward the development of an established radio service only, shall be included among the classes of applications covered by the delegation of authority contained in the paragraphs designated <sup>1</sup>, for the classes of service covered in such paragraphs.



thereof or made pursuant thereto, as authorized in particular instances by subsection (b) thereof, and to the rejection of tariffs as authorized by subsection (d) thereof.

(8) That a Commissioner, to be selected and appointed by subsequent supplement or supplements to this Order by the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon all motions, petitions or matters in cases designated for formal hearing, including motions for further hearing, excepting motions and petitions requesting final disposition of a case on its merits, those having the nature of an appeal to the Commission and those requesting change or modification of a final order made by the Commission; provided however that except in cases of emergency such matters shall be heard upon the motions docket in accordance with the provisions of Sections 1.251 to 1.256, inclusive, of the Commission's Rules of Practice and Procedure;

#### IT IS FURTHER ORDERED:

That this Order shall become effective August 1, 1939, and that effective simultaneously Commission Order No. 28 of November 29, 1937, as amended, be and the same is hereby, repealed.

FEDERAL COMMUNICATIONS COMMISSION,

JOHN B. REYNOLDS,  
*Acting Secretary.*

Adopted: July 12, 1939.

Amended: July 26, 1939.

### TELEVISION BANDS

The FCC has simplified the identification of various television bands. In this connection the Commission has made the following statement:

The Commission on July 12, 1939, amended Section 43.13(a) (to be renumbered Sec. 4.74(a)), of the Commission's Rules governing television service, to read as follows:

Sec. 43.13(a).

(a) The following groups of channels, as indicated by a channel designation, are allocated for assignment to television broadcast stations licensed experimentally:

#### Group A

Channel No.	1—44,000–50,000 kc.
" "	2—50,000–56,000 kc.
" "	3—66,000–72,000 kc.
" "	4—78,000–84,000 kc.
" "	5—84,000–90,000 kc.
" "	6—96,000–102,000 kc.
" "	7—102,000–108,000 kc.

#### Group B

Channel No.	8—156,000–162,000 kc.
" "	9—162,000–168,000 kc.
" "	10—180,000–186,000 kc.
" "	11—186,000–192,000 kc.
" "	12—204,000–210,000 kc.
" "	13—210,000–216,000 kc.
" "	14—234,000–240,000 kc.
" "	15—240,000–246,000 kc.
" "	16—258,000–264,000 kc.
" "	17—264,000–270,000 kc.
" "	18—282,000–288,000 kc.
" "	19—288,000–294,000 kc.

#### Group C

Any 6,000 kc. band above 300,000 kc., excluding the band 400,000–401,000 kc.

## FEDERAL COMMUNICATIONS COMMISSION

### DECISIONS OF COMMISSION

The Federal Communications Commission has granted the application of Orville W. Lyerla for a construction

permit for the erection of a new station at **Herrin, Illinois**, to operate on **1310 kilocycles**, 100 watts night, 250 watts LS, unlimited time.

The application of Station KFVS at **Cape Girardeau, Missouri**, to operate unlimited time on **1210 kilocycles**, 100 watts night, 250 watts LS, instead of sharing time with Station WEBQ was denied without prejudice by the Commission.

In the same decision, the Commission also denied without prejudice the application of WEBQ requesting change in frequency from **1210 kilocycles** to **1310 kilocycles**, with power of 100 watts night, 250 watts LS, sharing time with KFVS.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

The next regular meeting of the Commission will be on August 8.

The following hearing is scheduled by the Commission in a broadcast case during the week beginning Monday, August 7. It is subject to change.

#### Monday, August 7

WLTH—Voice of Brooklyn, Inc., New York, N. Y.—In the Matter of: Order to show cause why the license to operate Radio-broadcast Station WLTH should not be revoked.

#### FUTURE HEARINGS

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

#### September 14

Oral Argument Before the Commission

WPG—Greater New York Broadcasting Corp., Atlantic City, N. J. (proposed studio location, New York, N. Y.) (proposed transfer location, Kearney, N. J.)—C. P., **1100 kc.**, 5 KW, unlimited time (requests facilities of WOV and WBIL). Present assignment: **1100 kc.**, 5 KW, specified hours (WBIL).

WPG—City of Atlantic City, (Assignor), Greater New York Broadcasting Corp. (Assignee), Atlantic City, N. J.—Voluntary assignment of license, **1100 kc.**, 5 KW, specified hours (WBIL).

WMFF—Plattsburg Broadcasting Corp., Plattsburg, N. Y.—C. P., **1240 kc.**, 1 KW, unlimited time (DA night). Present assignment: **1310 kc.**, 100 watts, 250 watts LS, unlimited time.

NEW—The Moody Bible Institute, Radio Station, Chicago, Ill.—C. P., **41,300 kc.**, 100 watts Emission A-3, unlimited time.

#### October 10

WHDH—Matheson Radio Co., Inc., Boston, Mass.—C. P., **830 kc.**, 5 KW, 5KW LS unlimited time (DA night). Present assignment: **830 kc.**, 1 GW daytime.

#### October 19

Reargument Before the Commission

WLTH—Voice of Brooklyn, Inc., New York, N. Y.—Renewal of license., **1400 kc.**, 500 watts, shares WARD, WBBC and WVFW.

WARD—United States Broadcasting Corp., Brooklyn, N. Y.—Renewal of license, **1400 kc.**, 500 watts, shares WBBC, WLTH and WVFW.

WBBC—Brooklyn Broadcasting Corp., Brooklyn, N. Y.—Modification of license, **1400 kc.**, 500 watts, shares WARD, WLTH and WVFW.

## FEDERAL COMMUNICATIONS COMMISSION ACTION

### MISCELLANEOUS

KNEL—G. L. Burns, Brady, Tex.—Granted Order to Take Depositions in re application for modification of license.

WLAP—American Broadcasting Corp. of Ky., Lexington, Ky.—Overruled motion to dismiss respondent's appearance (WFBR, Baltimore), in re application of WLAP for C. P. to change frequency, etc.

WLAP—American Broadcasting Corp. of Ky., Lexington, Ky.—Overruled motion to dismiss respondent's appearance (WHIO, Miami Valley Broadcasting Corp.), in re WLAP's application for C. P. to change frequency, etc.

WLAP—American Broadcasting Corp. of Ky., Lexington, Ky.—Overruled motion to dismiss respondent's appearance (WASH and WOOD—King-Trendle Broadcasting Corp.), in re WLAP's application for C. P. to change frequency, etc.

WMT—Iowa Broadcasting Co., Cedar Rapids, Iowa.—Motion overruled, exception noted by counsel for WMT, for petition to intervene and that the issues to be determined upon hearing be enlarged, in re application of The Gazette Co., Cedar Rapids, Iowa, for a new station.

WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—Attorney for WXYZ allowed to withdraw petition to dismiss without prejudice or for leave to amend application for C. P. to increase power from 1 KW to 5 KW.

WDAF—The Kansas City Star Co., Kansas City, Mo.—Granted motion to accept amendment so that the application will be considered as a modification of license to increase night power to 5 KW.

WOR—Bamberger Broadcasting Service, Inc., Newark, N. J.—Granted special temporary authority to broadcast test signals radiated from general experiment station W2XGB from 10:15 to 10:30 p. m., EST, July 27, in connection with a special program attempting to communicate with Mars.

WBRY—American Republican, Inc., Waterbury, Conn.—Granted special temporary authority to operate with the present two unit directional antenna in accordance with experimental authority granted under license for period August 1 to August 30, 1939, in order to determine necessary steps to change from a special to a standard broadcast station.

NEW—Bellingham Broadcasting Co., Bellingham, Wash.; KVOS, Inc., Bellingham, Wash.—Postponed hearing scheduled in Bellingham for August 10, until August 16, to be heard by Commissioner Payne.

WCMI—J. T. Norris and B. F. Forgey, Ashland, Ky.—Granted application for transfer of control of Ashland Broadcasting Company (Radio Station WCMI), to Gilmore N. Nunn and J. Lindsay Nunn.

KARK—Arkansas Radio & Equipment Co., Little Rock, Ark.—Granted license to cover C. P. authorizing increase in nighttime power from 500 watts to 1 KW, employing DA at night, and changes in equipment.

KWFT—Wichita Broadcasting Co., Wichita Falls, Tex.—Granted license to cover C. P. authorizing new station to operate on **620 kc.**, 250 watts night, 1 KW day, unlimited time.

WAIF—WGN, Inc., Chicago, Ill., Portable-Mobile.—Granted license to cover C. P. for high frequency relay broadcast station; frequencies **31620, 35260, 37340 and 39620 kc.**; 25 watts.

WAIG—WGN, Inc., Chicago, Ill., Portable-Mobile.—Granted license to cover C. P. for high frequency relay broadcast station; frequencies **31620, 35260, 37340 and 39620 kc.**; 1 watt.

WAIH—WGN, Inc., Chicago, Ill., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station; frequencies **1622, 2058, 2150 and 2790 kc.**; 50 watts

W9XEG—Martin R. O'Brien, Aurora, Ill., Portable-Mobile.—Granted license to cover C. P. for new high frequency broadcast station; frequencies **30820, 33740, 35820 and 37980 kc.**; 6 watts

W7XCY—Oregonian Publishing Co., Portland, Ore., Portable-Mobile.—Granted license to cover C. P. for relay broadcast station; frequencies **31220, 35620, 37020 and 39260 kc.**; 4.5 watts.

WPIV—Petersburg Newspaper Corp., Petersburg, Va.—Granted modification of C. P. approving transmitter and studio sites at Colonial Heights, Va., and corner Sycamore and Tabb Sts., Petersburg, respectively, and installation of vertical radiator.

W9XAZ—The Journal Co. (The Milwaukee Journal), Milwaukee, Wis.—Granted modification of C. P. to extend commencement date to 30 days after grant, and completion date to 90 days thereafter; to permit change of transmitter site locally; and to specify frequency of **42260 kc.** as provided by new rules in lieu of frequencies now specified in terms of C. P.; frequency **42260 kc.** on an experimental basis conditionally.

W3XIS—WLBG, Inc., Richmond, Va., Portable-Mobile.—Granted modification of license to change corporate name from WLBG, Inc., to Richmond Radio Corp.

WAHM—WLBG, Inc., Richmond, Va., Portable-Mobile.—Granted modification of C. P. to change corporate name from WLBG, Inc., to Richmond Radio Corp.

WJNO—WJNO, Inc., West Palm Beach, Fla.—Granted C. P. to install new equipment in broadcast station.

NEW—Central New York Broadcasting Corp., Syracuse, N. Y., Portable-Mobile.—Granted C. P. for new high frequency relay broadcast station; frequencies **31220, 35620, 37020 and 39260 kc.**; 12 watts.

NEW—WJR, The Goodwill Station, Area of Detroit, Mich., Portable-Mobile.—Granted C. P. for new relay broadcast station to use frequencies **1646, 2090, 2190, 2830 kc.**; 150 watts.

WPTF—WPTF Radio Co., Raleigh, N. C.—Granted extension of special temporary authority to operate from 11 p. m. to 12 midnight, EST, for the period August 1 to August 30, in order to broadcast programs as described in letter of May 27.

KVEC—The Valley Electric Co., San Luis Obispo, Calif.—Granted special temporary authority to rebroadcast a special sky interview between the California Guard North American 0-47 airplane operating on National Guard frequencies and the ground at 1:30 p. m., PST, July 28.

WPG—City of Atlantic City (Assignor), and Greater New York Broadcasting Corp. (Assignee).—Oral argument scheduled for September 14, 1939.

WMFF—Plattsburg Broadcasting Corp., New York City.—Oral argument scheduled for September 14, 1939.

NEW—The Moody Bible Institute Radio Station, Chicago, Ill.—Oral argument scheduled for September 14, 1939.

W9XJM—WCBS, Inc., Springfield, Ill., Portable-Mobile.—Granted C. P. to make changes in equipment and increase power in relay broadcast station to 10 watts.

KFXJ—Western Slope Broadcasting Co., Grand Junction, Colo.—Granted C. P. to install new equipment and vertical radiator, upon condition that towers are marked according to specifications.

WORC—Alfred Frank Kleindienst, Worcester, Mass.—Granted license to cover C. P. authorizing installation of DA system for day and nighttime operation.

WAHM—Richmond Radio Corp., Portable-Mobile, Richmond, Va.—Granted license to cover C. P. for new relay broadcast station, frequencies **1606, 2022, 2102 and 2748 kc.**, 50 watts.

WAHF—WTAR Radio Corp., Norfolk, Va., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station, frequencies **1606, 2022, 2102 and 2758 kc.**, 50 watts.

NEW—Central Broadcasting Corp., Worcester, Mass.—Dismissed with prejudice the application of Central Broadcasting Corp. for C. P. to operate on **1500 kc.**, 100 watts night, 250 watts LS, at request of applicant.

NEW—Hannibal Broadcasting Co., St. Louis, Mo.—Denied as in case of default application for C. P. for new station to operate on **1310 kc.**, 100 watts, unlimited time, which was set for further hearing in conjunction with Courier Post Publishing Company's application, as applicant failed to file written appearance.

W6XAO—Don Lee Broadcasting System, Los Angeles, Calif.—Granted C. P. to change present location of television station



# APPLICATIONS FILED AT FCC

## 580 Kilocycles

WCHS—Charleston Broadcasting Co., Charleston, W. Va.—Modification of C. P. (B2-P-2334) to make changes in transmitting equipment, increase power, further requesting authority to change type of transmitting equipment.

## 610 Kilocycles

WIOD-WMBF—Isle of Dreams, Broadcasting Corp., Miami, Fla.—Construction permit to make changes in equipment.

## 640 Kilocycles

WOI—Iowa State College of Agriculture and Mechanic Arts, Ames, Iowa.—Construction permit to make changes in transmitting equipment and move transmitter locally from College Campus, to Campus Iowa State College (700 feet), Ames, Iowa, and move studio from Engineering Annex, College Campus, to Service Bldg., Iowa State College, Ames, Iowa.

## 650 Kilocycles

KIRO—Queen City Broadcasting Co., Seattle, Wash.—Construction permit to install new transmitter, make antenna changes, change frequency from 650 to 710 kc., increase power from 250 watts to 5 kilowatt; 10 kilowatts day, time from limited to unlimited, and move transmitter from 2nd and Union Sts., Seattle, Wash., to site to be determined, near Seattle, Wash.

## 850 Kilocycles

KWKH—International Broadcasting Corp., Shreveport, La.—Modification of MSA (B3-MSA-46) to install new transmitter, increase power from 10 to 50 kilowatts, move transmitter, further requesting changes in equipment.

## 1200 Kilocycles

WIL—Missouri Broadcasting Corporation, St. Louis, Mo.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.  
KVEC—Christina M. Jacobson, tr/as The Valley Electric Co., San Luis Obispo, Calif.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

## 1210 Kilocycles

WTMA—Y. W. Scarborough and J. W. Orvin, d/b as Atlantic Coast Broadcasting Co., Charleston, S. C.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

## 1270 Kilocycles

WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—License to cover C. P. B1-P-2421 to move old RCA 1001-D transmitter to site of new transmitter, to be used as auxiliary transmitter; increase power to 1 KW; use directional antenna day and night, for emergency use only.

## 1290 Kilocycles

KDYI—Intermountain Broadcasting Corporation, Salt Lake City, Utah.—Modification of license to increase power from 1 KW, 5 KW LS, to 5 KW day and night.

## 1310 Kilocycles

NEW—L. J. Duncan, Lelia A. Duncan, Josephine A. Keith, Effie H. Allen, Aubrey Gay, d/b as Valley Broadcasting Co., West Point, Ga.—Construction permit for a new station on 1310 kc., 100 watts night, 250 watts day, unlimited time. Amended to request 250 watts power day and night.  
WTRC—The Truth Publishing Co., Inc., Elkhart, Ind.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.  
KBND—The Bend Bulletin, Bend, Ore.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.  
KCRJ—Central Arizona Broadcasting Co., Jerome, Ariz.—Construction permit to move transmitter 50 feet from Lower Hogback, Jerome, Ariz., to Main Road, Jerome, Ariz., and

from Los Angeles to 1 Lee Drive, Hollywood, and specify specific frequency band of 44000-50000 kc., as provided under new rules in lieu of frequencies specified in present authority, frequencies 44000 to 50000 kc., on an experimental basis only conditionally, 150 watts aural, 1 KW visual.  
NEW—Central New York Broadcasting Corp., Syracuse, N. Y., Portable-Mobile.—Granted C. P. for new relay broadcast station, frequencies 1606, 2022, 2102 and 2758 kc., 12 watts.  
WFBR—The Baltimore Radio Show, Inc., Baltimore, Md.—Granted license to cover C. P. for auxiliary transmitter.  
WDAC—University of Wisconsin, Madison, Wis.—Granted license to cover C. P. for new relay broadcast station, frequencies 1622, 2058, 2150 and 2790 kc., 10 watts.  
WDAC—University of Wisconsin, Madison, Wis., Portable-Mobile.—Granted modification of C. P. to make changes in equipment of relay station.  
WLW—The Crosley Corp., Cincinnati, Ohio.—Granted license to cover C. P. authorizing changes in equipment.  
W9XER—Midland Broadcasting Co., Inc., Kansas City, Mo.—Granted license to cover C. P. for high frequency broadcast station to use frequency 42460 kc., conditionally, 500 watts.  
KFNF—KFNF, Inc., Shenandoah, Iowa.—Granted extension of commencement date to 8-1-39 and completion date to 2-1-40, covering move of station, increase in power, and installation of new equipment.  
WMAN—M & M Broadcasting Co., Marinette, Wis.—Granted modification of C. P. authorizing new station, approving antenna and studio transmitter site.  
W9XZY—The Pulitzer Publishing Co., St. Louis, Mo.—Granted special temporary authority to operate upon present assigned frequencies 31600, 35600, 38600 and 41000 kc., instead of upon new frequencies, effective under new rules for period of 10 days, pending receipt and installation of new crystal and modifications of equipment in the receivers.  
W9XPD—The Pulitzer Publishing Co., St. Louis, Mo.—Granted special temporary authority to operate station W9XPD (high frequency broadcast) upon the present assigned frequencies 31600, 35600, 38600 and 41000 kc., instead of 25900 kc. to be assigned August 1 under new rules, for period of 10 days in order to maintain a continuity of service and experimentation pending installation of new crystal.  
WGRC—North Side Broadcasting Corp., New Albany, Ind.—Granted special temporary authority to operate from 6:45 p. m., CST to midnight or later on August 5, in order to broadcast primary election results, using 100 watts only.  
WBTH—Williamson Broadcasting Corp., Williamson, W. Va.—Granted special temporary authority to operate from local sunset (August, 7:30 p. m., EST), to 11 p. m., EST on August 1, in order to broadcast civic celebration in City of Williamson.  
W2XR—Radio Pictures, Inc., Long Island City, N. Y.—Granted special temporary authority to operate on the frequency 2012 kc. for period August 1 to August 30, in order to avoid interruption of important experiments with improved independent synchronization system.  
WEHA—City of New York, Municipal Broadcasting System, Portable-Mobile.—Granted special temporary authority to operate on formerly assigned frequencies 300,000, 450,000, 600,000 and 750,000 kc., in lieu of frequencies assigned under new rules, for the period August 1 to August 30, pending transmitter modification.  
WNYC—City of New York, Municipal Broadcasting System, Portable-Mobile, New York City.—Granted special temporary authority to operate from 8:15 to 9 p. m., EST, on August 6, in order to broadcast continuation of New York Philharmonic Symphony concert and from 8:15 to 9 p. m., EST, on August 7, in order to broadcast continuation of Goldman Band concert.  
WHDF—Upper Michigan Broadcasting Co., Calumet, Mich.—Granted special temporary authority to operate from 6:30 to 8 p. m., CST, on August 10 and 11 and from 12:30 to 3:30 p. m., and 6:30 to 8 p. m., CST, on August 12, in order to broadcast district softball tournament.  
WAID—Onondaga Radio Broadcasting Corp., Syracuse, N. Y.—Granted special temporary authority to use equipment described in application with 20 watts on frequencies 2190 and 2830 kc., various hours between 12 noon and 6 p. m., EDST, on August 11, 12 and 13, in order to broadcast description of Eastern Amateur Golf Tournament, Syracuse Yacht Club, Oneida Lake, N. Y.

studio from 711 Main St., Jerome, Ariz., to Main Road (across from High School), Jerome, Ariz. Amended: Antenna.

- WAML—New Laurel Radio Station, Inc., Laurel, Miss.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.
- KSRO—Press Democrat Publishing Co., Santa Rosa, Calif.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

#### 1320 Kilocycles

- KGHF—Curtis P. Ritchie, Pueblo, Colo.—Construction permit to install new vertical antenna, move transmitter from 111 Broadway, Pueblo, Colo., to corner Lake and Maryland Ave., Pueblo, Colo.

#### 1370 Kilocycles

- WCNC—Aubrey G. McCabe and Trim W. Aydtlett, d/b as Albe-marle Broadcasting Co., Elizabeth City, N. C.—Modification of C. P. (B3-P-2269) for a new station, requesting approval of antenna, installation of new transmitter, approval of studio site at 104 E. Colonial Ave., Elizabeth City, N. C., and transmitter site at Parsonage St., Extended, 3 miles northwest of city limits, Elizabeth City, N. C.
- WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Modification of C. P. (B2-P-2287) to install new antenna for auxiliary transmitter and move, further requesting extension of completion date to 11-1-39.

#### 1420 Kilocycles

- WCHV—Community Broadcasting Corp., Charlottesville, Va.—Modification of license to increase power from 100; 250 watts LS to 250 watts day and night.
- WMBC—Michigan Broadcasting Co., Detroit, Mich.—Modification of license to increase power from 100; 250 watts LS to 250 watts day and night.
- KCMC—KCMC, Inc., Texarkana, Tex.—Modification of license to increase power from 100; 250 watts day to 250 watts day and night.
- WEED—William Avera Wynne, Rocky Mount, N. C.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.
- WJMS—WJMS, Inc., Ironwood, Mich.—Construction permit to make changes in equipment and increase power from 100 watts to 100 watts night, 250 watts day. Amended to request 250 watts power day and night.
- WSLI—Standard Life Insurance Company of the South, Jackson, Miss.—Modification of license to increase power from 100 watts, 250 watts day, to 250 watts day and night.

#### 1500 Kilocycles

- KDB—Santa Barbara Broadcasters, Ltd., Santa Barbara, Calif.—Construction permit to install new transmitter and antenna; change frequency from 1500 ke. to 1430 ke.; increase power from 100 watts night, 250 watts day, to 1 KW day and night; move transmitter from 15-17 East Haley St. to site to be determined, Santa Barbara, Calif.
- WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Construction permit to install new transmitter and antenna and move transmitter from 134 Miami St., Pittsburgh, Pa., to 341 Rising Main St., Pittsburgh, Pa. Amended: Make changes in antenna and change type of transmitting equipment.
- WKBZ—Ashbacker Radio Corp., Muskegon, Mich.—Modification of license to increase power from 100 watts, 250 watts LS, to 250 watts day and night.

#### MISCELLANEOUS

- NEW—National Broadcasting Company, Inc., New York, N. Y.—Construction permit for a new high frequency broadcast station on 42600 ke., 1 KW power, A-3 and special emission, to be located at 350 Fifth Avenue, New York, N. Y.
- NEW—Bell Telephone Laboratories, Inc., Whippany, N. J.—Construction permit for a new developmental broadcast station at Whippany, N. J., on 43200 ke., 5 KW power, special emission.
- WFYA—Central New York Broadcasting Corp., Portable-Mobile, area of Syracuse, N. Y.—License to cover C. P. (B1-PRY-182) for new low frequency relay station.

- W1XEH—Travelers Broadcasting Service Corp., Avon, Conn.—Modification of license to change class of station from developmental broadcast to high frequency broadcast and change frequency from 63500 to 42460 ke., A-3 emission.
- NEW—The Cincinnati Times-Star Company, Cincinnati, Ohio.—Construction permit for a new facsimile station at Vernon Manor, Hotel, Oak St., and Burnet Avenue, Cincinnati, Ohio, on 25175 ke., 100 watts power, A-4.
- WJRA—WJR, The Goodwill Station, Portable-Mobile, area of Detroit, Michigan.—License to cover C. P. (B2-PRY-170) for a new low frequency relay broadcast station.
- WEGY—Chicago Federation of Labor, Portable-Mobile, Chicago, Ill.—Construction permit for change in equipment and reduce power from 30 watts to 15 watts.
- NEW—WDZ Broadcasting Co., Portable-Mobile, area, Tuscola, Ill.—Construction permit for a new relay broadcast station (Portable-Mobile), on 1622, 2058, 2150 and 2790 ke., 10 watts power, A3.
- NEW—Peoria Broadcasting Co., Portable-Mobile, area of Peoria, Ill.—Construction permit for a new relay broadcast station on 1622, 2058, 2150, and 2790 ke., 25 watts, A3.
- NEW—Symons Broadcasting Co., Spokane, Wash.—Construction permit for new facsimile station located at Symons Bldg., S. 7th Howard St., Spokane, Wash., on 25150 ke., 100 watts power, A4.
- NEW—Midland Broadcasting Co., Kansas City, Mo.—C. P. for new television station located at 106 West 14th St., Kansas City, Mo., operated on 50000-56000 ke., 1 KW power, for visual, and 500 watts for aural, A3 and A5, emission.
- XXXXXX—National Broadcasting Company, Inc., New York, N. Y.—Extension of authority to transmit recorded programs to all broadcast stations in Canada licensed to operate by the Canadian Government which may be heard consistently in the United States, for period beginning 9-15-39.
- XXXXXX—First Baptist Church, Pontiac, Mich.—Extension of authority to transmit programs from First Baptist Church at Pontiac, Mich., to Radio Station CKLW, Windsor, Ontario, Canada, for period beginning 8-13-39.

## 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.

**Heller & Newman, Inc.**—A complaint against Heller & Newman, Inc., 250 West 39th St., New York, alleges false representations in the sale and distribution of ladies' coats.

The complaint charges that the respondent labelled garments with the legend "Harris Tweed," when such garments were not made of genuine "Harris Tweed" but were manufactured in the United States from wool imported from England. According to the complaint, "Harris Tweed" is a cloth made from pure virgin wool produced in Scotland, spun, dyed and finished in the Outer Hebrides Islands and hand woven by the Islanders at their homes in the Outer Hebrides. (3859)

**National Coin Corporation** and John Romano, 8 South Oleander Ave., Daytona Beach, Fla., were charged, in a complaint with false and misleading advertising in the sale of a coin catalog.

It is alleged that in order to induce the purchase of their coin catalog, the respondents advertised prices to be paid by them for old and rare coins, specifying that purchases would be made only from those persons having the respondents' coin catalog. Representations as to the values of old coins generally, and the price that the respondents will pay for them are alleged to be false and misleading. For example, the respondents allegedly advertise that they will pay \$450 or more for all dimes bearing dates prior to the



year 1895. Members of the purchasing public, it is charged, then purchase the respondents' catalog only to find that the respondents do not pay such sums for all dates prior to 1895, but for only one dime dated prior to 1895, which is an "1894 Mint" dime.

An alleged condition which the respondents place on their purchase of rare coins and with respect to which prospective purchasers of the coin catalog are not advised is the requirement for prospective sellers of coins to post with the respondents a \$1 appraisal fee, which fee is returned by the respondents only in the event of the purchase of a coin or coins by the respondents in the amount of \$5 or more. (3862)

**Shanks Laboratories**—In a complaint, W. H. Shanks, W. J. Goggin, Clara Shanks, and Jessie G. Goggin, all trading as Shanks Laboratories, Columbus, Ohio, are alleged to have made false representations in the sale of a medicinal preparation designated "Shanks Mange Lotion."

The complaint alleges the respondents' advertising to be false in that their preparation is not, as advertised, a remedy, cure, or competent treatment for eczema, abscesses, all types of mange, all varieties of cuts or sores, or for all other diseases or disorders of the skin on dogs, and that use of "Shanks Mange Lotion" will not, in all cases, cause hair to grow on dogs. According to the complaint, the respondents' preparation is not a therapeutically guaranteed treatment for itching scalps or scratching dogs. (3860)

### CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**Mme. Adele**—Adele Millar, trading as Mme. Adele and Chez Adele, San Francisco, has been ordered to discontinue false representations in the sale and distribution of a cosmetic preparation designated "Wonder Peel Paste," or any other similar preparation.

Under the order, the respondent is prohibited from representing that her preparation will withdraw toxins from the skin, accelerate chemical changes in the living skin cells, or supply materials to the skin to repair waste tissues; that its use will prevent or remove freckles, liver spots or wrinkles; that it will prevent or remove or have any beneficial effect in aiding in the removal of, any blemishes or other conditions of the skin which are due to or persist because of a systemic or metabolic disorder or condition; that it will prevent pimples, blackheads, puffs, scars, pits, acne or crepey neck, and that it has any beneficial effect in aiding in the removal of pimples, blackheads, puffs, scars, pits, acne or crepey neck, unless such representation is limited to those conditions which are of a surface character only. (3346)

**Philadelphia Rubber Waste Company**, Philadelphia, and Albert Schwartz, Isadore M. Engel, and Simon Sperberg, co-partners, trading as Philco Rubber Company, Philco Rubber Sales Company, Philco Auto Supply, Philco Auto & Rubber Supply, and Philco Spark Plug Company, Washington, D. C., and Richmond, Va., were ordered to discontinue the unauthorized use of a well-known trade name in the sale and distribution of their merchandise.

The Commission finds that by labelling automobile inner tubes, spark plugs, and repair parts for tires and tubes with the designation "Philco" and by using the term "Philco" in their trade names, the respondents had represented to the purchasing public that their products were manufactured by the Philadelphia Storage Battery Company, a firm which for many years has manufactured radios and other electrical devices and had used the trade name "Philco" long before its adoption by the respondents.

Under the order, the respondents are prohibited from representing, directly or by inference, through the use of the trade name "Philco" or any colorable simulation thereof, or in any other manner, that merchandise manufactured by manufacturers other than the Philadelphia Storage Battery Company or its licensees, successors or assignees, are "Philco" products or are made by or under license from the Philadelphia Storage Battery Company. (3010)

**Philco Auto Supply**—See Philadelphia Rubber Waste Company.

**Philco Auto & Rubber Supply**—See Philadelphia Rubber Waste Company.

**Philco Rubber Company**—See Philadelphia Rubber Waste Company.

**Philco Spark Plug Company**—See Philadelphia Rubber Waste Company.

### STIPULATIONS

The Commission has entered into the following stipulations:

**Consumers Glue Company**, St. Louis, Mo., engaged in the manufacture, sale and distribution of casein glue, entered into a stipulation to discontinue representations that its casein glue is "waterproof," when such is not the fact. (2497)

**Hagen Import Company** and its officers, H. E. Becker, Mrs. Anna Becker and Arthur K. Lueders, St. Paul, Minn., entered into a stipulation to discontinue false representations in the sale and distribution of medicinal products. (2495)

**Howard Drug and Medicine Company**, trading as Planter Medicine Company, Baltimore, entered into a stipulation to discontinue false representations in the sale and distribution of pills or tablets designated "Planter's Benedicta Tablets" and formerly known as "Planter's Monthly Regulating Pills."

Under the stipulation, the respondent agreed to cease representing directly or by implication that its preparation will correct all, or any, irregularities of the menses or monthly flow, or will make women's pains unnecessary, or that the use of its preparation will have any beneficial effect in such conditions other than as a purgative in cases of intestinal stasis. (2493)

**Hudgins Fish Company**, West Palm Beach, Fla., entered into a stipulation to discontinue misleading representations in the sale and distribution of food fish products.

The stipulation shows that the respondent advertised sea crayfish obtained off the coast of Florida as "Choice Southern Lobsters," "Fresh Picked Lobster Meat" and as "Lob. Meat," which product was then offered by retailers to the public as "Fresh Fancy Lobster Meat." The stipulation further indicates that the term "Lobster" has long been associated by the consuming public with the genus Homarus, the true American lobster found only along the coast from North Carolina to Labrador. (2494)

**Lambert Pharmacal Company**, St. Louis, manufacturer of "Listerine Antiseptic", has entered into a stipulation to cease and desist from representing by direct statement or by inference that all dandruff is due to an infection with Pityrosporon ovale or any other organism; that dandruff necessarily is a germ disease; that the dandruff germ has been isolated or identified; that the presence of Pityrosporon ovale necessarily means dandruff or that with its destruction dandruff disappears; that dandruff is necessarily infectious, contagious or "catching" or is in all instances passed from one person to another, or that any of the foregoing assertions have been proven by findings of scientists or otherwise, or is a "scientific fact" or a "fact definitely established by scientists".

It is also stipulated that the respondent desist from representing that the product either cures or permanently relieves dandruff; that the product "kills the dandruff germ", "attacks the cause of dandruff" or "gets at the cause" or "at the root of the trouble" or penetrates infected hair follicles or "annihilates" the dandruff germ; that the product frees the scalp and hair follicles of the parasite that saps their vitality or "spreads a germ-killing film over the scalp"; that the product has "marked curative properties due to certain ingredients in a unique combination shared by no other antiseptic"; that ordinary remedies "aren't even antiseptic", are "smelly", affect only surface symptoms, or merely remove surface symptoms temporarily, or that competitive products are obviously inferior to "Listerine Antiseptic" as a remedy for dandruff—when such are not the facts. (2502)

**Planter Medicine Company**—See Howard Drug & Medicine Company.

**T. Riessner**—George Lerch, trading as T. Riessner, New York, entered into a stipulation to discontinue the misbranding of bronze powder.

In the stipulation, the respondent agreed to cease labeling containers of bronze powder with the word "aluminum" either alone or in connection with the word "pure" or with the words "chemically pure" or any other words which would imply that the product is composed of aluminum or of pure aluminum or of chemically pure aluminum. (2492)

**Seaboard Novelty Company**—In a stipulation entered into, Ben Mermelstein, trading as Seaboard Novelty Company, 1909 Quentin Road, Brooklyn, N. Y., agreed to discontinue lottery methods in the sale and distribution of merchandise novelties to ultimate consumers.

Under the stipulation, the respondent is to cease supplying others

with lottery devices which may enable such persons to dispose of or sell any merchandise, and to cease selling or disposing of any merchandise by the use of lottery devices. (2500)

**William E. Wright & Sons Company**, a New Jersey corporation, of West Warren, Mass., entered into a stipulation to discontinue false and misleading representations in the sale and distribution of seam bindings, including bias tapes, rickrack (braid), frillings and novelty trimmings.

Under the stipulation, the respondent agreed to cease using the word "Taffeta" to describe a product not composed of silk, or implying in any other way that the product referred to is composed of silk, when such is not the fact. If the word "Taffeta" is used properly to describe the type of construction of a rayon or celanese rayon fabric, the respondent shall cause the word "Taffeta" to be immediately accompanied by the word "rayon" or the words "celanese rayon" printed in equally conspicuous type so as to indicate clearly that the product is in fact rayon or celanese rayon. The respondent also agreed to cease representing a rayon or celanese rayon product as being something other than such rayon. (2496)



# FCC Assignments For August

Duties of Commissioners, Secretary, and Chief Engineer of the FCC as allocated by Order No. 28, dated November 29, 1937, which provides "That a Commissioner, to be selected and appointed by subsequent order or orders of the Commission, is hereby authorized to hear and determine, order, certify, report or otherwise act upon:

**ASSIGNMENT FOR  
MONTH OF  
August**

"All applications for aeronautical, aircraft, geophysical, motion picture, airport, aeronautical point to point, municipal and state police, marine relay, marine fire, and emergency and special emergency radio facilities.

**Commissioner  
Paul A. Walker**

"All applications for licenses following construction which comply with the construction permit; applications for extensions of time within which to commence and complete construction; applications for construction permit and modification of construction permit involving only a change in equipment; applications to install frequency control; applications relating to auxiliary equipment; applications for authority to determine operating power of broadcast stations by direct measurement of antenna power; applications for special temporary authorization; applications for modification of licenses involving only change of the name of the licensee, where the ownership or control is not affected; applications for construction permit or modification of license involving relocation locally of a studio, control point or transmitter site; and applications for relay broadcast stations.

**Commissioner  
Norman S. Case**

"All radio matters of every character (except broadcast, operator licenses and amateur and ship stations) within the territory of Alaska.

**Commissioner  
T. A. M. Craven**

"All uncontested proceedings involved in the issuance of certificates of convenience and necessity; and the authorization of temporary or emergency wire service, as provided in Section 214 of the Act.

**Commissioner  
George Henry Payne**

"All matters arising in connection with the administration of tariff circulars of the Commission adopted pursuant to Section 203 of the Act, including the waiver of notice for the filing of tariffs.

**Commissioner  
Frederick I. Thompson**

"All matters arising under the Rules of Practice and Procedure of the Commission relating to withdrawals, dismissals, or defaults of applications or other proceedings, subject to the statutory right of appeal to the Commission; and to hear and determine all interlocutory motions, pleadings and related matters of procedure before the Commission.

**Commissioner  
Thad H. Brown**

"That the Secretary of the Federal Communications Commission is hereby authorized to determine, order, certify, report or otherwise act, with the advice of the General Counsel and the Chief Engineer, upon:

- (a) all applications for operator licenses, and
- (b) all applications for amateur and ship stations.

**Secretary  
T. J. Slowie**

"That the Chief Engineer of the Federal Communications Commission is hereby authorized to determine upon all applications and requests, and to make appropriate order in letter form for the signature of the Secretary in the following matters:

- (a) operation without an approved frequency monitor;
- (b) operation without an approved modulation monitor;
- (c) operation without thermometer in automatic temperature control chamber;
- (d) operation without antenna ammeter, plate voltmeter or plate ammeter;
- (e) operation with substitute ammeter, plate voltmeter or plate ammeter;
- (f) operation with temporary antenna system;
- (g) operation with auxiliary transmitter as main transmitter;
- (h) operation with new or modified equipment pending repair of existing equipment, or pending receipt and action upon a formal application;
- (i) where formal application is not required, application for new or modified equipment or antenna system;
- (j) where formal application is not required, change of specifications for painting and lighting of antenna towers;
- (k) operation to determine power by direct method during program test periods;
- (l) relocation of transmitter in the same building;
- (m) operation with reduced power or time under Rules 142 and 151;
- (n) approval of types of equipment;
- (o) where it appears that terms of construction permit have been complied with, authorization for equipment and program tests or extensions thereof;
- (p) denial of requests for equipment and program tests where specifications of construction permit have not been met;
- (q) withdrawal of authorizations for equipment and program tests where subsequent to the issuance of the original authorization it appears that the terms of the construction permit have not been met;
- (r) extensions of time within which to comply with technical requirements specified in authorizations, orders and rules or releases of the Commission;
- (s) changes in equipment necessary to comply with technical requirements specified in authorizations, orders, rules or releases (except formal applications);
- (t) representations of compliance with technical requirements specified in authorizations, orders, rules or releases (except formal applications);
- (u) operation with licensed, new or modified equipment at a temporary location with a temporary antenna system in case of an emergency when, due to causes beyond the control of the licensee, it becomes impossible to continue operating at the licensed location."

**Chief Engineer  
Ewell K. Jett**