



## New Sources of Music Sought, Independent of ASCAP

Sydney M. Kaye yesterday was engaged as special counsel to complete the drafting of final plans to develop new sources of music for the radio industry independent of ASCAP.

This announcement was made by Neville Miller, NAB president, following a two-day meeting of the NAB Copyright Committee in New York.

Mr. Kaye is regarded as one of the outstanding copyright lawyers in the nation. He is thoroughly conversant with broadcasting and its operating problems. He possesses a wide knowledge of the music publishing business and has extensive acquaintances throughout the music publishing world.

Mr. Kaye's appointment was the latest in a series of developments which followed the collapse of negotiations with ASCAP last week when John Paine, General Manager of the Society, told the NAB Committee that ASCAP had no proposal to make, and that Mr. Buck, its president, had departed on vacation without appointing a committee to negotiate with NAB.

Following this development, Mr. Miller and his committee called a special convention of the industry to be held in Chicago, September 15. The committee acted upon the direct mandate of the July NAB Convention, which empowered it to call an emergency meeting if it felt that the welfare of the industry was threatened by tolerating further delay in ASCAP negotiations.

### Phonograph Record Fee Conferences

A special committee consisting of Neville Miller; John Elmer, WCBM, Baltimore, Maryland; and Clair McCollough, WGAL, Lancaster, Pennsylvania, met with representatives of the Victor Record Manufacturing Company, August 10, to discuss a plan proposed by the Victor Record Company for licensing radio stations to play their records. It is reported that the Victor Record Company has prepared contracts to be submitted

to stations. However, they have agreed to meet again on August 22, in New York City, with a NAB committee. Neville Miller appointed the following committee to carry on negotiations with record manufacturers: Neville Miller, Chairman; John Elmer; Clair McCollough; John Shepard, 3rd, Yankee Network, Boston, Massachusetts; and Alexander Dannenbaum, Jr., WDAS, Philadelphia, Pennsylvania.

The committee of three mentioned above contacted the Decca Record Company and the Columbia Recording Company also on August 10 in regard to their plans for licensing radio stations to use their records. Both of these companies agreed

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THE NATIONAL ASSOCIATION OF BROADCASTERS

1626 K St., N. W.

WASHINGTON

Phone NAional 2080

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*

## PHONOGRAPH RECORD FEE CONFERENCES

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to meet with the newly appointed committee at a later date.

Mr. Miller stated that final terms of the proposed RCA plan of the licensing arrangements had not yet been devised and probably would be consummated at the August 22 conference.

## RCA TO DEMAND PAYMENT FOR USE OF RECORDS

The RCA Manufacturing Company, Inc., has sent the following letter to broadcasting stations, stating that it will demand payment for use of Victor and Bluebird records after October 1, 1939:

RCA MANUFACTURING COMPANY, INC.

Camden, N. J.

August 5, 1939.

Radio Station \_\_\_\_\_

GENTLEMEN:

Under date of January 4, 1938, we wrote to all broadcasting stations in connection with the use of our Victor and Bluebird phonograph records for radio broadcast purposes. Copy of the letter is enclosed herewith for your ready reference. In our letter we requested that stations which were using our records over the air arrange for prompt discontinuance of that practice. Following the sending of the letter a great many of the stations replied that they had a number of our records on hand and in some instances had made commitments to customers involving the use of such records. These stations asked for additional time within which to make the necessary changes.

Because we wished to be entirely fair and reasonable with the stations and because of the pendency of certain litigation which we believed would judicially determine our rights in the matter, we then issued to stations requesting it, written assurance that until further notice from us to the contrary we would not make their use of our records the basis of any claim against them.

The litigation referred to has now been determined and the court has held that the use of our phonograph records for radio broadcast purposes infringes our rights, constitutes unfair competition and may be enjoined by us (RCA Manufacturing Company, Inc. vs. W. B. O. Broadcasting Corporation, Elin, Inc., and Paul Whiteman, decided in the United States District Court for the Southern District of New York on July 24, 1939).

The use of our records for radio broadcast purposes has resulted in materially increasing our production costs. Musicians have made the practice one of the reasons for substantially increasing their charge to us for their services. Indiscriminate use of records over the air shortens the period during which the records are salable and deprives us of many potential customers. Certain of our recording artists have complained that they do not like it and in some instances have actually refused to make any additional records unless we could and would undertake to keep them off the

air, thus depriving us of the opportunity to contract for the services of these artists.

In view of this situation we have concluded that we cannot continue to permit stations to use our phonograph records unless they are prepared to pay us reasonable compensation therefor and to abide by such reasonable regulations as may be necessary. We are therefore preparing a plan which will make available to the stations a majority of our Victor and Bluebird phonograph records. Details of this plan will be sent to you within the next few days so that you may study it and determine whether you wish to adopt it.

Pending announcement of the plan and so that you may have a further opportunity to determine what course you will wish to pursue in the matter, we now advise you that, effective October 1, 1939, all of the letters of assurance from time to time issued by us to radio broadcasting stations in connection with their use of our records for broadcasting purposes are withdrawn. This notice does not of course apply to our record programs "Music You Want," "Weekly Victor Record Review" and "RCA Victor Musical Clock," which programs are broadcast pursuant to the terms of special licenses heretofore issued to us.

With renewed assurances of our desire to cooperate with you at all times, we are,

Very truly yours,

RCA MANUFACTURING COMPANY, INC.

By W. W. EARLY, *Manager*,

*Recording and Record Sales.*

## BROWN DISCUSSES CENSORSHIP

Commissioner Thad H. Brown of the FCC made the following remarks about government censorship of broadcasting at the closing session of the conference on the use of radio for the public welfare at Harvard University on August 4:

I deem it a high honor and a distinct privilege to address this concluding session of the Conference on the Use of Radio for the Public Welfare at the Harvard Summer School. I speak to you tonight as one who has had over twelve years of experience in radio broadcasting, first as President and General Manager of a broadcasting station in the city of Cleveland, Ohio; then in 1929 as General Counsel and later as a member and Vice Chairman of the Federal Radio Commission; and for the past five years as a member of the Federal Communications Commission. I am giving you my own philosophy on the regulation of broadcasting in the public interest, and am not in any way speaking for the Commission of which I am a member.

In reviewing the scope of this Conference I was impressed with the seriousness and the comprehensiveness with which you have set about to examine the American broadcasting system. It would be difficult to over-estimate the role which radio broadcasting plays in educational and social affairs and the contribution it makes to American culture.

The problems which you have been considering are each and every one influenced by the trend which the regulation of broadcasting takes. It will be my purpose tonight to discuss with you some of the underlying principles of regulation of communications and to sketch briefly the accomplishments of Federal regulation in this important field.

It would be a mistake to assume at the outset that the regulatory problems of communication are really new, or that they require an abrupt break with the past. Our accomplishments of the present rest upon the tremendous progress of the past, and, here as elsewhere, it has been our experience that each advance instead of tending to reduce the possibilities seems to increase them. I venture the statement that there is no more pressing problem in the whole fabric of our civilization than the extent to which we shall control the avenues of communication between human minds. Wise and judicious control of this socializing instrument is imperative. Indeed, it is the measure of difference between our own free democratic system and the varying types of totalitarian governments observed abroad.

Constitutional guarantees of freedom of speech are to be guarded as carefully as our precious freedom of the press. Our present system of Federal regulation of communication rests upon the preservation of that ideal. It is a striking contrast to the regulations imposed upon the press during its early history. The press,



you will recall, was born to a license system which persevered under the Tudors and the Stuarts in England. Statutes of Parliament and the Ordinances of the Star Chamber regulated the manner of printing, the number of presses throughout the kingdom, and prohibited all printing against the force and meaning of any of the laws of the realm.

Broadcasting, and other types of radio communication in the United States, were born to a system of licensing conceived in a far different spirit. All Federal regulation has been designed to protect our sacred constitutional guarantees so that there is full freedom of speech in America. I wish to take this occasion tonight to reaffirm emphatically this principle and to outline the definite prohibitions against any type of censorship contained in the basic regulatory acts. But, first, let me review briefly the history of radio regulation in the United States.

Federal regulation of communications in the United States may be said to have had its beginning with the passage by Congress in 1866 of the Post Roads Act. The first Federal statute relating to radio communication, however, was the Wireless Ship Act of June 24, 1910, relating to the safety of life and property at sea. This Act was amended in 1912 to expand regulation of communication and in order to enable the United States to carry out its treaty obligations under the Berlin Convention. Even before the outbreak of the World War directed increased attention to radio communication the Act of 1912 was attacked, foreshadowing the ultimate breakdown of the law.

The Secretary of Commerce, who administered the law at that time, suspected German ownership of an American station and submitted to the Attorney General the question whether, under the 1912 Act, he had authority to refuse the license on this ground. The Attorney General replied that he did not, the Act reposing in him no discretionary power in the matter of issuing licenses if the applicant came within the class to which licenses were authorized to be issued.

Up to 1921 the only use for radio had been for point-to-point communication services. Few applications for broadcasting licenses were made in these early years, but as the technique improved, broadcasting grew apace and by 1923 there were several hundred stations trying to operate simultaneously on two frequencies. Utter chaos resulted.

It was in February 1927 that the Congress enacted the Federal Radio Act, predicated it upon the theory that radio communication is interstate commerce, and that Congress has the power, under Article I, Section 8, Clause 3 of the Constitution, to regulate commerce with foreign nations and among the several states. Thus did the Federal Radio Commission come into being.

This Commission continued its performance of the duties placed upon it by the Congress until the establishment of the Federal Communications Commission under the Communications Act of 1934. Congress clearly set forth the purposes of the Act when it declared that the Commission was created to regulate "interstate and foreign commerce in communication by wire and radio so as to make available, so far as possible, to all the people of the United States a rapid, efficient, nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges, for the purpose of the national defense, for the purpose of promoting safety of life and property through the use of wire and radio communication, and for the purpose of securing a more effective execution of this policy by centralizing authority heretofore granted by law to several agencies and by granting additional authority with respect to interstate and foreign commerce in wire and radio communication."

The communications industry in the United States, which is the subject of this regulation, is a vast one, with over six billion dollars invested in the various companies controlling telephone, telegraph and radio broadcasting. Recent statistics show that there are over 40,800,000 radio sets in the United States today, with 28,000,000 homes equipped with radios as of January 1, 1939. Over 88 million miles of telephone wires span our country, with over two million miles of telegraph wires serving that medium of communication.

Time does not permit us to touch upon the complex regulatory problems facing the Commission in the telephone and telegraph fields nor to consider the various phases of radio regulation other than broadcasting. However, I would not leave you under the impression that broadcasting is the only use of radio today. Indeed, broadcasting is but one of 27 services of radio.

We are familiar with some of the more common uses of radio in connection with telegraph and telephone to foreign countries, as well as with the amateur and maritime services. In the field of aviation radio has become indispensable, and as a method of increased public safety police radios are now in operation in nearly

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every city. Again, radio is used in the transmission of news to newspapers by what is known as a multiple address radio telegraph service. There are, of course, many lesser known uses of radio in the experimental services, including television and facsimile. The Commission has outstanding over 55,000 station licenses for its various services.

The controlling principles governing radio in the United States are expressed clearly in the opening section of Title III of the Communications Act of 1934, which language was taken from the Radio Act of 1927. It reads as follows: "It is the purpose of this Act, among other things, to maintain the control of the United States over all the channels of interstate and foreign radio transmission; and to provide for the use of such channels, but not the ownership thereof, by persons for limited periods of time, under licenses granted by Federal authority, and no such license shall be construed to create any right, beyond the terms, conditions, and periods of the license."

A further expression of the legislative standards laid down by the Congress is found in the Act, which says that, "The Commission, if public convenience, interest, or necessity will be served thereby, subject to the limitations of this Act, shall grant to any applicant therefor a station license provided for by this Act."

It is a little understood, but nonetheless interesting, fact that neither the Federal Radio Commission nor the Federal Communications Commission have ever exercised their *legislative* power outlining program service and standards for the operation of radio broadcasting. Both Commissions have exercised their *judicial* power in individual cases with reference to programs which have already been broadcast.

The Commission is charged with being indefinite and vague with regard to those things which constitute sufficient grounds for a finding that a station is not serving public interest, convenience and necessity. It is not always possible to be definite and specific. I am reminded of the situation which former President Woodrow Wilson faced when he made his statement that the United States would declare war on Germany only when Germany committed some overt act violating the neutrality of the United States. When asked what he meant by "an overt act," he said, frankly, that he could not define it but that he would recognize it when he saw it.

However, the Commission has been more definite with regard to what it considers to be in the public interest. Already in the Great Lakes Broadcasting Company case, decided in 1928, the Commission said, "Insofar as a program consists of discussion of public questions, public interest requires ample play for the free and fair competition of opposing views \* \* \*. \* \* \* the tastes, needs and desires of all substantial groups among the listening public should be met, in some fair proportion, by a well-rounded program, in which entertainment, consisting of music of both classical and lighter grades, religion, education and instruction, important public events, discussion of public questions, weather, market reports, and news, and matters of interest to all members of the family find a place."

The test of "public interest, convenience or necessity" contained in the Act provides ample authority for examination of broadcast programs by the Commission in passing upon license applications.

Both the Radio Act of 1927 and the Communications Act of 1934 contain definite prohibitions against censorship. Congress has clearly stated that, "Nothing in this Act shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station, and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication."

Congress has only qualified this with the further prohibition that, "No person within the jurisdiction of the United States shall utter any obscene, indecent, or profane language by means of radio com-



munication." This section is clearly within the spirit and letter of the first amendment to the United States Constitution which provides that, "Congress shall make no law \* \* \* abridging the freedom of speech \* \* \*."

Judge Cooley has admirably expressed the full purport of this section of the Bill of Rights in his "Treatise on Constitutional Limitations" where he says: "The constitutional liberty of speech and of the press, as we understand it, implies a right to freely utter and publish whatever the citizen may please, and to be protected against any responsibility for so doing, except so far as such publications, from their blasphemy, obscenity, or scandalous character, may be a public offense, or as by their falsehood and malice they may injuriously affect the standing, reputation or pecuniary interests of individuals."

It is appropriate here to examine the decided cases in which the question of censorship has been alleged. The Commission denied an application for renewal of license of Station KFKB at Milford, Kansas, operated by Dr. J. R. Brinkley, on the ground that a review of its past operation convinced the Commission that the future operation of this station would not serve public interest, convenience and necessity. The station appealed from this denial, asserting that the Commission's decision constituted a violation of the Radio Act in that it was censorship.

The Court of Appeals for the District of Columbia sustained the Commission saying, "In considering an application for a renewal of the license an important consideration is the past conduct of the applicant for 'by their fruits ye shall know them'. Matt. VII:20. Especially is this true in a case like the present, where the evidence clearly justifies the conclusion that the future conduct of the station will not differ from the past. \* \* \*

"Appellant contends that the attitude of the Commission amounts to a censorship of the station \* \* \*. The contention is without merit. There has been no attempt on the part of the Commission to subject any part of appellant's broadcasting matter to scrutiny prior to its release. In considering the question whether the public interest, convenience or necessity will be served by a renewal of appellant's license, the Commission has merely exercised its undoubted right to take note of appellant's past conduct, which is not censorship. \* \* \*"

In enforcing the provisions regarding obscene, indecent or profane language by means of radio communication, the first conviction was had in the District Court of the United States for the District of Oregon. The defendant, Robert Duncan, known as the "Oregon Wild Cat," was accused of willfully and feloniously uttering obscene, indecent and profane language over Station KVEP, Portland, Oregon. On appeal to the United States Circuit Court for the Ninth Circuit the conviction was affirmed and the defendant was given a \$500 fine and imprisonment for six months. The Supreme Court of the United States refused certiorari. The Commission, in a consideration of the application of the station for a renewal of its license, after a hearing, denied it, holding that the public interest was not served by such broadcasts.

I should like to refer now to the case of Trinity Methodist Church, South which raised the issue of free speech, implicit in all cases where licenses are refused because of character of programs. An application for a renewal of its license was made by the Church, licensee of a broadcast station in Los Angeles, California, devoted chiefly to programs furnished by religious, philanthropic, educational and musical organizations. For three hours each week, Reverend Shuler, militant pastor of the Church, used the facilities of the station to broadcast alleged unbridled attacks upon other religious groups, judges, and other public officials and various independent organizations. He was twice found in contempt of court for his radio comments upon pending litigation.

The Commission in considering the application of this station for a renewal of its license, being unable to determine that the public interest, convenience and necessity would be served by the continued operation of it, set the application for hearing as required by law. After a full and complete hearing, held in the City of Los Angeles, the application was denied.

The applicant then appealed to the Court of Appeals for the District of Columbia, claiming that the action of the Commission constituted censorship and that Reverend Shuler had been deprived of his constitutional rights of freedom of speech. The court, in considering the case, stated that, "the evidence abundantly sustains the conclusion of the Commission that the continuance of the broadcasting programs of the appellant is not in the public interest."

In a prior case, in a proceeding for contempt against Reverend Shuler, he appealed to the Supreme Court of the State of California and that court stated, "that the broadcast utterances of Doctor Shuler disclosed throughout the determination on his part to impose on the trial courts his own will and views with respect to certain

causes then pending or on trial and amounted to contempt of court. Appellant, not satisfied with attacking the judges of the courts in cases then pending before them, attacked the bar association for its activities in recommending judges, charging it with ulterior and sinister purposes. With no more justification, he charged particular judges with sundry immoral acts. He made defamatory statements against the board of health. \* \* \* He alluded slightly to the Jews as a race, and made frequent and bitter attacks on the Roman Catholic religion and its relations to government. However inspired Doctor Shuler may have been by what he regarded as patriotic zeal, however sincere in denouncing conditions he did not approve, it is manifest, we think, that it is not narrowing the ordinary conception of 'public interest' in declaring his broadcasts—without facts to sustain or to justify them—not within that term, and since that is the test the Commission is required to apply, we think it was its duty in considering the application for renewal to take notice of appellant's conduct in his previous use of the permit, and, in the circumstances, the refusal, we think, was neither arbitrary nor capricious."

In its decision in this case the Court of Appeals for the District of Columbia stated, "If it be considered that one in possession of a permit to broadcast in interstate commerce may, without let or hindrance from any source, use these facilities, reaching out, as they do, from one corner of the country to the other, to obstruct the administration of justice, offend the religious susceptibilities of thousands, inspire political distrust and civic discord, or offend youth and innocence by the free use of words suggestive of sexual immorality, and be answerable for slander only at the instance of the one offended, then this great science, instead of a boon, will become a scourge, and the Nation a theater for the display of individual passions and the collision of personal interests. This is neither censorship nor previous restraint, nor is it a whittling away of the rights guaranteed by the first amendment, or an impairment of their free exercise. Appellant may continue to indulge his strictures upon the characters of men in public office. He may just as freely as ever criticize religious practices of which he does not approve. He may even indulge private malice or personal slander—subject, of course, to be required to answer for the abuse thereof—but he may not, as we think, demand, of right, the continued use of an instrumentality of commerce for such purposes, or any other, except in subordination to all reasonable rules and regulations Congress, acting through the Commission, may prescribe." An attempt was made to have the Supreme Court of the United States review this case on certiorari, which was denied.

It has been almost the constant complaint of the broadcaster that talk of censorship results from the short broadcast license period. The Communications Act of 1934 gives the Commission authority to grant broadcast licenses for a period not to exceed three years. As early as December 21, 1934, I proposed the extension of the broadcast license period from the six-month license, which was standard at that time, to twelve months. However, on June twenty-third of this year the Commission adopted rules and regulations governing standard broadcast stations with the license period extended to one year. This provision should be an effective indication of the Commission's desire to demonstrate its lack of even slight intention to exercise any degree of censorship.

In my estimation there need be no inevitable conflict between the censorship provision of the law and the Commission's established policy of interpreting public interest, convenience and necessity broadly enough to include consideration of program service. Unless Commission regulation goes beyond mere supervision of technical operations there can be no effective regulation in the public interest.

The question of censorship of radio broadcasting continues to be one of the most discussed topics today, but censorship of broadcasting or any such control which would seek to bring it about, is abhorrent to the finest of American social instincts.

Our press is free, and its strongest form of censorship, it is freely admitted, is native in the press itself and promoted by a rigid enforcement of its fairly drawn code of ethics. Telephone and telegraph have not been throttled by censorship.

The very nature of broadcasting requires that these channels of thought shall be open to all matters of public interest, regardless of race, creed, color or political party. Emerson has expressed the importance of this concept when he says, "The revelation of thought takes man out of servitude into freedom."

Broadcasting in the public interest must, of necessity, enlarge freedom of thought, of opinion, and of democratic action. It must not and can not become the tool of autocracy and dictatorship. Freedom of speech and freedom of the press, which are inseparable, constitute our greatest bulwark against subversive influences.



During my years of service as a member of two Commissions regulating broadcasting under two administrations—one, Republican, and the other, Democratic—I can say without hesitation or reservation that at no time during this entire period has there been even the slightest attempt made to exercise any degree of censorship.

Your speaker, as Acting Chairman of the Commission, on June nineteenth of this year, before a Congressional committee, in answer to a question as to whether the Commission, either domestically or internationally, considers that it has the right and should exercise the power of censorship over programs, stated: "Speaking for the Commission, I am sure that every member of the Commission does not consider that it has any right of censorship either domestically or internationally. The statute definitely prohibits censorship."

Broadcasting stations and their managers sometimes state, when they do not want to take a certain program, that it is barred by the Federal Communications Commission, when, as a matter of fact, they merely want an excuse for not using that particular material. The Commission has issued no instructions or regulations and can not and does not require stations to accept any and all programs offered to them. Under the Act, broadcast stations are not deemed to be common carriers. Inasmuch as stations have the responsibility for selecting the program material to be used, they are within their rights in refusing programs if they choose, but they are not justified in asserting that the rejection is based upon any direction of the Commission.

Your speaker, again as Acting Chairman of the Commission, at the opening of a hearing on July fourteenth on a petition of The American Civil Liberties Union for revision, amendment or modification of the Commission's rules and regulations governing international broadcast stations, stated that, "the applicable provisions of the Communications Act of 1934, as amended, require that licenses be issued to serve the public interest, convenience or necessity. To comply with this statutory mandate, the Commission is required before it may issue a license or assign any frequency for any particular service to define the purpose and objective for such service in such a way that the public interest, convenience or necessity will be served by the station licensed to operate on frequencies assigned to this service. This is true whether the service be international broadcast service, telephone or telegraph service, domestic broadcast service, police service, aviation service or any of the other various classes of radio service authorized by the Commission. \* \* \*

"It can not be emphasized too strongly that the Commission has no desire, purpose or intention of setting itself up as a board of censorship, and that it does not and will not exercise any such jurisdiction."

Thus in the national and international broadcast fields, it is clear that the Commission has not and can not exercise any censorship. The voice that speaks in America must be the voice of free men and not the voice of despots. The Commission and the broadcaster serve public interest when they cooperate to maintain our free institutions and to develop radio as an instrument of real public service. The Constitution guarantees to all of us the right of freedom of speech, and Congress, in enacting the Communications Act of 1934, provided specifically that there should be no censorship in broadcasting. It is the solemn duty of the Commission to safeguard that sacred right.

## STRINGER ADDED TO NAB STAFF

With a view of enlarging the industry-wide promotion of broadcasting, Neville Miller, President, announces the addition of Arthur Stringer, promotion specialist, to the Headquarters Staff. Mr. Stringer will be assigned to the Public Relations Department and will report to its director, Ed Kirby.

Mr. Stringer, a resident of Chicago, has had a long and extensive career in radio promotion. He began work as a member of the Advertising Department of the Chicago Tribune. He was at one time Associate Director of Gorgas Memorial Institute. In 1926 he became Publicity Director for the first New York and Chicago Radio Shows and during their existence was a leading factor in their successful exploitation. For a short period, he was en-

gaged for special promotional work by WLW-WSAI. In recent years he has engaged in private consulting promotional work. He brings Headquarters an extensive acquaintance and experience in the radio field. He is a graduate of the University of Michigan.

Plans for the "curtain-raiser promotion on the new fall programs will proceed at once. Cooperation of stations, networks and all radio advertisers will be sought.

## FCC APPROVES ATTORNEYS

Applications for the following attorneys to practice before the Commission, approved by the Bar Committee on August 3, were approved by the Commission today:

David Diamond, Buffalo, N. Y.; Frank M. Fish, Evansville, Ind.; Fred C. Maloney, Buffalo, N. Y.; Harold F. McGuire, Washington, D. C.; Leo A. McNamee, Las Vegas, Nevada; Rush H. Limbaugh, Cape Girardeau, Mo.; Harvey S. Reynolds, Providence, R. I.; William T. Welch, Portland, Ore.

## FEDERAL LEGISLATION

The status of all bills and resolutions affecting broadcasting which were introduced in Congress during the session just ended is given below. All these bills and resolutions in their present status will still be before Congress when it reconvenes next January.

### HOUSE BILLS

H. R. 94 (Mr. Maloney, La.) PAID TESTIMONIALS—To require announcement of paid "recommendations" (testimonials), if any, at time of broadcast. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 251 (Mr. Culin, N. Y.) LIQUOR ADVERTISING—To prohibit radio advertising of alcoholic beverages. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 252 (Mr. Culin, N. Y.) LIQUOR ADVERTISING—Same as H. R. 251, except that it specifically defines "alcoholic beverage" as including "beer, ale, wine, gin, whiskey, or brandy." Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 253 (Mr. Culin, N. Y.) LIQUOR ADVERTISING—To prohibit the transportation in interstate commerce of intoxicating liquor advertising, either by mail or otherwise, including radio broadcasting. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 924 (Mr. Culin, N. Y.) LIQUOR ADVERTISING—Same as H. R. 253, except that it pertains to "alcoholic beverages" and is not limited to "intoxicating liquor." Referred to the Interstate and Foreign Commerce Committee. No action.

H. R. 926 (Mr. Daly, Penna.) COPYRIGHTS—To amend and consolidate acts respecting copyright, including the creation of a copyright in recording artists for renditions reproduced on phonograph records, disks, sound tracks, or any other substances. Referred to Patents Committee. No action.

H. R. 1651 (Mr. Dickstein, N. Y.) IMMIGRATION OF PERFORMING ARTISTS—Denies admission to United States for professional engagement of actor, singer or dancer where country of origin does not grant, both in law and in fact, substantially similar privileges to citizens of the United States. Referred to Immigration and Naturalization Committee. No action.

H. R. 1964 (Mr. Lucy, Mass.) COPYRIGHTS—To create renewal rights in author of articles in periodicals, encyclopedias, etc., when such articles are not separately copyrighted. Same as S. 547. Referred to Patents Committee. No action.

H. R. 2721 (Mr. Celler, N. Y.) GOVERNMENT RADIO STATION—To construct and maintain Government radio broadcasting



station in vicinity of Washington by Secretary of the Navy, with programs under direction of the United States Commissioner of Education. Referred to Naval Affairs Committee. No action.

H. R. 2981 (Mr. Celler, N. Y.) LIBEL—SLANDER—Exempts station from liability for libel or slander when station proves the exercise of due care to prevent the utterance of such statements. Referred to Judiciary Committee. No action.

H. R. 3582 (Mr. Flannery, Penna.) ADVERTISING—Requires informative advertising of imported articles. Referred to Interstate and Foreign Commerce Committee. Superseded by H. R. 5985. No action.

H. R. 3752 (Mr. Lea, Calif.) COMMUNICATIONS ACT—To amend Section 303 (1). Limits the issuance of operators' licenses to citizens of the United States over the age of twenty-one, provided the Commission may waive the age limit with respect to amateur operators. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 4224 (Mr. Lea, Calif.) COMMUNICATIONS ACT—To reorganize Communications Commission. Same as S. 1268. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 4433 (Mr. Lanham, Texas) COPYRIGHTS—To secure prompt deposit of copyrightable material and prompt registration of claims to copyright in the copyright office. Referred to Committee on Patents. Hearing held. Superseded by H. R. 5319. No action.

H. R. 4684 (Mr. McLeod, Mich.) COMMUNICATIONS ACT—To amend Section 307, subdivisions (d) and (e), by requiring that broadcasting licenses be issued for a period not less than three years nor more than five years and to provide against denial of renewal application because of political views expounded over station. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 4871 (Mr. Daly, Penna.) COPYRIGHT ACT—To amend the Copyright Act in various respects, including the creation of copyright in recording artists covering the rendition of their recordings when reproduced mechanically. Referred to Committee on Patents. No action.

H. R. 5319 (Mr. Lanham, Texas) COPYRIGHTS—To secure prompt deposits of copyrightable material with Register of Copyrights and prompt registration of claims to copyright. Referred to Committee on Patents. No action.

H. R. 5435 (Mrs. Norton, N. J.) WAGE AND HOUR ACT—To amend, to remove hours restrictions on employees making \$200 or more a month, et al. Reported to House.

H. R. 5508 (Mr. Peterson, Florida) COMMUNICATIONS ACT—To amend the Communications Act of 1934 by adding Section 307½, which would prohibit licenses in excess of fifty kilowatts to any station broadcasting network programs. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 5791 (Mr. Schulte, Ind.) COMMUNICATIONS—To prohibit recording for profit or gain any program without consent in writing of the performers. To Interstate and Foreign Commerce Committee. No action.

H. R. 5985 (Mr. Flannery, Pa.) ADVERTISING—To require announcement of place of origin of all imported articles or articles assembled in the United States from imported products, ingredients, parts or materials. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 6160 (Mr. McGranery, D.-Pa.) COPYRIGHTS—To amend the Copyright Act of 1909 in many respects, including the creation of copyright in phonograph records, the extension of the duration of copyright to 56 years. Referred to Committee on Patents. No action.

H. R. 6219 (Mr. Doughton, D.-N. C.) ALCOHOLIC BEVERAGES—To amend the Federal Alcohol Administration Act so as to prohibit, among other things, the advertising of alcoholic beverages by radio. Referred to Committee on Ways and Means. No action.

H. R. 6243 (Mr. Moser, D.-Pa.) COPYRIGHTS—Regulating use of copyrighted works. Authorizes Federal Communications Commission to grant licenses and fix the fees for use of copyrighted works when an agreement with copyright owner cannot be secured. To Committee on Patents. No action.

H. R. 6695 (Mr. McGranery, D.-Pa.) COMMUNICATIONS ACT—To prohibit recording for profit or gain any program without consent in writing of the performers. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 6973 (Mr. Lea, Calif.) GOVERNMENT RADIO STATIONS—Authorizing the purchase of site and erection of building in Massachusetts for use as radio-monitoring station at cost not to exceed \$30,000. Referred to Committee on Interstate and Foreign Commerce. Same as S. 2611. No action.

H. R. 7035 (Mr. Hobbs, D.-Ala.) ANTITRUST LAWS—To amend Sec. 8 of the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies," and to provide additional civil remedies against violations. Referred to Judiciary Committee. No action.

H. R. 7188 (Mr. Cochran, D.-Mo.) COMMUNICATIONS ACT—To abrogate FCC Rule 42.03(a), adopted by FCC May 23, 1939, requiring international broadcast stations to limit programs to those which reflect the culture of the United States and promote international goodwill, understanding and cooperation, and to prohibit FCC adopting any similar rule. Referred to Interstate and Foreign Commerce Committee. No action.

H. R. 7192 (Mr. Fay, D.-N. Y.) PATENTS—To provide for the compulsory granting of licenses under patents which are brought by competitors within a single control in order to dominate an industry. Referred to Patents Committee. No action.

H. R. 7456 (Mr. Kennedy, D.-N. Y.) COPYRIGHT—Provides that in network and transcription broadcasts originating station or transcription manufacturer is solely liable for infringement. Referred to Committee on Patents. No action.

## HOUSE RESOLUTIONS

H. Res. 70 (Mr. Connery, Mass.) FCC INVESTIGATION—Provides for exhaustive investigation of Federal Communications Commission. Referred to Rules Committee. No action.

H. Res. 72 (Mr. Wigglesworth, Mass.) BROADCASTING AND FCC INVESTIGATION—Provides for investigation of the broadcasting industry in the United States and of the acts, rules, regulations and policies of the Communications Commission. Referred to Rules Committee. No action.

H. Res. 234 (Mr. Larrabee, D.-Ind.) FCC—To authorize the FCC to take steps to provide an adequate method to obtain data and other factual information and material necessary to determine the effects of power in excess of fifty kilowatts, and to provide that the FCC shall not be restrained from licensing one or more than one station to operate on power of more than fifty kilowatts for such experimental operation as may be necessary. Referred to Interstate and Foreign Commerce. No action.

## HOUSE JOINT RESOLUTIONS

H. J. Res. 149 (Mr. Sirovich, N. Y.) COPYRIGHT—To create a Bureau of Fine Arts in the Department of the Interior with authority in the Secretary of the Interior to undertake and carry on "such projects and activities as may be necessary or appropriate to foster, develop and encourage the use of copyrighted and copyrightable material." Referred to Patents Committee. No action.

## SENATE BILLS

S. 517 (Sen. Johnson, Colo.) LIQUOR ADVERTISING—Same as H. R. 251. Referred to Interstate Commerce Committee. Hearings held. Reported to Senate.

S. 547 (Sen. Lodge, Mass.) COPYRIGHT—To create renewal rights in author of articles in periodicals, encyclopedias, etc., when such articles are not separately copyrighted but were included in copyright of periodical or other composite work. Referred to Patents Committee. Passed by Senate.

S. 550 (Sen. Sheppard, Texas) COMMUNICATIONS ACT—To amend Section 303 by limiting the issuance of operators' licenses to citizens of the United States over the age of twenty-one, provided the Commission may waive the age limit with respect to amateur operators. Referred to Interstate Commerce Committee. The bill as introduced refers to Section 303 (e), whereas the correct designation is 303 (1). A corrected bill will be introduced. No action.

S. 575 (Sen. Capper, Kans.) LIQUOR ADVERTISING—Same as H. R. 924. Referred to Interstate Commerce Committee. No action.

S. 594 (Sen. Reynolds, N. C.) GOVERNMENT RADIO STATIONS—To establish marine schools in each state and other purposes, including the construction and operation by each school of one or more stations on "a wave-length and power prescribed by the Maritime Commission." Referred to Commerce Committee. No action.

S. 635 (Sen. Schwellenbach, Wash.) COMMUNICATIONS ACT—To strike Section 315 of the Communications Act and to require each station to set aside regular and definite periods of desirable day and evening time for uncensored discussion on "non-profit basis of public, social, political, and economic problems, and for educational purposes." Qualified candidates for public office are not covered by the amendment. Referred to Interstate Commerce Committee. No action.



S. 636 (Sen. Schwellenbach, Wash.) COMMUNICATIONS ACT—To add to Section 315 with respect to candidates for public office the requirement that the station shall keep complete records open to public inspection. Referred to Interstate Commerce Committee. No action.

S. 637 (Sen. Schwellenbach, Wash.) COMMUNICATIONS ACT—To strike Section 326 and substitute in lieu thereof a similar provision with respect to censorship by the Commission with the proviso that it does not exempt stations from liability for defamatory, profane, indecent or obscene language or action broadcast by any officer, employee, agent or representative of the station. Referred to Interstate Commerce Committee. No action.

S. 1095 (Sen. Sheppard, Texas) COMMUNICATIONS ACT—To amend Section 303 (1). Corrected bill in substitution for S. 550. Limits the issuance of operators' licenses to citizens of the United States over the age of twenty-one, provided the Commission may waive the age limit with respect to amateur operators. Referred to Interstate Commerce Committee. No action.

S. 1268 (Sen. Wheeler, Mont.) COMMUNICATIONS ACT—To reorganize the Communications Commission by creating a new agency to be known as the Federal Communications and Radio Commission, consisting of an administrative board of three members. Referred to Interstate Commerce Committee. No action.

S. 1520 (Sen. White, Maine) COMMUNICATIONS ACT—To amend the Communications Act by creating an eleven-man commission and for other purposes. Referred to Committee on Interstate Commerce. No action.

S. 2058 (Nye, N. D.) PRIZE CONTESTS—Requires publication of prize winners and the prize winning entry in all promotion contests carried on through the use of the mails or any facilities of interstate or foreign commerce. Referred to Committee on Post Offices and Post Roads. No action.

S. 2251 (Chavez, N. M.) GOVERNMENT BROADCASTING STATION—Directs Secretary of Navy to construct, maintain and operate high frequency stations to broadcast programs to all nations in Western Hemisphere; to appropriate 3 million dollars for construction purposes and one hundred thousand dollars for operative expense during year ending June 30, 1940. To Committee on Foreign Relations. No action.

S. 2466 (Sheppard, D.-Texas) COMMUNICATIONS ACT—Same as H. R. 5508. To amend the Communications Act of 1934 by adding Section 307½, which would prohibit licenses in excess of fifty kilowatts to any station broadcasting network programs. Referred to Committee on Interstate Commerce. No action.

S. 2611 (Wheeler, Mont.) GOVERNMENT RADIO STATION—Authorizing the purchase of site and erection of building in Massachusetts for use as radio-monitoring station at cost not to exceed \$30,000. To Committee on Interstate Commerce. Passed by Senate.

S. 2689 (Bone, D.-Wash.) COPYRIGHT—To amend Sec. 33 of Copyright Act with respect to rules covering importation of copyrighted items. To Committee on Patents. Passed by Senate.

S. 2719 (O'Mahoney, D.-Wyo.) ANTITRUST LAWS—Same as H. R. 7035. To Committee on Judiciary. No action.

S. 2846 (Wheeler, D.-Mont.) COPYRIGHT—Provides that in network and transcription broadcasts originating station or transcription manufacturer is solely liable for infringement. To Committee on Patents. No action.

### SENATE RESOLUTION

S. Res. 94 (White, Maine) COMMUNICATIONS COMMISSION—To authorize investigation of the acts, rules, regulations, organization and policies of the FCC with respect to censorship of communications, ownership of broadcasting stations and other matters. To Interstate Commerce Committee. No action.

### THE AMERICAN FAMILY ROBINSON

In the June 16th issue of NAB REPORTS reference was made to information concerning the American Family Robinson programs of the National Association of Manufacturers. Since then the following statement concerning the programs has been received from the N.A.M.:

"It cannot be over-emphasized that the American Family Robinson program or any other program offered by the National Association of Manufacturers is not 'anti-' anything or anybody. The programs are, as are naturally other activities of the Association, 'pro-business', based on our conviction and recognition by the pub-

lic generally that the United States is an industrial nation which has reached its world superiority as the result of the development of and by industry. This being the case and with industrial recovery a prime essential to the continuance of our way of life, we feel it to be our duty to emphasize to the American people constantly the fundamentals of the industrial system which is so typically American and which has built the high standards of living enjoyed by Americans. In this same connection, it is the avowed purpose of the American Family Robinson program to present openly, and as effectively and attractively as radio will permit, the fundamental principle that freedom of speech and of the press, freedom of religion and freedom of enterprise are inseparable and must continue to be if the system of democratic government under which this country has flourished is to be preserved. That principle we hold not to be controversial in this of all countries.

"There are, of course, some who would challenge that traditional American principle. We believe the existence of such doubts in this country at such a critical time in the world's history and in the face of the tragic fate which has befallen human liberties under other systems justifies the National Association of Manufacturers in taking the issue to the people through whatever facilities, including the radio, are available."

## FEDERAL COMMUNICATIONS COMMISSION

### DECISIONS OF THE COMMISSION

The Federal Communications Commission adopted its Final Order (No. B-25), granting the application of W. O. Pape, tr/as Pape Broadcasting Company, (WALA), **Mobile, Alabama**, for a construction permit to change transmitter site locally, install vertical radiator and increase its nighttime power from 500 watts to 1 KW.

Proposed Findings in this matter were made and entered June 21, 1939, and no exceptions have been filed nor request for oral argument.

The Commission announced its Final Order (No. B-21), granting the application of Mariannina C. Iraci, Administratrix (transferor), and Arde Bulova (transferee), for consent to transfer control of William Penn Broadcasting Company, licensee of station WPEN, **Philadelphia, Pa.** Station operates on **920 kc.** with 1 KW power, unlimited time, using directional antenna at night.

The Order in this case will become effective August 9, 1939.

The Commission en banc adopted an order directing John H. Stenger, Jr., licensee of WBAX, **Wilkes-Barre, Pa.**, to show cause why license of station should not be revoked, because of circumstances in re management and control of station.

### PROPOSED FINDINGS OF FACT

The Federal Communications Commission August 8, announced its Proposed Findings of Facts and Conclusions (No. B-62), proposing to deny the application of

Florida Broadcasting Company (WMBR), **Jacksonville, Florida**, for authority to change frequency from **1370 to 1120 kc.**, increase power from 100 watts night and 250 watts day to 500 watts night and 1 KW day, on an unlimited time basis, and move the transmitter locally, using a directional antenna at night.

The Commission's Proposed Conclusions based upon its proposed findings, are as follows:

1. That the operation of Station WMBR on the requested assignment would be so limited during the nighttime operation that, while its service would be extended to increased areas, the increase in population served would be comparatively small; and a consistent interference-free service could not be rendered to the beach areas, which appears to be one of the objectives of the application.

Under the allocation plan of the Commission, regional stations are designed to serve a metropolitan district and large rural areas adjacent; a regional assignment should provide a service distinct from that provided by local stations. In this instance the applicant will not render the service to be expected of a regional assignment.

2. The granting of the application will not serve public interest, convenience or necessity.

All parties will have opportunity to file exceptions within 20 days and thereafter to request oral argument on the proposed report and exceptions.

The Commission August 8, announced its Proposed Findings of Facts and Conclusions (No. B-73), proposing to grant the application of WJMS, Inc., **Ashland, Kentucky**, for authority to construct a new station to operate on **1370 kc.**, with power of 100 watts, unlimited time.

The Commission's proposed conclusions based upon its proposed findings, are as follows:

1. No objectionable interference will result to Station WSAU and WHLS by the operation of the proposed station.

2. Upon consideration of all the facts of record as to the application of WJMS, Inc., for a construction permit, the Commission concludes that public interest, convenience and necessity will be served by a grant of said application, subject to the following conditions:

(a) That the applicant herein shall, within a period of 30 days from the effective date of the Commission's final order, furnish the Commission with satisfactory proof of its authority to issue the capital stock proposed to be issued and to do business in the State of Wisconsin; and

(b) That if a construction permit be subsequently issued to the applicant, upon compliance with the above conditions, said permittee shall, within three months after the effective date of this order, file an application for modification of construction permit, specifying the exact transmitter location and complete radiating system. If for any reason such application cannot be submitted within the time allowed, an informal request for extension of time must be submitted stating the necessity therefor.

All parties will have opportunity to file exceptions within 20 days and thereafter to request oral argument on the proposed report and exceptions.

The Commission August 8, announced its Proposed Findings of Fact and Conclusions (No. B-68), proposing to deny the applications of Northside Broadcasting Corporation (WGRC), **New Albany, Ind.**, for a change of operating assignment to change frequency from **1370 kc.** to **880 kc.**, with power of 250 watts unlimited time, using directional antenna at night, instead of 250 watts daytime only, as now operating; and the application of The Gate-

way Broadcasting Company, Louisville, Ky., for a new station to operate on **880 kc.** with 500 watts, unlimited time.

The Commission's proposed conclusions, based upon its proposed findings, are as follows:

1. Station WGRC and the station proposed by The Gateway Broadcasting Company, operating as proposed, would be limited at night to the approximate 5 or 5.2 millivolt per meter contour, and would not render primary service day and night to the entire metropolitan district of Louisville. Under the allocation practice of the Commission it appears, and the Commission finds, that a grant of these applications, or either of them, would not be in accordance with the proper allocation of regional frequencies and good engineering practice, and would not be in the public interest.

All parties will have opportunity to file exceptions within 20 days and thereafter to request oral argument on the proposed report and exceptions.

## FEDERAL COMMUNICATIONS COMMISSION DOCKET

Wednesday, August 16

Broadcast

Hearing to Be Held Before Commissioner George H. Payne in the Federal Court Room, Bellingham, Washington

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

KVOS—KVOS, Inc., Bellingham, Wash.—Renewal of license, **1200 kc.**, 100 watts, unlimited time.

### FUTURE HEARINGS

Monday, September 25

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

NEW—Union Broadcasting Co., Scranton, Pa.—C. P., **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

NEW—Lackawanna Broadcasting Co., Inc., Scranton, Pa.—C. P., **1370 kc.**, 100 watts, 250 watts LS, unlimited time.

NEW—Samuel M. Emison, Vincennes, Ind.—C. P., **1420 kc.**, 100 watts, unlimited time.

NEW—E. B. Sturdivant, d/b as Silver Crest Theatres, Yuma, Ariz.—C. P., **1420 kc.**, 100 watts, specified hours.

Hearing Before Commissioner Case

KUMA—Albert H. Schermann, Yuma, Ariz.—Application for hearing upon Order of Revocation of License of Station KUMA. Present assignment: **1420 kc.**, 100 watts, specified hours.

Tuesday, October 24

NEW—C. L. Weathersbee, W. H. Nichols, C. L. Pickler, E. M. Thompson, d/b as Albemarle Broadcasting Station, Albemarle, N. C.—C. P., **1370 kc.**, 100 watts, daytime.

Wednesday, October 25

WABI—Community Broadcasting Service, Inc., Bangor, Maine.—C. P., **560 kc.**, 1 KW, unlimited time (DA night). Present assignment: **1200 kc.**, 100 watts, 250 watts LS, unlimited time.

Monday, October 30

WCSC—South Carolina Broadcasting Co., Inc., Charleston, S. C.—C. P., **1360 kc.**, 1 KW, unlimited time. Present assignment: **1360 kc.**, 500 watts, 1 KW LS, unlimited time.

Monday, November 13

NEW—Richard T. Sampson, Riverside, Calif.—C. P., **1390 kc.**, 250 watts, daytime.



# FEDERAL COMMUNICATIONS COMMISSION ACTION

## MISCELLANEOUS

**NEW**—Hot Springs Broadcasting Co., Hot Springs, Ark.—Adopted an amended order in this case, as the original order failed to include the necessary conditions upon which the grant was made.

**KTEM**—Bell Broadcasting Co., Temple, Tex.—Effective date of Commission's order in re application of KTEM for full time operation was extended to August 8, 1939. (Action taken 8-2-39.)

**KCMO**—KCMO Broadcasting Co., Kansas City, Mo.—Granted special temporary authority to operate with DA during daytime for a period of 2 days on the frequency 1450 kc., with power of 1 KW, in order to measure station's  $2\frac{1}{2}$  millivolt contour.

**KGW**—Oregonian Publishing Co., Portland, Ore.—Granted special temporary authority to do TC broadcast on August 6 from Tillamock Rock Light, Oregon, received at Tonguepoint, Ore., involving use of U. S. Lighthouse Service radio link from lighthouse to Tonguepoint, on 3410 kc., 50 watts, call letters KCBO, transmitter USLHS Type 319.

**WQBC**—Delta Broadcasting Co., Inc., Vicksburg, Miss.—Granted special temporary authority to operate unlimited time on August 7 and 8, in order to broadcast political talks and election returns.

**KWEW**—W. E. Whitmore, Hobbs, N. Mex.—Granted special temporary authority to operate simultaneously with KBST from (local sunset, August 6:45 p. m., MST) to 10 p. m., MST, on August 8, in order to broadcast activities relative to observance of station KWEW's anniversary.

**WMC**—Memphis Commercial Appeal Co., Memphis, Tenn.—Granted extension of special temporary authority to operate with 5 KW night, using DA, for the period August 13 to September 11, in order to overcome interference from Cuban Station CMQ, provided such operation with additional power terminates immediately when CMQ ceases operation on frequency 780 kc. or reduces power so additional interference is not involved, or until defective directional system is corrected.

**WABD**—Central New York Broadcasting Corp., Portable-Mobile.—Granted special temporary authority to operate a high frequency relay station on the frequencies 31220, 35620, 37020, 39260 kc., with power of 12 watts, A3 Emission, for the period August 8 to August 13, in order to broadcast description of Eastern Amateur Golf Championship matches.

**WABE**—Central New York Broadcasting Corp., Portable-Mobile.—Granted special temporary authority to operate low frequency relay station on frequencies 1606, 2022, 2102, 2758 kc., with power of 12 watts, A3 emission, for the period August 8 to 13, in order to broadcast a description of the Eastern Amateur Golf Championship matches.

**W2XDA**—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to test high frequency broadcast equipment of Station W2XDA on frequencies 39420, 39460, 39500 and 39540 kc., 50 watts, for a period not to exceed 30 days, for the purpose of conducting amplitude and frequency modulated experimental transmissions on these frequencies.

**W2XOY**—General Electric Co., Schenectady, N. Y.—Granted special temporary authority to test high frequency broadcast equipment of Station W2XOY on frequencies 39420, 39460, 39500 and 39540 kc., 150 watts, for a period not to exceed 30 days, for the purpose of conducting amplitude and frequency modulated experimental transmissions on these frequencies.

**WMI**—Lorain County Radio Corp., Lorain, Ohio.—Granted special temporary authority to communicate with steamer Ralph H. Watson on frequency 4282.5 kc., on "unlimited" basis, for period of 10 days. (Action taken August 4.)

**WNUE**—Lorain County Radio Corp., Steamer Ralph H. Watson.—Granted special temporary authority to communicate with station WMI, Lorain, Ohio, on frequency 4422.5 kc., on "unlimited" basis, for a period of 10 days. (Action taken August 4.)

**NEW**—Thomas J. Watson, Endicott, N. Y.—Granted petition to intervene in the matter of the application of WSPR, Springfield, Mass., for modification of license which is designated for hearing on September 26.

**KGHF**—Curtis P. Ritchie, Pueblo, Colo.—Dismissed without prejudice the application of applicant for C. P. to move transmitter, increase power, and install new vertical radiator.

**WXYZ**—King-Trendle Broadcasting Corp., Detroit, Mich.—Dismissed without prejudice application of WXYZ for C. P. to operate with 5 KW day and night.

**WARN**—Aeronautical Radio, Inc., Montgomery, Ala.—Granted exemption from continuous hours of operation of airport station, and in lieu thereof shall maintain a listening watch and be prepared to render service during continuous hours, except on Sunday, between the hours of 7 a. m. to 2 p. m., CST, and at such other times as may be specifically requested by aircraft desiring to use facilities of that airport. The Commission's order of July 5, 1939, exempting station from continuous hours of service, was revoked.

**KNFE**—City of Duluth, Minn.—Police Department.—Granted modification of C. P. authorizing commencement date as 7-21-39 and completion date as 12-10-39, in re 5 mobile units.

The Commission en banc today took the following action:

**NEW**—Hiawathaland Broadcasting Co., Sault Ste. Marie, Mich.—Granted C. P. for new station to operate on frequency 1200 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.

**NEW**—The Travelers Broadcasting Service Corp., Hartford, Conn.—Granted C. P. for new high frequency broadcast station to operate on frequency 43200 kc., experimentally, conditionally, with 1 KW power, unlimited time.

**WMBI**—Moody Bible Institute Radio Station, Chicago, Ill.—Granted voluntary assignment of license of station WMBI from The Moody Bible Institute Radio Station to The Moody Bible Institute of Chicago.

**NEW**—WOKO, Inc., Albany, N. Y.—Granted C. P. for new facsimile broadcast station to operate on frequency 25050 kc., conditionally, 500 watts.

**KNOW**—Frontier Broadcasting Co., Inc., Austin, Tex.—Granted C. P. to move transmitter site locally, the exact site to be determined with Commission's approval; install new equipment, and increase day power from 100 watts to 250 watts.

**WOKO**—WOKO, Inc., Albany, N. Y.—Granted special experimental authority to operate broadcast transmitter to transmit facsimile signals experimentally from 2 to 5 a. m., EST, using 500 watts power on frequency 1430 kc., for the period ending November 1, 1939.

**WTAG**—Worcester Telegram Publishing Co., Inc., Worcester, Mass.—Granted C. P. to install new equipment, make changes in directional antenna system, and increase day power from 1 KW to 5 KW.

**W1XAR**—World Wide Broadcasting Corp., Boston, Mass.—Granted modification of license to use frequency 25600 kc. in addition to the now authorized frequencies of 11730 and 15130 kc.

**W2XH**—General Electric Co., Schenectady, N. Y.—Granted modification of license for change in frequencies from 42000-56000 kc. to 288000-294000 kc.

**WSAV**—Arthur Lucas, Savannah, Ga.—Granted voluntary assignment of C. P. to WSAV, Inc. The C. P. is for a new station to operate on 1310 kc., 100 watts, unlimited time.

**WHAI**—John W. Haigis, Greenfield, Mass.—Granted modification of license to increase night power from 100 watts to 250 watts.

**WJLS**—Joe L. Smith, Jr., Beckley, W. Va.—Granted modification of license to increase night power from 100 watts to 250 watts.

**WLVA**—Lynchburg Broadcasting Corp., Lynchburg, Va.—Granted modification of license to increase night power from 100 watts to 250 watts.

**WBLK**—The Exponent Co., Clarksburg, W. Va.—Granted modification of license to increase night power from 100 watts to 250 watts.

**KTOK**—Oklahoma Broadcasting Co., Inc., Oklahoma City, Okla.—Granted modification of license to increase night power from 100 watts to 250 watts.

**WACO**—Frontier Broadcasting Co., Inc., Waco, Texas.—Granted modification of license to increase night power from 100 watts to 250 watts.

- WLAK—Lake Region Broadcasting Co., Lakeland, Fla.—Granted modification of license to increase night power from 100 watts to 250 watts.
- WSJS—Piedmont Publishing Co., Winston-Salem, N. C.—Granted modification of license to increase night power from 100 watts to 250 watts.
- WLBC—Donald A. Burton, Muncie, Ind.—Granted modification of license to increase night power from 100 watts to 250 watts.
- WEMP—Milwaukee Broadcasting Co., Milwaukee, Wis.—Granted modification of license to increase night power from 100 watts to 250 watts.
- WCLO—Gazette Printing Co., Janesville, Wis.—Granted modification of license to increase night power from 100 watts to 250 watts.
- WSBC—WSBC, Inc., Chicago, Ill.—Granted modification of license to increase night power from 100 watts to 250 watts.
- WSXGO—Beaumont Broadcasting Assn., Beaumont, Tex., Portable-Mobile.—Granted voluntary assignment of relay broadcast station license from Beaumont Broadcasting Assn. to KRIC, Inc.
- WEBR—WEBR, Inc., Buffalo, N. Y.—Granted modification of license to increase night power from 100 to 250 watts.
- KMJ—McClatchy Broadcasting Co., Fresno, Calif.—Granted extension of special experimental authority to operate as a facsimile broadcast station from 12 midnight to 6 a. m., PST, for the period September 1, 1939, to March 1, 1940.
- NEW—Yuma Broadcasting Co., Yuma, Ariz.—Granted C. P. for new station to operate on frequency 1210 kc., 100 watts night, 250 watts local sunset, unlimited time. Exact transmitter site and type of antenna to be determined with Commission's approval.
- KHBG—Harry B. Greaves, T. B. Lanford, R. M. Dean and John Caruthers, Okmulgee, Okla.—Granted authority to transfer control of the Okmulgee Broadcasting Corp., licensee of station KHBG, to Mrs. Lucille Buford, Paschel Buford, Mrs. S. P. Ross and Sam W. Ross. (Station operates on 1210 kc., 100 watts, daytime.)
- WXYZ—King-Trendle Broadcasting Corp., Detroit, Mich.—Granted C. P. to move transmitter site locally, install new equipment and vertical radiator, and increase day power from 1 KW to 5 KW.
- WBHP—Wilton Harvey Pollard, Huntsville, Ala.—Present license extended on a temporary basis to October 1, 1939, pending inspection of the station to determine if station is operated in accordance with the Rules of the Commission, particularly 130, 132, 144 and 176.
- KYCA—Southwest Broadcasting Co., Prescott, Ariz.—On June 22, 1938, the Commission granted an application of Southwest Broadcasting Co. to establish a new station to operate on frequency 1500 kc., with 100 watts night, 250 watts day, unlimited time. Thereafter W. P. Stuart filed an appeal in the U. S. Court of Appeals. On June 12, 1939, the Court handed down its decision dismissing the appeal. Accordingly, the Commission directed the Secretary to reissue a C. P. to Southwest Broadcasting Co., the date of commencement of construction to be advanced 60 days from date and completion date to 180 days thereafter.
- WOMI—Owensboro Broadcasting Co., Owensboro, Ky.—Denied petition for rehearing or reconsideration of the Commission's decision of June 21, 1939, in denying application of WOMI for modification of license to change operating assignment from 1500 kc., with 100 watts night, 250 watts day, unlimited time, to 1200 kc., with same power and hours of operation.
- NEW—Summit Radio Corp., Akron, Ohio.—Granted supplemental petition for reconsideration of action of May 11, 1938, in denying application of Summit Radio Corp., revoked its order of May 11, 1938, and adopted in lieu thereof an order granting the application to construct and operate a standard broadcast station to operate on 1530 kc., 1 KW, unlimited time, effective August 15, 1939.
- NEW—Publix Banford Theatres, Inc., Asheville, N. C.—Remanded for further hearing the application for C. P. to use 1430 kc., 1 KW, unlimited time, using DA at night, upon the following issues: To determine the availability and suitability of antenna site which applicant proposes to use; to determine whether the granting of the assignment requested would be in accordance with the Commission's plan of allocation and standards of good engineering practice.
- KEHE—Earle C. Anthony, Inc., Los Angeles, Calif.—Granted petition of Earle C. Anthony, Inc., to change call letters of KEHE to KECA.
- WPG—Greater New York Broadcasting Corp., New York City.—Denied motion to dismiss exceptions of Interstate Broadcasting Company, Inc. (WQXR), in re Docket No. 5350.
- NEW—Clarence H. Frey and Robert O. Greever, Logan, W. Va.—Granted authority to take depositions in re application for new station.
- W6XKG-W6XRE—Ben S. McGlashan, Los Angeles, Calif.—Granted petition for order to take depositions in re applications for renewal of licenses, scheduled for hearing on September 16.
- KGDE—Charles L. Jaren, Fergus Falls, Minn.—Granted C. P. to install new equipment.
- NEW—Edwin H. Armstrong (New York City and vicinity), Portable-Mobile.—Granted C. P. for new special high frequency relay broadcast station to use frequencies 133030, 134850, 136810 and 138630 kc., 50 watts.
- KCKN—The KCKN Broadcasting Co., Kansas City, Kans.—Granted C. P. to install new equipment.
- WFYB—Columbia Broadcasting System, Inc. (Cincinnati, Ohio), Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station, frequencies 1616, 2090, 2190 and 2830 kc., 50 watts.
- WHPA—WHP, Inc., Harrisburg, Pa., Portable-Mobile.—Granted license to cover C. P. for new relay broadcast station, frequencies 1606, 2022, 2102 and 2758 kc., 40 watts.
- WWSW—Walker & Downing Radio Corp., Pittsburgh, Pa.—Granted C. P. approving transmitter site, installation of vertical radiator, and changes in transmitting equipment.
- WIOD-WMBF—Isle of Dreams Broadcasting Corp., Miami, Fla.—Granted C. P. to make changes in equipment.
- WCLS—WCLS, Inc., Joliet, Ill.—Granted C. P. to move transmitter and studio site locally, make changes in composite equipment and install vertical radiator.
- WDAS—WDAS Broadcasting Station, Inc., Philadelphia, Pa.—Granted modification of C. P. authorizing move of auxiliary transmitter from present main transmitter site to studio location, and install new antenna for auxiliary purposes only.
- KWKH—International Broadcasting Corp., Shreveport, La.—Granted modification of special authority to make changes in equipment.
- WISE—Asheville Daily News, Harold Thoms, Owner, Asheville, N. C.—Granted modification of C. P. approving transmitter and studio sites, changes in equipment, and installation of vertical radiator.
- KPAC—Port Arthur College, Port Arthur, Tex.—Granted modification of C. P. to install new equipment and make changes in directional antenna system for nighttime operation; extend commencement date to 20 days after grant, and completion date to 120 days thereafter.
- KTEM—Bell Broadcasting Co., Temple, Tex.—The effective date of the Commission's order of July 27 granting the application of KTEM was extended to August 8.
- KFOX—Nichols & Warriner, Inc., Long Beach, Calif.—Retired to the closed files an application for C. P. for authority to install new equipment and increase power, which was granted contingent upon selection of a satisfactory transmitter site, since an application for modification of C. P. was filed with the Commission. No satisfactory reply has been received to numerous letters relative to site so the modification of C. P. has been returned to applicant.
- WBAX—Stenger Broadcasting Corp. (Assignee), Wilkes-Barre, Pa.—Dismissed application of John H. Stenger, Jr., licensee of station WBAX, as assignor, and the Stenger Broadcasting Corp. for transfer of license to the Stenger Broadcasting Corp., because the application does not meet the requirements of the Rules of the Commission, in that it is not executed by both the assignor and the assignee. The assignor refuses to sign said application.

## DESIGNATED FOR HEARING

- NEW—Springfield Radio Service, Inc., Springfield, Ohio.—Application for C. P. for new station to operate on 780 kc., 250 watts, daytime only. Exact transmitter and studio sites and type of antenna to be determined with Commission's approval.
- WROL—Stuart Broadcasting Corp., Knoxville, Tenn.—Application for C. P. to move transmitter site locally from 201 Randolph St. to Holston Hills Road, near Knoxville; install new equipment and DA system; change frequency from 1310 kc. to 620 kc., and increase power from 100 watts night, 250 watts day, to 500 watts night, 1 KW day, employing DA system for nighttime operation. Application design-



nated for hearing to determine if interference might result to existing stations, and pending applications involve increase in service.

**KABC**—Alamo Broadcasting Co., Inc., San Antonio, Tex.—Application for C. P. to move transmitter site locally, exact site to be determined with Commission's approval; install new equipment and vertical radiator; and change frequency from **1420 kc. to 630 kc.**; increase power from 100 watts night, 250 watts day, to 1 KW night, 5 KW day. Application designated for hearing to determine if interference might result, and pending applications involve increase in service.

**WGAN**—Portland Broadcasting System, Inc., Portland, Maine.—Application for C. P. to install new equipment and DA system; change frequency from **640 kc. to 1390 kc.**; and increase power from 500 watts, limited time, employing DA system, to 1 KW night, 5 KW day, unlimited time, employing DA system for nighttime operation. Application designated for hearing to determine whether interests of any other station may be adversely affected by reason of interference, pending applications with which conflict may be had by reason of interference, and whether operation of station as proposed will be in accord with Commission's plan of allocation and standards of good engineering practice.

## FEDERAL TRADE COMMISSION ACTION

### CEASE AND DESIST ORDERS

The Commission has issued the following cease and desist orders:

**The United Corporation, trading as Virginia Products Company,** and George M. Crump, president of the United Corporation, New York, were ordered to discontinue misleading representations in connection with the use of the name "Virginia" in the sale and distribution of deviled ham and corned beef hash.

Findings of the Commission are that, excepting for the deviled ham packed for the respondents by one meat packing company, the meats in the deviled ham and corned beef hash sold by the respondents are not obtained from cattle or hogs grown in Virginia, nor cured nor processed by the well-known Virginia method nor in the State of Virginia. (3093)

**Fred Adelmann,** also known as Frank Adelmann, trading as **Vit-O-Net Company, Vit-O-Net Corporation,** and **Electric Blanket Company,** 1716 South Michigan Ave., Chicago, was ordered to discontinue misleading representations in the sale and distribution of "Vit-O-Net," described as an electrical blanket device for treating diseases.

Under the order, the respondent is to cease representing that "Vit-O-Net," or any similar device, sets up a radio-magnetic energy which is transmitted to the patient thus causing an increased activity and revitalizing of the organs and cells of the body and a charging of the blood stream with electromagnetic energy with beneficial results. The respondent is also ordered to cease representing that his device is an amazing discovery, and that it aids in the elimination of wastes and poisons; has a therapeutic value in treating all diseases known to man, or that it has any therapeutic value at all on the body other than that which would be produced by the heat generated by the device. (3533)

**Sam Bell,** trading as **Loungwear Paint and Varnish Works,** North Kansas City, Mo., was ordered to discontinue misleading representations in the sale and distribution of paint products.

Under the order, the respondent is to cease representing as paint any product which does not contain the necessary ingredients in quantities sufficient to give it the quality, character or value of paint. The respondent is further directed to cease misrepresenting the composition, properties or value of his products.

The order also prohibits representations that the respondent's paint products are manufactured at any place other than the

actual place of manufacture, or that they are made by any person, firm or corporation other than the actual manufacturer. (3632)

**United Educators, Inc.;** General Research Foundation, Inc.;

**Publishers Finance Company, Inc.;** Warren T. Davis, Joseph J. Rink and Elmer C. Wolford, Chicago, have been ordered to cease and desist from misrepresentations in the sale and distribution of a set of reference books known as the "**American Educator Encyclopedia**," certain research services and a loose-leaf extension service.

Warren T. Davis, Joseph J. Rink and Elmer C. Wolford are executive and principal owners of the three corporations carried on as different branches of one business concern.

Findings of the Commission are that 25 to several hundred canvassers were employed by the respondents, and that 17,937 sets were sold between April, 1931, and April, 1936, at prices ranging from \$49.50 to \$80. To promote sales, the Commission finds, representations were made to prospective purchasers that volumes of the encyclopedia were free, and the buyer was to pay for only loose-leaf extension service at a stated price, or that volumes of the encyclopedia were given at an especially low price as part of an advertising program because of the prominence of the prospective purchaser, or for other reasons; that notes signed in connection with the sale of the units were simply receipts or order blanks; that the research service was furnished by "General Research Foundation," of which the purchaser became a member, and that the purchase price represented the entire cost of the unit.

The Commission finds that the purchase price of the unit as shown in the respondents' contract order forms did not show its entire ultimate cost, and that to enforce collection of accounts due, the respondents represented to buyers that the debts had been purchased by Publishers Finance Company, Inc., before maturity and that the finance company was an innocent purchaser of such obligations. Buyers are alleged to have been threatened with action through local banks, and in case of teacher-purchasers, through school authorities.

It was also found that the finance company was not an innocent purchaser, but had full knowledge of the facts.

The respondents were ordered to cease and desist from advertising or representing that any books or set of books offered for sale by them will be given free of cost; that purchasers are only buying or paying for loose-leaf extension supplements intended to keep the set of books up to date for a period of years; that any books are offered for sale at an especially low price, unless the price is less than the one at which they are customarily offered for sale; that any instrument presented to prospective customers for signature in connection with the sale of the books is a mere receipt or order blank, when such instrument is an agreement to pay a specified sum; that any such instrument presented for signature is not a promissory note, when such instrument contains an agreement by the signer to pay specified sums on certain dates. The respondents will cease representing as a "foundation" any organization other than one in whole or in part supported by disinterested or eleemosynary funds, and advertising or representing that any specific sum is the full price of any set of books and supplemental services unless all the terms and conditions which must be met for the services to be obtained are clearly and conspicuously stated in immediate connection therewith. (3428)

**Samuel L. Presner,** Miami, Fla., former president of the now dissolved corporation, **Federal Organization, Inc.,** New York, was ordered to discontinue misleading representations in the sale and distribution of medicinal preparations and devices.

The order directs the respondent to cease representing through the word "Federal" that his products have been tested by the United States Government, or through the use of the words "Laboratories" or "Research Laboratories," as part of his trade name, or in any other manner, that he maintains a laboratory for making scientific tests on products sold by him.

Under the order, the respondent is to cease representing directly or by implication that certain devices will be of aid in male sexual disorders; that "Stamina Kel-Pep" will assist digestion or build up energy, blood or tissues; that certain preparations are tonics for the sexual organs, or are beneficial treatments for prostate and kidney disorders.

The order further directs the respondent, Presner, to discontinue advertisements which fail to reveal that "Stamina Kel-Pep," "Spanish Passion Extract," "Double Strength Spanish Passion Extract" and "African Jungle Tree" are not wholly safe for use by the lay public in self medication. The case was closed as to the dissolved corporation. (3782)

**The Knox Company**, 811 West 7th St., Los Angeles, was ordered to cease advertising that its preparation "Cystex" is an adequate treatment for kidney and bladder ailments unless such representations are restricted to the non-organic and non-systemic disorders. The order further prohibits representations that "Cystex" is an adequate treatment for conditions the symptoms of which are swollen joints, leg and rheumatic pains, backache, nervousness, dizziness, burning of the urinary passage, "getting up nights," circles under the eyes, and excess acidity or loss of energy. The respondent is also ordered to discontinue representing that its preparation "Mendaco," has any therapeutic value in the treatment of asthma in excess of furnishing, in some cases, temporary relief from the symptoms of asthma, or that it has any beneficial effect on the blood or promotes body metabolism. (3597)

**Harry Epstein**, trading as Restoria Company, 805 East Mason St., Milwaukee, was ordered to cease representing "Restoria" or any similar preparation as an effective treatment for bad blood, ulcers, swollen glands, eczema, neuritis, neurasthenia, rheumatism, or syphilis. The order further forbids the representation that the respondent's preparation is manufactured in a modern laboratory or under the supervision of skilled scientists, until such is a fact, or the dissemination of advertisements which fail to reveal the preparation as being not a wholly safe drug for use by the lay public in self medication. (3737)

**William G. Nash, Sr., William G. Nash, Jr., and Florence Nash Cox**, trading as Nash Brothers Drug Company, Jonesboro, Ark., were ordered to discontinue representations that "Nash Chill and Liver Tonic" or "Nash's C. & L. Tonic," is a cure or remedy for malaria or that it will restore the normal functioning of the bowels, add red corpuscles to the blood, aid digestion, increase the appetite, restore vigor or vitality, or that it will cure numerous ills among which are liver trouble, colds, chills and headache. The order further forbids advertisements which represent that the preparation is safe for use in unsupervised self-medication, or which fail to reveal that it is not a wholly safe drug to be used by the lay public in self-medication.

The respondents were also ordered to cease representing that their preparation has received the endorsement of medical opinion throughout the southern United States. (3775)

**Waco Drug Company**, Portland, Ore., was ordered to cease representing its preparation "Omodyne," or any similar product, as being an effective treatment for arthritis, neuritis, lumbago, sciatica, gout, neuralgia, or rheumatism, or as being of value in relieving the aches or pains which are due to such conditions. The order also forbids representations that the use of "Omodyne" will cause the elimination of poisons from the system, or that it is prepared in accordance with a scientific formula. (3468)

**Weiss Bedding Company, Inc., and Dan Weiss, Jr.**, 365 Baxter Ave., Louisville, Ky., were ordered to discontinue misleading representations in the sale and distribution of mattresses.

The order directs the respondents to cease using the term "Cotton Felt," or similar terms, to describe any mattress which is not made of cotton fibers garnetted together into a mat or web; representing that such mattresses are new or sanitary unless all materials made a part of them are new or sanitary, and representing that their mattresses comply with all State laws, unless that is a fact. (3809)

## STIPULATIONS

The Commission has entered into the following stipulations:

**P. H. Davis Tailoring Company**, Cincinnati, Ohio, entered into a stipulation to discontinue misleading representations in the sale and distribution of men's clothing.

Under the stipulation, the respondent is to cease representing as "wool," "woolen," "pure wool" or "worsted" the fabrics used in the manufacture of its clothing when such fabrics are not wholly composed of wool. It was also agreed that the respondent will cease representing the fabric used in its garments as containing

silk either alone or in combination with other materials as a decoration or otherwise, when such decoration or thread is not silk but some other thread. (02413)

**Miles Laboratories, Inc., Elkhart, Ind.**, entered into a stipulation with the Federal Trade Commission to discontinue misleading representations in the sale and distribution of "Alka-Seltzer."

The respondent company agreed to cease the use of advertising matter implying that colds, neuralgia, distress after meals, and "common everyday ailments" result from excess acidity of the blood, an acid condition of the blood, or deficient alkaline reserve of the blood, and that the alkalizing effect of "Alka-Seltzer," by correcting such acid condition or restoring the alkaline reserve, will be a proper treatment for the ailments mentioned.

The respondent further agreed to discontinue representations implying that headaches, upset stomach, and aches and pains result from, or are associated with, excess acidity of the blood, an acid condition of the blood, or a deficiency in the alkaline reserve of the blood, except when the ailments mentioned may be shown by competent scientific evidence to be directly associated with such conditions of the blood, and subject to this exception, to cease making representations implying that the taking of "Alka-Seltzer," by correcting the acid condition of the blood or restoring its alkaline reserve, will be a proper treatment for such ailments.

The respondent also stipulated that it would cease representing that other therapeutic effects of "Alka-Seltzer" exceed the recognized benefits to be derived from neutralization of hyper-acidity of the gastric contents or the analgesic and other effects of sodium acetylsalicylate together with the action of buffer salts. (2503)

**Slatedale Knitting Mills, Inc., Slatedale, Pa.**, engaged in manufacturing and selling children's hosiery, stipulated that it would cease representing that its products are composed of fibers in any designated proportion, when such is not a fact, and cease using the word "wool," either alone or together with the word "rayon," or with any other words, as descriptive of hosiery not containing wool in substantial part. The stipulation provides that if the hosiery is composed of a mixture of fibers, as rayons and cotton with only a small proportion of wool, then the word "wool" shall be immediately accompanied by suitable disclosure of the amount of wool actually present and by the names of the other content fibers, arranged in the order of their predominance by weight and printed in type equally conspicuous; as, for example, "rayon, cotton and 5 per cent wool".

The respondent company also agreed to desist from branding or labeling products composed of rayon and other kinds of fiber or substances without full disclosure of the rayon and other content, made by accurately designating each constituent fiber in the order of its predominance by weight, beginning with the largest single constituent, and by giving the percentage of any fiber present in a proportion of 5 per cent or less by weight; as, for example, "Cotton and Rayon". (2498)

**The A. Nash Company**, also trading as Schaefer Tailoring Company, 1916 Elm St., Cincinnati, agreed that in connection with the sale and distribution of men's clothing it would cease representing the principal fabrics used in the manufacture of its clothing as "Wool," "All Wool," "Pure Wool," "Woolen," "Fleece," or "Worsted," when such fabrics are not wholly composed of wool, and would discontinue representing as "Wool," "All Wool," "Pure Wool," "Woolen," "Worsted," or "Fleece" the principal fabric used in the manufacture of its clothing which is composed partly of wool and partly of cotton, silk, rayon, linen, or any other fiber, unless the same is represented as "Wool and Cotton," "Wool and Rayon," "Wool and Linen," etc., in the order of the predominating fiber content.

The A. Nash Company also agreed to cease representing that sales-persons may expect to earn \$35 a week during their first season selling its garments. (02409)

**Frederick Stockhausen**, trading as Kayak Boat Company, 152 East 129th St., New York, agreed to cease representing: That his plant or factory makes or builds kayaks exclusively, when such is not a fact, and, either by direct statement or by inference, that the kayaks made and sold by him are "non-sinkable" in all circumstances. Stockhausen also stipulates that he will discontinue advertising, unqualifiedly, that the kayaks sold by him can be



navigated through the "heaviest waters"; that they are so constructed that it is impossible for any wave to reach the deck and pour into the cockpit; that their construction is patented, and that the design of these boats "eliminates all danger". (2501)

**Harry T. Bedman and Chester N. Olson**, trading as Alexandria Boat Works, Alexandria, Minn., agreed to cease representing directly or by implication that boats built with red cedar plankings are inferior to those planked with redwood; or that boats built of redwood planking will outwear two or three red cedar planked boats, or will outwear any such boats; or that red cedar is a cheaper material than redwood, when such representations are not warranted by the facts and are not supported by the weight of scientific evidence. (2499)

**L. Lewellyn**, trading as Lewellyn Products Company, 489 W. Ferry St., Buffalo, agreed to cease representing directly or by implication that his product, "Lewellyn's Pure Wheat Germ," is rich in Vitamins A, B, E and G, and valuable mineral salts; aids digestion; nourishes nerve tissues; prevents premature old age symptoms, or builds up the health of the entire body. The respondent also stipulated that he will discontinue advertising that the ingestion of "Lewellyn's Pure Wheat Germ" fortifies food in essential vitamins and mineral salts and that the preparation contains ingredients or elements beneficial in treating loss of appetite, loss in weight, constipation, and nervous disorders, and is essential for well-being at all ages. (02410)

**E. T. Browne Drug Company, Inc.**, 127 Water St., New York, stipulated that it will cease making direct or implied representations that users of "Palmer's Skin Success Ointment" can be confident of receiving beneficial results and that use of this preparation is beneficial in the treatment of blackheads, bumps or blotches on the skin, or sunburn or any other similar condition.

The respondent agrees to discontinue advertising that use of Palmer's Skin Success Soap will completely remove blackheads,

protect the skin, or prevent conditions resulting from exposure to climate or use of cosmetics. (02411)

**Robert Quirk**, trading as The Ohio Products Company, North Madison, Ohio, entered into a stipulation with the Federal Trade Commission to discontinue misleading representations in the sale and distribution of a rat poison designated "Quick-Death."

According to the stipulation, the respondent is to cease representing directly or by implication that "Quick-Death" is nationally known or that its active ingredient, red squill, is a new or original ingredient for rat poison. The respondent further agreed to discontinue representing that "Quick-Death" is non-poisonous or absolutely harmless under all circumstances to other animals and human beings; that it is 100 per cent effective in the destruction of rodents, and that all rodents who eat "Quick-Death" will go outside of the buildings to die.

It was also agreed by the respondent that he will cease representing that prospective representatives can make profits in a specified period of time in excess of that made by its active representatives in a like period under normal conditions. (02412)

## COURT ACTION

The United States District Court for the Eastern District of Missouri on August 7, granted a temporary restraining order on petition of the Federal Trade Commission to prohibit **Charles L. Klapp**, trading as The Cardinal Company, and as The Cardinal Company of St. Louis, 406 Market St., St. Louis, from further dissemination of false advertisements of a medicinal product pending hearing on a petition for a preliminary injunction.

The FCC alleges that the defendant's advertisements are false in that they represent his preparation, Fema-Lade, as being a safe, competent, and scientific treatment for delayed menstruation and as having no ill effects on the body, and in that they fail to reveal that the use of this preparation under the conditions prescribed in the advertisements, or under such conditions as are customary and usual, may result in serious and irreparable injury to the health of users.